



CONSULTATION DRAFT

VALE OF WHITE HORSE DISTRICT COUNCIL

LICENSING POLICY

For Hackney Carriages
And Private Hire Vehicles

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1. EXECUTIVE SUMMARY, DEFINITIONS & INTERPRETATION

1.1 The main proposals contained in this draft document are to:

- Consider all current policies in the light of the Department for Transport Best Practice Guidance and, so far as is possible and consistent with that document, make appropriate and necessary adjustments.
- Revise the specification of licensed vehicles
- Deal with the requirements for vehicle inspections
- Consider the environmental impacts of licensed vehicles
- Revise application procedures for drivers, including a knowledge test (to include both topographical knowledge of the area, Hackney Carriage and Private Hire law and local conditions)
- Provide for medical fitness standards for drivers to DVLA Group 2 requirements
- Implement New requirements for dealing with prospective drivers from outside the United Kingdom and for the checking of criminal records
- Provide information regarding the conduct of licensed drivers for the purpose of maintaining minimum standards

1.2 Throughout this document:

- ‘The Council’ or ‘The Authority’ means the Council of the Vale of White Horse
- ‘Vehicle’ or ‘Licensed Vehicle’ means both a Hackney Carriage and Private Hire vehicle
- ‘Hackney Carriage’ means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council
- ‘Private Hire vehicle’ means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking
- ‘Private Hire Operator’ means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake.
- ‘The DfT’ means the Department for Transport, including previous names under which that Department has been known.
- ‘The DfT Guidance’ means The Department for Transport - Hackney Carriage and Private Hire vehicle Licensing: Best Practice Guidance, published in November 2006.
- ‘The Sub-Committee’ will mean the Taxi Licensing Sub-Committee of the Council.
- The word “Taxi” has no meaning in law and is often used generically to describe both Hackney Carriages and Private Hire vehicles.
- The term DVLA driving licence means a full original GB driving licence

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

3. BACKGROUND

3.1 Role of Hackney Carriages and Private Hire vehicles

3.1.1 Hackney Carriage and Private Hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

3.2 Aims and Objectives of Licensing

3.2.1 The aim of licensing of the Hackney Carriage and Private Hire vehicle trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the authority’s Hackney Carriage and Private Hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required. The Hackney Carriage and Private Hire industry within the Council’s area is fairly comprehensive and provides its population with a reasonable service. This policy builds on the industry’s existing strengths.

3.3 Licensing Profile

3.3.1 The Council currently licenses approximately 130 Hackney Carriages and 70 Private Hire vehicles. There are approximately 300 Hackney/Private Hire drivers licensed by the Council.

3.4 Review of Policies & Practices

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

3.4.2 A comprehensive review of these policies and procedures has been prompted by new guidance for licensing authorities, which has been issued by central Government. This guidance sets out what is considered to be best practice in terms of Hackney Carriage and Private Hire licensing.

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

3.5 Best Practice Guidance & legislation

3.5.1 The DfT has national responsibility for Hackney Carriage and Private Hire legislation in England and Wales. As a result of the Office of Fair Trading producing its recent report on the UK Hackney Carriage and Private Hire trade, the DfT was asked to produce Best Practice Guidance for local licensing authorities.

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

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

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

3.6 Costs and Benefits of Licensing Policies

3.6.1 The Guidance stresses that licensing requirements which are unduly stringent are likely to unreasonably restrict the supply of Hackney Carriage and Private Hire services, by increasing the cost of operation or by otherwise restricting entry to the trade. Licensing authorities are, therefore, cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.

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

4. INTRODUCTION TO THE POLICY

4.1 Powers and Duties

4.1.1 This draft statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles.

4.2 Objectives

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

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

It is the Authority's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public.

4.3 Policy Status

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

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

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

5. VEHICLES – (Hackney Carriage & Private Hire)

5.1 Limitation of Numbers

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

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

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

5.1.4 If the local authority were to take the view that a quantity restriction can be justified in principle, the Guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs.

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

5.2 Specifications and Conditions

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

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

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

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

adopted minimum standards as set out in Appendix A, which it will apply in respect of all licensed vehicles

5.2.5 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Purpose built vehicles are amongst those which a local authority will license only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the two types of vehicle.

5.3 Accessibility

5.3.1 Of the 130 Hackney Carriages currently licensed, only a small proportion are reported to be wheelchair accessible. The Government's proposals to implement the provisions of the Disability Discrimination Act 1995 involve splitting implementation into two phases, dependant upon a number of criteria. Authorities in Phase 1 are required to introduce accessible vehicles as Hackney Carriages between 2010 and 2020. This Council is, however, classified as a Phase 2 authority; no time provisions for implementation are currently laid down for Phase 2 authorities.

5.3.2 The National Taxi Association, supported by ROSPA and a number of disabled persons' groups, have recently written to all licensing authorities asking them to prohibit the use of Hackney Carriage vehicles which are adapted for disabled passengers, where the wheelchair is loaded from the rear rather than the side of the vehicle. The argument for this approach is that the wheelchair user has to be on the road during loading and unloading and is, therefore, exposed to risk from traffic. This is seen as being particularly relevant for Hackney Carriages, which, of necessity, operate from side loading Hackney Carriage stands.

5.3.3 It is, ultimately, the DfT's intention to make accessibility regulations under the Disability Discrimination Act 1995. However, **unless Regulations are introduced in the meantime, the Council will carry out further research on this subject with a view to specifying requirements for accessibility in relation to Hackney Carriages, during the next review of this policy in two years' time.**

5.4 Maximum Age of Vehicles

5.4.1 The DfT Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not license vehicles may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing is appropriate for older vehicles (see 5.5 below).

5.4.2 Local licensing authorities are, however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives, for example, by setting vehicle emissions standards or promoting cleaner fuels (see 5.11 below).

5.4.3 The council does not intend to place an age restriction on licensed vehicles but will apply other measures including a higher frequency of testing to older vehicles

5.5 Vehicle Testing

5.5.1 No vehicle may be used as a taxi unless it has been given a Certificate of Compliance in respect of a satisfactory test, and has been appropriately licensed by the Council.

5.5.2 In respect of MOT requirements, Hackney Carriages are subject to an MOT test when they have reached the age of one year from the date of first registration, and Private Hire vehicles after the first 3

years. In addition to this, vehicles must be tested and licensed in accordance with 5.5.1 above. **The Council requires a greater frequency of testing for older vehicles: annual tests and Certificates of Compliance will be required for all taxi vehicles up to three years old (after the date of first registration); any taxi vehicle over three years old will be subject to a vehicle test every six months (but will be licensed for one year, subject to the six month test being satisfactory).**

5.5.3 The Guidance suggests that it is good practice for local authorities to consider having more than one testing station, and argues that there could be advantages in contracting out the testing work to different garages.

5.6 Signage & Advertising

5.6.1 Members of the public can often confuse Private Hire vehicles with Hackney Carriages, without realizing that Private Hire vehicles are not available for immediate hire or able to be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.

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

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

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

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

5.6.6 Within the Council's area, both Hackney Carriages and Private Hire vehicles are required to display a taxi license plate on the vehicle. This is a key feature in helping to identify vehicles that are properly licensed.

5.6.7 In view of the above details, all Hackney Carriages licensed by the Council must carry illuminated roof-mounted signs bearing the word "TAXI", and nothing else, and these must be lit when plying for trade. In order to differentiate between the two types of licensed vehicle, Private Hire Vehicles must not carry roof-mounted signs of any kind, and they must have no signs using the words "Taxi", "Hackney", "Cab", or "For Hire".

5.6.8 Limited advertising giving details concerning the proprietor's or operator's taxi business will be permitted, but this will be strictly controlled so that confusion between the two types of vehicle is kept to the minimum.

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

5.6.10 In addition, details will be formulated for Private Hire Vehicles, where a sign is permitted to show contact details and to specify a 'pre-booked' operation, and for Hackney Carriages, where a sign is permitted to show that a lower charge than the approved tariff is made.

5.7 Security & Closed Circuit Television (CCTV)

5.7.1 The DfT Best Practice Guidance recommends licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

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

5.8 Application Procedures

5.8.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence are not prescribed. Therefore, existing practice will largely be retained. **The Council requires that applications must be made on the specified application form in accordance with the application procedure set out in Appendix B.**

5.9 Consideration of Applications

5.9.1 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

5.10 Grant and Renewal of Licences

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

5.10.2 Therefore, Hackney Carriage and Private Hire vehicle licences will continue to be granted for a period of one year. However, a licence may be granted for a shorter period, should this be appropriate in the circumstances.

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

5.10.4 Council officers will send a reminder letter to the current taxi proprietor or operator, one month before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications.

5.10.5 From the date of receipt of a satisfactory and complete vehicle licence application, a minimum of one week is required before the appropriate licence can be issued.

5.10.6 Officers may only accept complete applications comprising all the necessary paperwork. If an application is received late, the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.

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

5.11 Environmental Considerations

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

- **Euro I technology** – became mandatory for new cars from 1993 (light goods vehicles 1994).
- **Euro II technology** – became mandatory for new cars from 1997 (light goods vehicles 1998).
- **Euro III technology** – became mandatory for new cars from 2001 (light goods vehicles 2002).
- **Euro IV technology** – will become mandatory for new vehicles in 2006.

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

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

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

5.11.5 Hackney Carriages and Private Hire vehicles are an essential form of transport in the Council area. Many people depend on these services for trips that buses or cars do not or cannot make. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the district. It is, however, clearly important that emissions from Hackney Carriages and Private Hire vehicles are reduced as far as possible.

5.11.6 It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the district by, in particular, reducing the levels of CO₂ emitted. There is a movement towards the use of alternative fuels and, in many areas, LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

5.11.7 In view of the above details, unless more urgent measures are introduced by central government in the meantime, this Council will carry out further research with a view to specifying vehicle emissions standards and promoting cleaner fuels in respect of licensed taxis, during the next review of this policy in two years' time.

5.11.8 At present there are no local emission controls applicable in the Council's area. However, the Council has declared an Air Quality Management Area in parts of Abingdon in places where national air quality standards have been breached as a result of vehicle emissions. An Air Quality Action Plan is scheduled for development during 2007 and commencement in early 2008 and local vehicle emission controls might be brought in as part of that Plan.

5.11.9 In the event that local emission controls were to be required by an Air Quality Action Plan the Council would review its policy on emission standards for licensed vehicles accordingly.

5.12 Stretched Limousines

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

5.12.2 Licensing authorities are sometimes asked to license stretched limousines as Private Hire vehicles. The Guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the Private Hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected (for example just because the vehicles may be left-hand drive).

5.12.3 Licensing authorities have, however, generally considered there to be some problems preventing stretched limousines from being licensed including:

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

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

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

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

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

5.12.7 Stretched limousines may be granted a Private Hire Vehicle license provided that they are capable of carrying no more than eight passengers and meet the requirements of the Act.

5.12.8 Stretched limousines which are not offered for Private Hire or which do not operate under a long-term exclusive contract or which are used for funeral and weddings do not, as a rule, require a licence. Some operators of these vehicles have a wedding car insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.

5.12.9 In accordance with the Guidance, all applications to license stretched limousines as Private Hire vehicles will be treated on their merits. Because these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met.

5.13 Contract Vehicles

5.13.1 There is no requirement for a vehicle to be licensed where it is used for a contract with an organisation/firm for a period of at least seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. However this exemption only applies to the vehicle and driver subject to the contract, and then only during the period of the contract. Any vehicle being used for a contract with one firm cannot be used for any other contract or purpose during the period of that contract. It is anticipated that this exemption will be extinguished by a change of law during 2007 so that all such vehicles will need to be licensed. **In the event that Government requires that vehicles currently exempt from licensing because they are used for this type of contract work, the Council will review its policy and procedures accordingly forthwith.**

5.14 Funeral Vehicles

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

5.15 Wedding Vehicles

5.15.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

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

5.16 Livery

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

6. DRIVERS

6.1 Parallel Procedures

6.1.1 The statutory and practical criteria and qualifications for a Private Hire driver are broadly similar to those for a Hackney Carriage driver. The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers.

6.2 Age and Experience

6.2.1 The Guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory age for holding a full driver's licence are inappropriate, advising that applicants should be assessed on their merits. **The Council will not impose either a maximum or minimum age limit for drivers. However, a minimum period of post-qualification experience of one year is required..**

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

6.3 Topographical and other tests

6.3.1 Hackney Carriage and Private Hire drivers clearly need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver, at Hackney Carriage stands or on the street. The DfT recognises that most authorities require prospective drivers to pass a test of local topographical knowledge as a condition of first grant of a licence. (The stringency of the test reflecting the complexity or otherwise of the local geography, on the principle of ensuring that barriers to entry into the trade are not unnecessarily high).

6.3.2 In order to maintain the high standards that the Council expects of drivers, a licence to drive a Hackney Carriage or Private Hire vehicle will not be granted unless the Council; is satisfied that the applicant is a fit and proper person, which includes a knowledge of the area in which they operate, safety matters, and basic taxi licensing law.

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

- **Local geography (at least a knowledge of key topographical features, and an ability to find destinations and read local road maps);**
- **The Highway Code;**
- **The basic requirements of Hackney Carriage and Private Hire licensing law.**

The procedures in relation to the above are those set out in Appendix C. The test procedure is shown in Appendix E

6.3.4 There appears to be no substantial difficulty concerning the use of or understanding spoken English amongst taxi drivers in this area, and therefore no language test is considered to be necessary at this time. However, **If a driver is not able to satisfactorily complete the topographical and other tests due to difficulties with spoken English they may be required to take language instruction as a pre-requisite to re-sitting these tests**

6.4 Driving Proficiency and Qualifications

6.4.1 The Driving Standards Agency provides a driving assessment (DSA) specifically designed for Hackney Carriage and Private Hire drivers. Whilst most licensing authorities rely on the standard car driving licence as evidence of driving proficiency, others require the above mentioned DSA or some

further driving test to be taken. Authorities considering this route are asked to be mindful as to whether or not this produces benefits, which are commensurate with the costs involved for would-be drivers, in terms of both money and broader obstacles to entry to the trade. 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.

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

6.4.3 Although any person who has held a DVLA driving licence for at least 12 months, is qualified to apply for a Hackney Carriage or Private Hire vehicle drivers licence, other arrangements will apply for those applicants who have recently arrived from other countries.

6.4.4 Where applicants have recently arrived from countries within the European Union, any driving licence entitlement held in that country will automatically count towards the qualification requirement for the issue of a Hackney Carriage or Private Hire vehicle drivers licence.

6.4.5 Where applicants have recently arrived from other, non-EU countries, it is possible for them to convert any existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. **The Council requires that the twelve month qualifying period for holding such a licence will start from the time of the conversion.**

6.4.6 An applicant who has held a non EU licence for 12 months or more and has converted it to a UK licence may obtain an exemption from the 12 months qualifying period by passing the DSA (see 6.4.1 above)

6.5 Medical Examination

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

6.5.2 A medical examination by a GP, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted. A DVLA Group 2 standard of medical fitness for professional drivers will be required.

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

6.5.4 Existing licence holders, having presented a medical certificate upon first being granted a licence, will be required to be re-examined every five years before next renewing their licences. Drivers of 65 and over must be examined annually. More frequent checks will also be necessary if, in the opinion of the medical practitioner, it is necessary.

6.5.5 Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of a current medical examination not more than one month old, will not be required to undergo a further medical examination before licensing or re-licensing.

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

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

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

6.6 Criminal Record Bureau (CRB) Disclosures

6.6.1 A criminal record check on a driver is an important safety measure. The DfT considers that such checks should be at the level of Enhanced Disclosure through the Criminal Records Bureau, as these disclosures include details of spent convictions and police cautions. The Council will obtain an Enhanced Criminal Records Bureau disclosure when a licence is first applied for and then every three years, even if a licence is renewed annually.

6.6.2 Licensed drivers are obliged to report all new convictions, official cautions, and fixed penalty notices to the Council.

6.6.3 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as "spent" and which would not normally necessitate disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as to exclude Hackney Carriage drivers and Private Hire drivers from the effects of the 1974 Act. Applicants for licences are, therefore, now required to disclose all convictions, including those that would previously have been regarded as spent under the 1974 Act.

6.6.4 Before an application for a driver's licence will be considered, the applicant must provide a current (less than 3 months old) Enhanced CRB Disclosure of criminal convictions, or a certificate of good conduct from the relevant embassy in the case of an overseas applicant.

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

6.6.6 An Enhanced CRB Disclosure of criminal convictions in respect of each licensed driver of a Hackney Carriage or Private Hire vehicle is required on initial licensing.

6.6.7 A further Enhanced CRB disclosure must be obtained and submitted by a licensed driver to the Council at least every 3 years,

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

6.6.9 Licensed drivers are required to notify the Council without delay of any criminal convictions, formal cautions, or fixed penalty notices against them.

6.6.10 As a further safeguard a regime of random Enhanced CRB checks on drivers will be introduced.

6.6.11 The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties. The applicant for an Enhanced CRB disclosure will be sent a separate

disclosure report to their home address, while the Council will also receive a copy of the report. Information arising from disclosures will be kept only for as long as is necessary and then destroyed.

6.7 Relevance of Convictions and Cautions

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

6.7.2 In relation to the consideration of convictions, cautions and fixed penalty notices recorded against persons, the Council has adopted the criteria set out in Appendix F.

6.7.3 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. They will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application, the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence.

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

6.7.5 In relation to previous convictions, the Council will have regard to the following:

- **Whether the convictions are spent or unspent;**
- **The class of the offences;**
- **The age of the offences;**
- **The apparent seriousness, as gauged by the penalty.**

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

6.7.7 In particular, applications will be referred to the Sub-Committee where the applicant's record includes one or more of the following:

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

6.7.8 Where applicants have recently been living in another country, a CRB Enhanced check will still be required, although this will be of limited value. Therefore, in addition the applicant must produce a Certificate of Good Conduct, or equivalent document, issued and authenticated by the appropriate embassy.

6.7.9 A DVLA driver endorsement check will be required upon applications for new or renewal of driver license applications

6.8 Application Procedure

6.8.1 An application for a Hackney Carriage or Private Hire driver's licence must be made on the specified application form. **The application procedure adopted by the Council is set out in Appendix D.**

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

6.8.2 Council officers will send a reminder letter to drivers eight weeks before their existing licence expires in order to assist applicants in their prompt submission of re-licensing applications.

6.8.3 To allow sufficient time for documents to be processed, applicants should ensure that the Licensing Unit receives their complete application (including the fee and all documentation) at least six weeks before the expiry date. Application forms and supporting documentation are set out in Appendix C

6.8.4 From the date of receipt of a satisfactory and complete vehicle licence application, a minimum of one week is required before the appropriate licence can be issued. Officers may only accept complete applications comprising all the necessary paperwork

If an application is received late, the applicant may be unlicensed for a period of time during which they will be unable to drive a licensed vehicle.

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

6.9 The Consideration of Applications

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

6.9.2 The Council will consider each application on its own merits once the appropriate tests have been undertaken, and the application form and supporting documents are complete.

6.10 Grant and Renewal of Licences

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

6.10.2 The licensing of Hackney Carriage and Private Hire drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years from the date of such licence or for such lesser period as may be determined

6.10.3 It is however recognised that some drivers may prefer an annual licence because they have plans to move to a different job or to a different area, or because they cannot easily pay the fee for a three-year

licence. **The Council will therefore continue to offer drivers the choice of an annual or three-year licence.**

6.10.6 Applicants for renewal of a Hackney Carriage or Private Hire driver's licence are required to provide a current (less than 3 months old) enhanced criminal record check from the Criminal Records Bureau every third year. Applicants who are aged 65 or over must provide evidence of their medical fitness to hold a licence upon renewal each year.

6.10.7 A Driver and Vehicle Licensing Agency (DVLA) check will be carried out to check the individual's driving history

6.11 Behaviour and Conduct of Licensed Drivers

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

6.11.2 The Council considers that, to assist both drivers and the public, it would be useful to set down the standards which must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public. It is considered that drivers must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques, and set a good example to other road users. **The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at Appendix G, which it is proposed will be adopted.** The Code should be read in conjunction with the other statutory and policy requirements set out in this document.

6.11.3 Failure to comply with any aspect of the Code of Good Conduct will not in itself result in enforcement action. However, breach of the code of Conduct is an indicator which officers will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by officers or, if necessary, by the Sub-Committee. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.

7. PRIVATE HIRE OPERATORS

7.1 Requirements & Obligations

7.1.1 Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a Private Hire Operator's Licence. The objective in licensing Private Hire Operators is the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them. But again, best practice, in respect of the controls required over Private Hire operators, is to ensure that the costs of any licensing requirements are commensurate with benefits that they seek to achieve.

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

7.1.3 Applications for Operator's Licences must be made on the prescribed form, together with the appropriate fee, as detailed in Appendix C. The Authority will then decide whether the applicant is a fit and proper person to hold such a licence.

7.2 Criminal Record Checks

7.2.1 Private Hire Operators (as opposed to Private Hire Vehicle drivers) are not excepted in respect of the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. However, as a minimum standard, a Basic Disclosure from the Criminal Records Bureau, or a certificate of good conduct from the relevant embassy for overseas applicants, is required. A reference, covering for example the applicant's financial record, may also be submitted.

7.2.2 Before an application for a Private Hire Operators Licence will be considered, the applicant must provide a current (less than 3 months old) Basic CRB Disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant.

7.3 Conditions

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

7.4 Record Keeping

7.4.1 Requiring operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle is accepted as good practice. This would, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.

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

7.5 Insurance

7.5.1 The Council will check that appropriate public liability insurance has been taken out for premises that are open to the public (e.g. taxi waiting rooms).

7.5.2 Before an application for a Private Hire Operators' Licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

7.5.3 In addition, the conditions for Private Hire Operators' Licences require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate.

7.6 Licence Duration

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

7.6.2 However, it is considered that 5 years is a long time in the context of the life of a business of this type. Therefore, **Private Hire Operators Licences will be granted for a three-year period from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.**

7.6.3 Applicants for renewal of such licences are required to provide a current (less than 3 months old) basic criminal record check from the Criminal Records Bureau every third year.

7.6.4 Holders of existing licences will normally be reminded, in the month preceding their expiry, when their licences are due to be renewed.

7.7 Address from which an Operator may operate

7.7.1 Upon grant of an operator's licence, the Authority will specify the address from which the operator may operate. This will be the premises where the records referred to in Paragraph 7.4 above are kept and at which they may be inspected by Council officers. This will also be the address at which the vehicle(s) will normally be kept and be available for inspection.

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

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

7.8 Bases outside the Vale of White Horse District Council Area

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



HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES – SPECIFICATION AND CONDITION

The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the Council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by Licensing Officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the Licensing Sub-Committee. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

In the case of a first application for a vehicle licence, the age of the vehicle shall be no more than 3 years since the date of first registration and not more than 8 years in the case of any subsequent application for renewal of the licence. Any vehicle with a 'Q' plate registration will not be licensed if in excess of 4 years old from date of manufacture. Where the age of a vehicle is not identifiable, the age will be calculated as three years old at the date of registration in line with the policy of the D.V.L.A.

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

- for the carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
- with the seat provided for each passenger having a minimum width of 16 inches measured across its narrowest part.
- not to be left-hand drive.
- with four road wheels.
- with an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as "1.6" models
- with, in addition to the driver's door, three doors, each of which must be fitted with an efficient handle, lock and window operation, to allow access and egress for passengers.
- with access to all passenger seats which will not require the laying flat, folding, removal or repositioning of any seat or equipment.
- with an appropriate luggage space to hold a reasonable amount of luggage for the total capacity of the vehicle. Such space shall be physically separated so that luggage will not enter, or be accessible from, the passenger compartment of the vehicle. In the case of hatch and estate type vehicles, such separation may be by way of manufacturers' approved guards, nets or other devices.
- With an M1 Whole Vehicle Type Approval. In the case of vehicles which have been manufactured, amended or converted from other vehicles by Low Volume producers, the appropriate, alternative VCA Low Volume Approval Certification will be accepted for the specific vehicle concerned. Any non-standard or imported vehicle may need to have specific and differing certification and/or inspection details.

Maintenance, Appearance and Condition of the Vehicle

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

- be safe.
- be tidy.
- be clean.
- comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to, the generality of the foregoing the Motor Vehicle (Construction and Use) Regulations which currently apply.
- The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council, the minimum standards being:-

Exterior Appearance

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

All bodywork to be free from dents and damage.

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

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

Interior Appearance

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

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

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

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

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

Each passenger seat shall be forward facing, with the exception of tip down seats, which may face to the rear. No seat may be reversed or removed and all seating must remain in an upright position whilst the vehicle is plying, or available for, hire.

General

No vehicle will be accepted for licensing as a Private Hire vehicle if its appearance is likely to create confusion in the minds of the travelling public that it may be a Hackney Carriage. For this reason,

vehicles which are recognisable as purpose built "London Style" cabs or similar vehicles should be avoided by any operator intending to provide Private Hire Services.

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

Identification Plates and Signs

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

- Bears the word "TAXI" to the front
- Is capable of being illuminated when the vehicle is plying for hire, such illumination to be extinguished when the taximeter operates
- Unless integral to the bodywork of the vehicle, Is positioned in the centre of the roof

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

The identification plate and signs supplied on the licensing of the vehicle shall remain the property of the Council at all times, shall be affixed to the vehicle as required and shall be maintained and kept in such condition that the information printed on them is clearly visible to the public at all times.

No other signs of whatever nature shall be provided without the prior consent of the Council, except those which are required by other legislation.

Equipment and Fittings

Taximeters

The proprietor of a Hackney Carriage shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound working condition at all times. The taximeter shall be set for the current maximum tariff agreed by the Council and shall be sealed to prevent unauthorised adjustment of that meter. The proprietor shall ensure the "**For Hire**" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

The taxi meter shall:

- (i) be of the clock calendar type and change according to the wording of the Councils current maximum fare tariff;
- (ii) not be altered or tampered with except with the approval of the council and must be retested by the Council if it is altered;
- (iii) show the fare recorded on the taxi meter in plainly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- (iv) be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.

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

- (i) be of the clock calendar type and change according to the wording of the Proprietor's current fare tariff;
- (ii) not be altered or tampered with except with the approval of the council and must be retested by the Council if it is altered;
- (iii) show the fare recorded on the taxi meter in plainly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- (iv) be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.

Fare Tables

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

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

Two Way Radios

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

Mobile Telephones

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

Fire Extinguisher

These shall be provided and maintained at all times when in use for hire and reward, a suitable and efficient fire extinguisher (1.0 kg) to meet BSEN 31996 (BS 5423) which shall be securely fixed to the vehicle and to be readily visible and available for immediate use in an emergency.

Hackney Carriage and Private Hire Vehicle Licensing Procedure

Applications for new or renewed Vehicle Licence

The applicant will complete, in full, the necessary Application Form as follows:-

New Application for Hackney Carriage Vehicle Licence (Green Form)
Renewal Application for Hackney Carriage Vehicle Licence (Green Form)
New Application for Private Hire Vehicle Licence (Pink Form)
Renewal Application for Private Hire Vehicle Licence (Pink Form)

which will be submitted and accompanied by the following.-

- Evidence that the vehicle is insured for third party risks to cover “Hire and Reward”. This will be by way of original Cover Note or Certificate of Insurance. **Note: Faxes, photocopies or emails will not be accepted.**
- The Vehicle Registration Document issued by DVLA (*New Applications only*)
- The fee, which will depend on the age of the vehicle, based on the date of first registration as indicated in the Vehicle Registration Document. The fees will be determined annually and publicised separately

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant, together with a copy of the Application Form, endorsed with an authentication stamp.

The applicant is then required to contact the appropriate Approved Testing Station for a vehicle inspection appointment. The authenticated copy of the Application Form will need to be produced as evidence that the application has been properly made.

A Certificate of Compliance will be issued if the inspection confirms that the vehicle meets the Council's requirements as to suitability, safety and appearance. This Certificate must be produced the Council before the licensing process can be completed.

If the inspection shows that the vehicle does not comply with the Council's requirements in any respect, a Failure Notice will be issued. The application may then only continue if the defects are remedied, the vehicle re-inspected and a Certificate of Compliance subsequently issued.

The successful completion of this procedure will be indicated by the issue of an appropriate Hackney Carriage Vehicle Licence together with the necessary signs for the vehicle, which must not be used for hire or reward until these are attached to the vehicle.

Transfer Application for Hackney Carriage/Private Hire Vehicle Licence

Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle to another person. Appropriate notice of the transfer must be given to the Council within 14 days. In practice, such vehicles are generally in use for hire or reward immediately transfer of ownership has been arranged and it is necessary to obtain a new Licence in the name of the new owner. The procedure will be:-

The applicant will complete, in full, the necessary Application Form as follows:-

Transfer Application for Hackney Carriage Vehicle Licence (Green Form)

Transfer Application for Private Hire Vehicle Licence (Pink Form)

which will be submitted and accompanied by the following.-

- Evidence that the vehicle is insured for third party risks to cover "Hire and Reward". This will be by way of original Cover Note or Certificate of Insurance. **Note: Faxes, photocopies or emails will not be accepted.**
- The Vehicle Registration Document issued by DVLA
- The fee. Fees will be determined annually and publicised separately

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant, together with a copy of the Application Form, endorsed with an authentication stamp.

The applicant is then required to contact the appropriate Approved Testing Station for a vehicle inspection appointment. The authenticated copy of the Application Form will need to be produced as evidence that the application has been properly made.

A Certificate of Compliance will be issued if the inspection confirms that the vehicle meets the Council's requirements as to suitability, safety and appearance. This Certificate must be produced the Council before the licensing process can be completed.

If the inspection shows that the vehicle does not comply with the Council's requirements in any respect, a Failure Notice will be issued. The application may then only continue if the defects are remedied, the vehicle re-inspected and a Certificate of Compliance subsequently issued.

The successful completion of this procedure will be indicated by the issue of an appropriate Hackney Carriage Vehicle Licence together with the necessary signs for the vehicle, which must not be used for hire or reward until these are attached to the vehicle.

Hackney Carriage and Private Hire Drivers and Operators Licensing Procedure

Application for New Licence to Drive Hackney Carriage/Private Hire Vehicle

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

Full UK (or equivalent EC) Drivers Licence which has been held for at least 12 months.

(Where applicants have recently arrived from countries within the European Union, any driving licence entitlement held in that country will automatically count towards the qualification requirement for the issue of a Hackney Carriage or Private Hire vehicle drivers licence.

Where applicants have recently arrived from other, non-EU countries, it is possible for them to convert any existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. **The Council requires that the twelve month qualifying period for holding such a licence will start from the time of the conversion.**

An applicant who has held a non EU licence for 12 months or more and has converted it to a UK licence may obtain an exemption from the 12 months qualifying period by passing the DSA)

A Driver and Vehicle Licensing Agency (DVLA) check will be carried out to check the individual's driving history

- A medical certificate indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards.
- A completed application form for an Enhanced Criminal Records Bureau Check *or* an existing Enhanced CRB check dated no later than three months prior to the date of application. In the event that the applicant has, within the last 12 months, lived in the European Community, a Certificate of Good Conduct from the relevant embassy will also be required.

(Note: A Criminal Records Bureau Application Form should be completed in full before the application is submitted to the Council. This must be accompanied by the following documentation.

- Driving Licence or Passport (Original – to confirm identity)*
- An original Utility Bill or Bank Statement etc. (to confirm address)*
- CRB Fee - (to forward to CRB)*

Please note that the application process cannot continue until this check has been received from the CRB.)

- The fee, which will depend on the required duration of the licence, being either 1 or 3 years. The fees will be determined annually and publicised separately.
- At least 2 colour photographs, of passport size and standard, showing the full face of the applicant as it would normally appear.

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant.

Before the application proceeds further, the applicant will be provided with an opportunity for a test of their topographical knowledge. If the applicant's knowledge of the area is not satisfactory, appropriate advice will be given as to when the applicant is likely to meet the requirements and a retest arranged. If the knowledge is deemed to be suitable, the application may continue without further testing.

If the Application Form contains any details to suggest that any relevant convictions or cautions are held by the applicant, Licensing Officers will discuss the matter with the applicant. At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions detailed in Paragraph 5.7, either by approval by Licensing Officers or, in cases where the matters are relevant and come within the scope of that Policy, by reference to the Sub-Committee. In both cases, the CRB check will be applied for before any further consideration of the application.

When the CRB check has been returned, the application will be considered in the light of the information provided. The information received from the CRB will be used to ascertain whether the information given on the original Application Form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions is provided at the initial stage regardless of whether they are considered to be "spent". A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary for assessment purposes.

In the event that there are no relevant convictions or cautions held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the Drivers' Licence and the appropriate badge.

Applications considered by the Licensing Committee will result in either the determination of the applicant as a "fit and proper person", indicated by the issue of a Licence and badge, or the application being refused. In these circumstances, the applicant has the Right of Appeal to the Magistrates Court, such appeal to be lodged within 21 days of the Sub-Committee Decision being notified.

Application for Renewal of a Licence to Drive Hackney Carriage/Private Hire Vehicle

The applicant will complete, in full, the necessary *yellow* "Application for Licence to Drive Hackney Carriage/Private Hire vehicle" which will be submitted and accompanied by the following:-

- Full UK (or equivalent EC) Drivers Licence.
- If necessary, a medical certificate indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards. This will only be required if:-
 - If the timescale since the last certificate was produced was more than 5 years.
 - The applicant is more than 65 years of age
 - The Medical Practitioner indicated, on the last certificate, that such an updated certificate would be required to be produced at renewal.
- If necessary, a completed application form for an Enhanced Criminal Records Bureau Check *or* an existing Enhanced CRB check dated no later than three months prior to the date of application. This will only be required if no CRB check has been carried out *within the three years prior to the date of application*,

(Note: A Criminal Records Bureau Application Form should be completed in full before the application is submitted to the Council. This must be accompanied by the following documentation.

- i) Driving Licence or Passport (Original – to confirm identity)*
- ii) An original Utility Bill or Bank Statement etc. (to confirm address)*
- iv) CRB Fee - (to forward to CRB)*

Please note that the application process cannot continue until this check has been received from the CRB, if necessary).

- The fee, which will depend on the required duration of the licence, being either 1 or 3 years. The fees will be determined annually and publicised separately.
- At least 2 colour photographs, of passport size and standard. showing the full face of the applicant as it would normally appear.

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant.

If the Application Form contains any details to suggest that any relevant convictions or cautions have been imposed on the applicant since the Licence was last issued or renewed, Licensing Officers will discuss the matter with the applicant. At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions detailed in Paragraph 5.7, either by approval by Licensing Officers or, in cases where the matters are relevant and come within the scope of that Policy, by reference to the Sub-Committee. In both cases, the CRB check will be applied for before any further consideration of the application.

When the CRB check has been returned, the application will be considered in the light of the information provided. The information received from the CRB will be used to ascertain whether the information given on the original Application Form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions is provided at the initial stage regardless of whether they are considered to be "spent". A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary for assessment purposes.

In the event that there are no relevant convictions or cautions held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the renewed Drivers' Licence and the appropriate badge.

Applications considered by the Licensing Committee will result in either the determination of the applicant as a "fit and proper person", indicated by the issue of a Licence and badge, or the application being refused. In these circumstances, the applicant has the Right of Appeal to the Magistrates Court, such appeal to be lodged within 21 days of the Sub-Committee Decision being notified.

Application for Private Hire Vehicle Operator's Licence

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

- Evidence that the applicant has the right to occupy and use the premises without restriction for the purpose intended, by the provision of copy lease, utility bill, etc.

- Planning Consent (if required)
- Proof of public liability insurance
- The fee. Fees will be determined annually and publicised separately
- If the applicant has not previously been through the Drivers Application process, a completed application form for an Enhanced Criminal Records Bureau Check or an existing Enhanced CRB check dated no later than three months prior to the date of application.

(Note: A Criminal Records Bureau Application Form should be completed in full before the application is submitted to the Council. This must be accompanied by the following documentation.

- i) Driving Licence or Passport (Original – to confirm identity)*
- ii) An original Utility Bill or Bank Statement etc. (to confirm address)*
- v) CRB Fee - (to forward to CRB)*

Please note that the application process cannot continue until this check has been received from the CRB.)

If the documentation is complete, photocopies will be taken of the Application Form and all original documents. The copies will be retained and the originals returned to the applicant.

If the Application Form contains any details to suggest that any relevant convictions or cautions are held by the applicant, Licensing Officers will discuss the matter with the applicant. At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions detailed in Paragraph 5.7, either by approval by Licensing Officers or, in cases where the matters are relevant and come within the scope of that Policy, by reference to the Sub-Committee. In both cases, the CRB check will be applied for before any further consideration of the application.

When the CRB check has been returned, the application will be considered in the light of the information provided. The information received from the CRB will be used to ascertain whether the information given on the original Application Form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions is provided at the initial stage regardless of whether they are considered to be "spent". A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary for assessment purposes.

In the event that there are no relevant convictions or cautions held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the Operators' Licence.

DRIVERS - CONSIDERATION OF APPLICATIONS

1. Upon receipt of a completed application form, an Officer of the Licensing Team shall consider the application, unless there are details which are missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied. Depending on the circumstances, all or some of the application papers may be returned as may any fee provided.
2. For applications for Hackney Carriage and Private Hire Drivers' Licences , the Officer has the delegated power to grant the application if satisfied, from the information available, that the applicant is a fit and proper person to hold a Hackney Carriage or Private Hire Drivers' Licence.
3. Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted Drivers' Licences shall be issued with a Drivers' Badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver. In respect of Hackney Carriage Drivers' Licences, these must be retained by that driver's employer until that employment ceases when it will be immediately returned to the driver for submission to any new employer.
4. With regard to applications for Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators' Licences, those which come within the terms of the Licensing Policy may be dealt with and granted by the Officer.
5. Where the Licensing Officer is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter must be referred to the Sub-Committee. The applicant will be advised of the date, time and venue of the Sub-Committee at which the application will be considered.
6. The procedures and terms of reference of the Sub-Committee will be the subject of a separately published procedure, these terms of reference and procedures are available on request.

THE TESTING OF APPLICANTS FOR A DRIVER'S LICENCES

1. Introduction

In order to maintain the high standards that the Authority expects of its drivers operating within the District a review may take place of how the suitability of new drivers' knowledge of locations and conditions is assessed.

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

It is therefore proposed that applicants for intending drivers to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. The written test taken before a Drivers Licence is issued will consist of:

Local Geography

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

Highway Code

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. (Ten questions relating to the Highway Code.)

The Hackney Carriage and Private Hire licensing law and Council Rules and Policy

Applicants will be tested on their knowledge and understanding of the law in respect of Hackney Carriage and Private Hire Licensing. (Ten questions relating to legislation, bye-laws, conditions etc.)

Language

If a driver is not able to satisfactorily complete the topographical and other tests due to difficulties with spoken English they may be required to take language instruction as a pre-requisite to re-sitting these tests

Disability Issues

In view of the special considerations when dealing with those passengers of differing physical abilities, it may be necessary to test the awareness of the applicant of these issues. In particular, and without prejudice to the generality of this paragraph, consideration may be given to the differing types of vehicle likely to be used by the individual concerned and the difficulties arising in each case.

2. Test Failure

2.1 Applicants who fail to achieve a pass in any of the written tests shall be invited to take a different test on another occasion. They shall not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate in all of the tests.

2.2 To ensure that all applicants are encouraged to comprehensively prepare for the above process, a non-returnable fee may be charged in respect of each individual occasion



GUIDELINES RELATING TO THE RELEVANCE OF PREVIOUS CONVICTIONS

General Policy

1. Each case will be decided on its own merits.
2. The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
3. A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
4. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
5. The following examples afford a general guide on the action which might be taken where convictions are disclosed.

(a) Offences of Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

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

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

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

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)

- Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - Obtaining money or property by deception
 - Other deception
- and the conviction is less than 3 years prior to the date of the application.

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

(b) Violence

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

In particular:-

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

- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Arson
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) *which is racially aggravated* (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- and the conviction is less than 10 years prior to the date of application.

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

- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm (s.20 Offences Against the Person Act) « Robbery
 - Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)
 - Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- and the conviction is less than 8 years prior to the date of application.

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

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

- Common assault
 - Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
 - Assault police
 - 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 offensive weapon
 - Possession of firearm
 - Criminal damage
 - Violent disorder
 - Resisting arrest
- and the conviction is less than 3 years prior to the date of application.

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

(c) Drugs

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

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

(d) Indecency Offences

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

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

- Rape
- Indecent assault
- Gross indecency with a female
- Gross indecency with a male
- Indecent assault on a child under 16 years
- Buggery
- and the conviction is less than 10 years prior to the date of the application.

(e) Motoring Convictions

(i) Major Traffic Offences

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

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

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

(ii) Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

In particular, an application will normally be refused where the applicant has 12 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

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

(iii) Hybrid Traffic Offences

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

(iv) Disqualification

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

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

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

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

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

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

(g) Drunkenness

(i) *With a motor vehicle*

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

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

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

(ii) *Not in a motor vehicle*

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

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

(h) Spent Convictions

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

(i) Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

RELEVANCE OF PREVIOUS CONVICTIONS - Appendix I

MAJOR TRAFFIC OFFENCES

(Paragraph (e)(i) refers)

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA20	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
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous 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. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

RELEVANCE OF PREVIOUS CONVICTIONS - Appendix II

MINOR TRAFFIC OFFENCES

(Paragraph (e)(ii) refers)

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc.
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

RELEVANCE OF PREVIOUS CONVICTIONS - Appendix III

HYBRID TRAFFIC OFFENCES

(Paragraph (e)(iii) refers)

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
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)

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

In order to promote its licensing objectives as regards Hackney Carriage and Private Hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1. Responsibility to the Trade

Licence holders must comply with the following:

- (a) comply with this Code of Good Conduct;
- (b) comply with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policy;
- (c) behave in a civil, orderly and responsible manner at all times.

2. Responsibility to Customers

Licence holders shall comply with the Hackney carriage and Private Hire vehicle conditions.

3. Responsibility to Residents

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

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

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) queue in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in or in close proximity of the vehicle.

At private hire offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles, other than routine maintenance checks.
- (b) not allow their audio or communications equipment to cause disturbance to residents of the neighbourhood;
- (c) take reasonable action to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. General

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers, particularly those whose mobility may be restricted ;
- (c) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) no smoking in the vehicle;
- (f) not to consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having used illegal or misused legal drugs or acted contrary to the advice of a medical practitioner;
- (h) fulfil their responsibility to ensure compliance with common sense and any legislation regarding the length of working hours.

5. Disciplinary Hearings

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

- (a) where the driver has been convicted , since the grant of the licence, of an offence involving dishonesty, indecency or violence
- (b) where the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Licensing Policy relating to taxi regulation
- (c) if there is any others reasons to do so, including a breach of condition or this code.

PLEASE NOTE:

ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT. THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE HAD ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE