



# Private Hire and Hackney Carriage Licensing Policy 2016

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# 1. Introduction

- 1.1 South Northamptonshire and Cherwell District Councils are responsible for the licensing and enforcement Private Hire and Hackney Carriage Vehicle trades within their respective districts. The key objectives of the Private Hire and Hackney Carriage Vehicle licensing regime is ensuring public safety and the protection of residents and visitors to the districts.
- 1.2 This policy and the appendices detail how the licensing of drivers, vehicles and operators will be undertaken by each Council. The policy has immediate effect and will be applied to all existing licences and all new applications.
- 1.3 The Councils reserve the right to review and if necessary reverse any decision if information comes to light that identifies the initial decision as being incorrect.
- 1.4 In developing this policy the Councils have had regard to the following:
- Local Government (Miscellaneous Provisions) Act 1976
  - Town Police Clauses Act 1847
  - Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
  - Disclosure Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013
  - Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
  - Equalities Act 2010
  - Regulators Code 2014
  - Road Traffic Acts
  - Crime and Disorder Act 1998
  - Health Act 2006
  - Data Protection Act 1998

- The Department of Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” (Currently under review)
- Jay Report into Child Sexual Exploitation (CSE) in Rotherham
- The Serious Case Review into Child Sexual Exploitation in Oxfordshire
- South Northamptonshire and Cherwell District Council Enforcement Policy
- Other relevant legislation

## **2. Scope**

- 2.1 This policy sets out the process for applying for a Private Hire or Hackney Carriage driver, operator and vehicle licence; the requirements to hold a licence; the conditions to be adhered to, and the grounds for and process by which the Council may take action against a licence.

## **3. Policy Statement**

- 3.1 The Council recognise the important role that Private Hire and Hackney Carriage Vehicle drivers play in enabling people to travel around the districts and while doing so act as ambassadors for their Council. In promoting these licensing aims and objectives the Council will expect licence holders to continuously adhere to the high standards outlined within this policy. This will help portray a positive image of both the Council and the licensed trade.
- 3.2 The principle purpose of Private Hire and Hackney Carriage Vehicle licensing is to protect the public and promote public safety. South Northants and Cherwell District Council (The Council) will adopt and carry out the Private Hire and Hackney Carriage licensing functions with a view to promoting the following;

- The protection of the public
- Safeguarding children and the vulnerable
- The prevention of crime and/or disorder
- The safety and health of public and drivers
- Vehicle safety and suitability

3.3 The protection of the public, safeguarding children and the vulnerable, and the prevention of crime and /or disorder;

- Raising awareness amongst licensees of issues of safeguarding children and the vulnerable
- Operating rules, conditions and disciplinary processes
- Vetting , training and monitoring of licensees
- Commitment to work with the police, neighbouring authorities and other relevant agencies
- An expectation that licensees will treat all customers, members of the public and authorised licensing officers with respect and courtesy at all times

3.4 The safety and health of the public and licensees;

- Consideration of history of convictions, cautions, formal warnings, arrests, complaints and information received from partner agencies and other local authorities.
- Knowledge of the relevant Council topography
- Health and fitness of licensees
- Relevant safeguarding training
- A relevant professional driving qualification

3.5 Vehicle safety and suitability;

- Standards of vehicles
- Regular testing of vehicles including roadside checks
- Location of ranks
- Provision of wheelchair accessible vehicles

## 4. Background and definitions

4.1 The Local Government (Miscellaneous Provisions) Act 1976, as amended and the Town Police Clauses Act 1847 is the legislative framework for the Hackney Carriage and Private Hire licences.

4.2 This policy applies to the following:

4.2.1 **Hackney Carriages:** A vehicle available to transport members of the public that has no more than 8 seats for passengers, which is licensed to ply for hire. A Hackney Carriage may stand at designated taxi ranks and/or be hailed in the street by members of the public. A Hackney Carriage may also undertake pre booked journeys.

4.2.3 **Private Hire Vehicles:** These are licensed to carry no more than 8 passengers and must be booked in advance through a licensed Private Hire Operator. A Private Hire Vehicle cannot ply for hire nor use any designated taxi ranks.

4.2.4 **Private Hire Operators:** are required to take and record bookings for Private Hire vehicles. Bookings must be recorded and records be made available for inspection within the specified timescales.

4.2.5 **Hackney Carriage and Private Hire Drivers:** Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.

## 5. Private Hire and Hackney Carriage Drivers

5.1 This licence allows a person to drive a licensed vehicle, whether it is a Hackney Carriage or a Private Hire vehicle. The Council issues a joint Hackney Carriage and Private Hire driver licence. Licences shall be issued for a maximum period of 3 years but can

be granted for a lesser period if deemed appropriate. The only exemptions to this are those applicants whose right to remain and/or work in the UK is for less than the 3 year period. In such cases the licence shall only be issued for the same period as the leave to remain or right to work allows.

- 5.2 All applicants must satisfy the Council that they are a fit and proper person to hold a Hackney Carriage and Private Hire Drivers Licence (HCPHD). Once the licence has been granted the licence holder must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the license holder will be monitored and assessed throughout the licence period. Where licence holders have broken any licence condition, or any complaints and/ or criminal behaviour are brought to the attention of the Council the license holder may be subject to enforcement action. This may result in the revocation of a licence.
- 5.3 All applicants for a HCPHD licence must act with honesty and integrity and ensure all information that is provided is correct and up to date. Throughout the application process the applicant must provide and disclose all necessary information in a timely manner. This includes information relating to previous convictions, warnings, cautions, arrests, or any current or pending criminal investigations being undertaken, as well as any civil actions, injunctions or other factors which may bring into question the suitability of the applicant. Failure to do so will have a negative impact on the assessment of the application and may result in the licence being refused.
- 5.4 The process for applying for a HCPHD licence is provided in Appendix B. It is essential that all applicants understand and are familiar with this process prior to application and renewal to ensure that information requested is provided within the specified timescales. Failure to do so may result in the application being refused.

## 6. The Fit and Proper Person Test

6.1 Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that all applicants and licence holders are, and remain, fit and proper to hold a licence. There is no legal definition of what constitutes a fit and proper person for the purposes of Private Hire and Hackney Carriage Vehicle licensing. However, the Council must be satisfied, based on the information provided that the applicant or licence holder is suitable to hold a licence and the public will be safe with the licence holder.

6.2 In determining whether a person is fit and proper to hold a licence, the Council is effectively asking the following question:

**“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”**

6.3 If the answer to the question is an unqualified ‘yes’, then the applicant or licence holder can be considered to be fit and proper. If there are any doubts in the minds of the Council, then further consideration will be given as to whether the applicant or licence holder should hold a licence.

6.4 If there is any doubt as to the suitability of the applicant or licence holder the Council will undertake any checks and apply any process necessary to ensure that licences are not issued or held by unsuitable persons. It is important to note that applications and any issues with current licence holders are dealt with on a case by case basis and as such it is not possible to detail an exhaustive list



of all checks or requirements that may be asked of the applicant or licence holder in order to satisfy this criteria but any decision will be transparent and relayed to the applicant/licence holder.

6.5 The Council will consider a number of factors when determining if an individual is a fit and proper person;

- Criminality
- Driving history
- Driving ability
- Right to work
- Medical history
- Standard of verbal and written English
- Any previous licensing history
- Anything else that may bring into question the applicants suitability to hold a licence.

A more detailed, but non- exhaustive list, is provided in Appendix A.

6.6 In addition the Council will consider any further information provided by other agencies including the Police, Neighbouring Authorities, Child and Adult Safeguarding Boards and County Councils that may have a bearing on the fit and proper standard of the individual.

6.7 The Council may, at any time throughout the duration of the licence access the DVLA records of the applicants to ensure their driving meets the requirements of this policy. Licence conditions in Appendix B require all licensed drivers to notify the licensing authority within 7 working days of any DVLA penalty points issued or any other driving offence. Failure to do so will result in the licenced driver receiving Council penalty points, under the Penalty Point Scheme (See Appendix E)

- 6.8 In submitting an application to the Council for a drivers licence, the applicant will be required to sign certain disclosures relating to the application form and their information. Details contained within the application may be shared with other agencies including but not limited to the Police, Immigration and HM Customs and Excise. In addition declarations must be signed that allow for the applicants DVLA record to be reviewed throughout the duration of the licence, alongside their DBS record through the online update service. The Council retains and shares information in accordance with Information Sharing Agreements and the Data Protection Act 1998.
- 6.9 An applicant will not be considered to be a fit and proper person to hold a licence if there is any evidence that the applicant has been dishonest in making the application or it can be evidenced that an applicant or an existing licence holder has misled, or attempted to mislead, the Council (officers or elected members of the licensing committee) during any part of the application process or with the administration of the licence throughout its duration.

## **7. Disclosure and Barring Service (DBS)**

- 7.1. A criminal record check for any potential driver is essential and is an important safety measure in ensuring that an applicant is a fit and proper person and to protect public safety. All applicants will be required to undergo an Enhanced Disclosure through the Disclosure and Barring Service. This will list information on all live and spent convictions, police cautions and other relevant information. Details of the DBS application process can be found within Appendix B as part of the application process.
- 7.2 Private Hire and Hackney Carriage Drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974

(Exceptions) Order 1975. As such all applicants will be asked to disclose on their application form any conviction or caution regardless of the date of the conviction or caution. The DBS certificate will disclose convictions and cautions and where these have not been disclosed on the application form by the applicant the integrity and honesty of the applicant will be questioned. All licence holders must notify the Council of any convictions or cautions received during their licence period as stated in the licence conditions. Failure to do so may result in suspension or revocation of the licence.

7.1.3 All applicants (both new and renewals) must declare on the application form all convictions, cautions, informal warnings, fixed penalty notices, driving offences, civil actions, county court judgements, arrests and any on-going criminal, civil or traffic related investigation. Failure to inform the relevant Council of any information may result in the application being refused or a licence being suspended or revoked.

7.1.4 Applicants are responsible for the costs of obtaining a DBS certificate. It is a licence condition that applicants sign up to the DBS online update service and on the grant of a licence, the licence holder must maintain the subscription. The subscription costs are the responsibility of the applicant / licence holder and permission must be given to the relevant Council to undertake checks of the DBS status should the Council consider it necessary and appropriate to do so. The update service will be used to monitor the criminal record of the license holder and can also be used at the time of licence renewal. If no changes have been recorded on the DBS certificate a full DBS check will not be required.

7.1.5 In order to sign up to the online service the applicant, on receipt of their completed Enhanced DBS Certificate, must register for the

service within 19 days of the DBS certificate issue date. Upon licence renewal the applicant will need to provide the Council with their original certificate in order for the update service to be checked.

7.1.6 DBS Certificates will only be accepted when the application has been made through the relevant Council (South Northants or Cherwell). However, DBS certificates from other local authorities will be accepted providing the applicant has signed up to Update Service and has been checked to an enhanced level.

7.1.7 A Licence will not be issued without a current enhanced DBS certificate.

## **7.2 Applicants with Residency Periods Outside of the UK**

7.2.1 Where an applicant has spent six months or more continuously outside the UK evidence of a criminal record check from the Country/Countries visited covering the duration overseas will be required. For stays longer than 6 months outside of the European Union a certificate of good conduct is required to be authenticated by the relevant embassy.

## **7.3 Right to Work in the UK**

7.3.1 All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals.

7.3.2 The list below states what evidence needs to be provided to prove the applicant has a right to work in the UK, this list is not

exhaustive and other documents may be accepted (please follow this link; <https://www.gov.uk/government/organisations/uk-visas-and-immigration>), however this must be discussed with the Council in advance of the application being submitted. Any issues with the documentation provided may result in a delay in issuing the licence or renewal of an existing licence.

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth/Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

## **7.4 Convictions, Cautions and Driving Offences**

7.4.1 Where convictions and cautions have been declared by the applicant or disclosed on the DBS Certificate the Council must ensure that it is satisfied that the applicant is a fit and proper person to hold a licence. The Council will refer to The Criminal Records Policy for guidance which can be found in Appendix A.

7.4.2 Where convictions, cautions and driving offences have been imposed on a licence holder the same Criminal Records Policy will

be referred to in order to determine that the licenced driver remains a fit and proper person to hold the licence.

## **8. The Knowledge Test**

8.1 All applicants are required to pass the relevant Council's Knowledge Test. The purpose of the test is to ensure that the applicant has sufficient knowledge in the following areas:

- Numeracy
- Topography
- Communications
- Road Safety
- Safeguarding and Child Sexual Exploitation (CSE)

8.1.2 In addition to the Knowledge Test all applicants will be required to attend (at their own cost) Council approved Safeguarding and CSE training prior to submitting their applications.

8.1.3 The Safeguarding, CSE and Disability Awareness training is mandatory for all applicants and licence holders regardless of whether the application is for a new or renewed licence. This is to ensure that applicants and licenced drivers are receiving the most up to date information at the time of the application.

8.1.4 Applicants are entitled to 2 attempts at the Knowledge Test as part of the application.

- Should an applicant fail s/he will have to wait 4 weeks before taking another test.
- A 3<sup>rd</sup> and 4<sup>th</sup> test will be permitted should the applicant require one and s/he will be charged at the fee set at the time.

- After 4 failures applicants will have to wait 6 months before taking the test again.
- A further 4 failures will result in the applicant being deemed not “fit and proper” and the application refused.

## **9. Medical Fitness Assessments**

9.1 It is essential the licensed drivers are in good health and meet the requirements of Group 2 Standards of Medical Fitness as stated by the DVLA. Licensed drivers are expected to carry passengers' luggage and shopping, will drive on the road for longer periods than most car drivers and may have to assist disabled passengers. The Council must therefore be satisfied that the applicant /licensed driver is fit enough to undertake these tasks. Any pre-existing medical condition must be disclosed and be under control to the satisfaction of a General Practitioner and the relevant Council.

9.1.2 Applicants shall submit to the Council the supplied medical form completed by their own General Practitioner or a doctor who has full access to the applicant's medical records at the time of their application. A medical examination form will be required upon first application, then at the point of renewal of a 3 year licence until the applicant reaches the age 65 when an annual medical fitness assessment is required. Where an applicant has applied for a licence at the age of 64 and turns 65 within the first year the applicant will not be required to complete another medical assessment until renewal. Where certain conditions are noted by the GP, additional medicals or an alternative frequency may be required.

9.1.3 All licence holders must advise the licensing authority within 7 working days if any pre-existing medical conditions have deteriorated or his / her health has changed in any way that may affect the licence holder's fitness to drive.

9.1.4 Where the licensing authority is in any doubt as to the medical fitness of the applicant, further medical examinations may be required to be undertaken. Any costs relating to these additional assessments shall be paid for by the applicant.

9.1.5 No medical fitness assessment form will be accepted where the person completing the form does not have access to the applicant's patient records.

## **10. Assistance Dogs**

10.1.1 All licensed drivers are under a legal duty to carry guide, hearing and any other assistance dogs in their vehicles without any additional charge to the passenger. A licensed driver may only refuse to do so where s/he has a medical exemption. A medical exemption may be granted by the licensing authority where the licensed driver has provided detailed medical evidence that shows a medical condition will be aggravated by exposure to dogs. If the medical exemption is granted the licensed driver will be issued with an exemption certificate and a notice of exemption. The notice must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.

10.1.2 When hired to carry a guide dog, the owner should be asked where s/he would prefer their dog to be.

10.1.3 Most dogs are trained to lie in the front passenger foot well between the feet of their owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Licensed drivers must inform the owner accordingly.



Assistance dogs are trained not to move and will not harm a licensed driver in any way.

10.1.4 If the front foot well is not large enough to accommodate the dog, the owner should be advised to travel in the rear of the vehicle with the dog in the foot well behind the front passenger seat. The seat should be pushed forward to make room for the dog.

## **11. Private Hire and Hackney Carriage Vehicle Licences**

11.1.1 The procedure for applying for a Private Hire Vehicle or Hackney Carriage Vehicle Licence is detailed in Appendix C. Only vehicles less than 6 years old will be considered for a new licence.

11.1.2 In order for an application to be considered the applicant must submit the following documentation to the Council:

- The fully completed vehicle licence application form
- Application Fee
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the Council at the time of application)

- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for Private Hire (Hire and Reward) or Hackney (Public Hire)
- A valid MOT no older than 28 days from an approved MOT testing station within the relevant Councils area.

In addition to the above:

Incomplete application forms, incorrect fees or supporting documentation that does not conform will result in the application being rejected. Only when a complete application has been provided will the assessment process begin.

## **11.2 Grant and Renewal of Vehicle Licences**

11.2.1 All vehicles will be inspected by a licensing officer prior to a licence being issued. All vehicles should be safe and must remain safe for passengers and therefore the Council expects vehicles to be in such a condition that the inspection will be passed.

11.2.2 Vehicle licences are for a period of 1 year and will be subject to MOT testing throughout that period. Vehicles with less than 100,000 miles on the odometer will be tested every 6 months. Vehicles with more than 100,000 miles on the odometer will be tested every 4 months. The relevant dates will be printed on the licence. No reminders will be sent. There is no upper age limit for vehicle renewals however all vehicles older than 10 years will have to present a full service history from the time the applicant obtained the vehicle.

## **11.3 Insurance**

11.3.1 All insurance documents for the vehicle to be licensed must be provided with all the other relevant information at the time of application. In order to satisfy the Council that appropriate insurance is in place for the vehicle, the following is required:

- A valid Certificate of Insurance or Cover Note. This must confirm that insurance is in place for each driver of the vehicle and specify that it is covered for its use as a Hackney Carriage or Private Hire vehicle
- A Hackney Carriage vehicle requires insurance to cover public hire
- A Private Hire vehicle requires insurance to cover Private Hire and hire and reward
- A Cover Note will be accepted and the licence issued on the understanding that a certificate of insurance will be presented as soon as possible.

11.3.2 All insurance dates are noted on the Council system at the time of application and follow ups will be undertaken to ensure the vehicle is appropriately insured. Where a new insurance certificate has not been submitted to the Council for that vehicle it will be deemed to have no insurance and the licence suspended until such time as an appropriate insurance document is provided and penalty points will be issued to the licence holder.

## **11.4 Vehicle Specifications**

11.4.1 The Council have set down a number of specifications, in order to apply for a vehicle to be a licensed Private Hire or Hackney Carriage Vehicle it must comply with the specifications at the time of application.

The specifications for a Private Hire and Hackney Carriage Vehicles are detailed in Appendix C

## **11.5 Licensed Vehicle Conditions**

11.5.1 Conditions are imposed on all operator, driver and vehicle licences and the Council is empowered to impose any conditions that are considered reasonably necessary in the granting of a licence. The conditions will be attached to the licence upon issue and are detailed in Appendix C. All applicants will be expected to have read and understood these conditions, any breach in the conditions will result in penalty points being issued or the licence considered for review.

## **11.6 Identification of Vehicles as a Private Hire Vehicle or Hackney Carriage**

11.6.1 All vehicles must clearly indicate to the public that the vehicle is licensed. The public must be able to clearly distinguish the difference between a Private Hire and Hackney Carriage Vehicle. No signs, stickers or insignia shall be added/ attached to the vehicle unless in compliance with Council requirements. Permission will be required in writing. The Vehicle Licence conditions in Appendix C provide detail on the following:

- The position/location of the licence plates
- The position of permanent door signs
- Required wording for the door signs and roof lights
- Requirements to display certain notices in the vehicles

## 11.7 Tyres

11.7.1 It is essential that the tyres on all licensed vehicles are in good condition. All tyres must conform to the following requirements:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre. (please be aware that this is a more stringent standard than the MOT test)
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - be compatible with the types of tyres fitted to the other wheels,
  - not have any lump, bulge or tear caused by separation or partial failure of the structure,
  - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
  - not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company/contractor. Vehicle proprietors are required to retain invoices/receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

## **11.8 Accidents**

11.8.1 If, at any time, a licensed vehicle is involved in any kind of accident, regardless of how minor or who was at fault, the driver must inform the Council of the accident within 72 hours of the accident; this can be done by telephone or email. An accident report form is available upon request and should be completed and submitted to the Council along with photographs of the damage within 24 hours of reporting the accident.

11.8.2 Following submission of the accident report form the Council will review and determine whether, by nature of the accident, or the stated damage caused, the vehicle must be inspected by an MOT approved garage to ensure the safety of the vehicle. If the damage (whether mechanical or cosmetic) means the vehicle is no longer fit to be licensed a Section 68 notice will be issued. The notice requires that the vehicle is repaired to the required standard within 2 months of issue.

## **11.9 Meters**

All Hackney Carriages must be fitted with an approved meter. This forms part of the vehicle test. Meters must be calibrated to the tariff set by the relevant Council.

## **11.10 Additional Provisions for Private Hire Vehicles Only**

### **11.10.1 Advertisements**

Limited advertising is allowed on a Private Hire Vehicle subject to preapproval by the Council. Advertisements must be in accordance with the requirement set out in Appendix C.

## 11.11 Additional Provisions for Hackney Carriage Vehicles Only

### 11.11.1 Hackney Carriage Wheelchair Accessibility Requirements:-

1. Wheel chair spaces requirements: 1130mm length, 690mm width, 1290mm height (min).
2. Acceptable intrusions into the wheelchair space: One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheel chair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.
3. Wheelchair user safety provisions: Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.
4. The vehicle must have type approval certification i.e. EU Whole Type Approval Certificate or UK Low Volume Type Approval Certificate.

### 11.12.1 Boarding Lifts and Ramps

1. Dimensions: Single piece ramp – width 700mm (min), length 1600mm (max)
2. Ramp gradients: Side entry: Kerb (125mm): 14 degs (max)
  - i. Ground: 19 degs (max)
3. Slip resistant surfaces: all surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.
4. Colour contrasting edge marks: a band contrasting with the remainder of the boarding ramp surface, 45mm to 55mm in width around and abutting the edge of the ramp or lift surface.
5. Control and fail safe mechanisms or power operated equipment: power operated equipment shall only be capable of operation from a control adjacent to the ramp.
6. Load sensors and re-cycling mechanisms for power operated equipment: a device to stop the movement of the boarding ramp when motion is likely to cause injury.
7. Manual override provisions for power operated equipment: a provision to repeatedly operate the equipment in the event of power failure shall be provided.

8. Manual/portable ramp: Such ramps must have a designated stowage location which can store the equipment such that it does not present a risk of injury.

#### Entrances and Exits

1. Number and position: a minimum of 1 located on the nearside
2. Minimum doorway width: 740mm
3. Minimum doorway height: 1230mm

#### 11.13.1 Taxi Ranks

A list of Taxi Ranks will be made available on request.

Private Hire Vehicles are not permitted to park on Taxi Ranks. Private Hire Vehicles are not permitted to pick up or set down passengers on a Taxi Rank. Where Private Hire drivers are found to be using a Taxi Rank penalty points may be issued.

## **12. Executive Hire (discreet plates)**

- 12.1 Any vehicle proposed to be used for Executive Hire must be licensed as a Private Hire Vehicle. Vehicles used for this purpose must meet the requirements for Private Hire Vehicles. An application for a discreet plate must be made and approved by the Council. A discreet plate means that the vehicle does not need to display the same number of signs that a standard vehicle is required to do. However, these vehicles must display a plate issued by the Council, which states details of the vehicle, issue date and the number of persons allowed to be carried. This plate must be displayed in the front window of the vehicle. Licences will be conditioned to reflect any restrictions the Council feels necessary.



12.1.2 Drivers of Executive Vehicles must complete the licensing application process in the same way as any other licensed driver.

12.1.3 Vehicles with discreet plates must never be used for day to day Private Hire work.

12.1.4 Applicants wishing to apply for a discreet plate must satisfy the following Council requirements;

- a) Vehicles accepted include luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. American style stretched vehicles will normally qualify for discreet plates.
- b) The vehicle must be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
- c) The type of work undertaken is 'executive' in nature. This would mean that the vehicle is used specifically for clients that for security reasons would not want the vehicle to be identifiable. Documentary evidence of contracts will be required.

Application for exemption will be made to the Licensing Authority in writing by a person holding a Private Hire operator's licence issued by the Council. The application must be accompanied by documentation to evidence compliance with point a) and c).

Provided that conditions a) and c) are satisfactorily met, an appropriate appointment will be made to inspect the vehicle to satisfy the requirement of clause b).

If all points above are satisfied discreet plates will be issued.

## **13. Private Hire Vehicle Operators**

13.1.1 The Private Hire Vehicle Operator is responsible for all persons employed, sub-contracted or used in the course of the Private

Hire Vehicle business. The operator must undertake sufficient checks so as to be satisfied that only suitable drivers are used (and continue to be used) in the course of the business.

13.1.2 The Private Hire Vehicle Operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence. The licence must be displayed at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Council for amendment or if it is required to be produced for inspection by an Authorised Licensing Officer of the Council or a Police Officer.

13.1.3 A separate licence will be issued in respect of each approved secondary booking office if applicable.

## **13.2 Requirement for a Private Hire Vehicle Operator Licence**

13.2.1 A licensed Private Hire Vehicle can only be despatched to a customer by a licensed Private Hire Vehicle Operator. The operator licence requires the operator to ensure all its Private Hire Vehicle drivers are licensed by the same Council along with their vehicles.

13.2.2 A Private Hire Vehicle operator may sub contract work to operators licensed in other districts if unable to fulfil a booking with its own licensed drivers. Accurate records of any sub-contracting must be kept by the operator and be available for inspection on request. A Private Hire Vehicle operator can also despatch work to any Hackney Carriage. South Northants and Cherwell District Council licensed operators will only be able to use Hackney

Carriage drivers who have undertaken recognised Safeguarding training.

13.2.3 Applications for a Private Hire Vehicle operator licence must be made on the Council application form, with the appropriate fee and the applicant must undergo a Basic Disclosure Barring Service check if not already a licensed driver within the Council area. The Council will then decide whether the applicant is a fit and proper person to hold an operator licence. The Council will grant operator licences for a period of 5 years. A licence will only be granted for less than 5 years in exceptional circumstances.

### **13.3 Fitness and propriety**

13.3.1 Applications will only be granted where the Council is satisfied that the applicant is a fit and proper person to hold a Private Hire Vehicle Operator licence. In order to determine the applicant's fitness the following will be considered:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by either Council),
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

13.3.2 In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

13.3.3 If an application is received from a person that is not a driver licensed by the Council the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service.

#### **13.4 Insurance**

13.4.1 Every operator shall put in place Public Liability Insurance for the premises that are to be licensed. Where the operators directly employ the licensed taxi drivers Employer's Liability Insurance must also be in place. Evidence of these insurances should be provided as part of the application.

#### **13.5 Conditions**

13.5.1 The Council has the power to impose conditions on an operator's licence and will do so upon issue. A copy of the operator conditions are provided in Appendix D.

13.5.2 Additional conditions may be added to a licence when it is deemed necessary by the Council. Failure of the operator to adhere to the conditions of the licence will lead to enforcement action which may include the issuing of penalty points, suspension or revocation of the licence or prosecution.

#### **13.6 Operator responsibility**

The Council expects licensed operators to work with the Council and to support the aim of improving safety and safeguarding. Operators must alert the Council to any concerns as to public

safety or safeguarding and failure to do so will call into question the fitness and propriety of the operator to hold a licence.

## **14. Driver, Vehicle and Operator Licence Conditions and Application Process**

14.1 Conditions are attached at the time of the issuing of the relevant licence. These conditions are available to view in Appendix D and are sent out with the application packs. Applicants and licence holders must be aware of these conditions and adhere to them at all times throughout the duration of the licence.

Failure to do so may result in penalty points being issued which could result in the suspension or revocation of the licence.

14.2 The application process for driver, vehicle and operator licences can be found in Appendices B, C and D respectively.

## **15. Enforcement, Compliance and Complaints**

**Need to cover sharing information and data protection act –  
authorisation and scheme of delegation should be covered here**

15.1 The purpose of licensing the taxi trade is to protect the public and promote public safety. The Council will utilise all legislative powers available to ensure the public are protected. The Council has an overarching Enforcement Policy to ensure that enforcement is efficient, targeted, proportionate and transparent. The Enforcement Policy is available on the Council's website.

### **15.2 Enforcement Penalty Points**

15.2.1 The Council operates a penalty point Scheme.

Where breaches of the terms and conditions of any licence (drivers, vehicle or operator) are determined by the Council, penalty points may be issued. Details of the penalty points scheme can be found in Appendix E.

15.2.2 The Scheme is a way of formalising warnings being issued to licence holders. Every licence holder will know what penalty points are attributed to the different types of breaches. Greater penalty points are issued for the condition breaches that are the most serious.

15.2.3 The penalty points are issued per incident and are cumulative. If one incident has resulted in several breaches of the licence conditions the points issued may reach a trigger level that would require further action against the licence. This could result in suspension or revocation of the licence.

15.2.4 All Authorised Licensing Officers are authorised to operate the scheme and issue points accordingly.

### **15.3 Suspension or Revocation of a Licence**

15.3.1 Where a vehicle fails to meet the licence conditions determined by an Authorised Licensing Officer, action may be taken to suspend the licence until the vehicle meets the required standard

15.3.2 A Section 68 Notice may be served suspending the use of the vehicle until the defects are remedied. The suspension will only be lifted once the vehicle has been inspected by an Authorised Licensing Officer. A Section 68 Notice may also result in Penalty Points being issued.

15.3.3 In situations where a serious risk to the safety of the public is known, under delegated powers an Authorised Licensing Officer is permitted to suspend the licence of a driver, vehicle or operator.

15.3.4 The Council does not suspend or revoke licences lightly but will not hesitate to do so if it is felt it is necessary for the protection of the public.

#### **15.4 Refusal to Renew a Licence**

15.4.1 Any renewal application where new criminal convictions are shown on the DBS or there are any other concerns may result in that application being refused.

15.4.2 A person whose licence renewal application is refused may appeal such a decision to the Magistrates' Court.

15.4.3 Where an applicant has failed to provide all relevant information or documentation; or has failed to comply with any of the requirements needed to renew a licence, the application and renewal of the licence may be refused.

#### **15.5 Prosecution of Licence Holders**

15.5.1 The Council may prosecute licence holders for relevant offences in accordance with the Council Enforcement Policy.

## **15.6 Appeals**

15.6.1 Information on any right of appeal will be issued when a decision is made on any enforcement action.

## **15.7 Service Requests and Complaints**

15.7.1 The Council has a duty to investigate complaints made by members of the public or partner agencies and any such complaint will be logged as a service request and investigated.

15.7.2 In determining the most appropriate course of action the Council will have regard to the evidence collated, the credibility of both the licence holder and the complainant.

15.7.3 The Council operates a complaints process should any person be unhappy with the service received from the Council. Details can be found on the Council website;

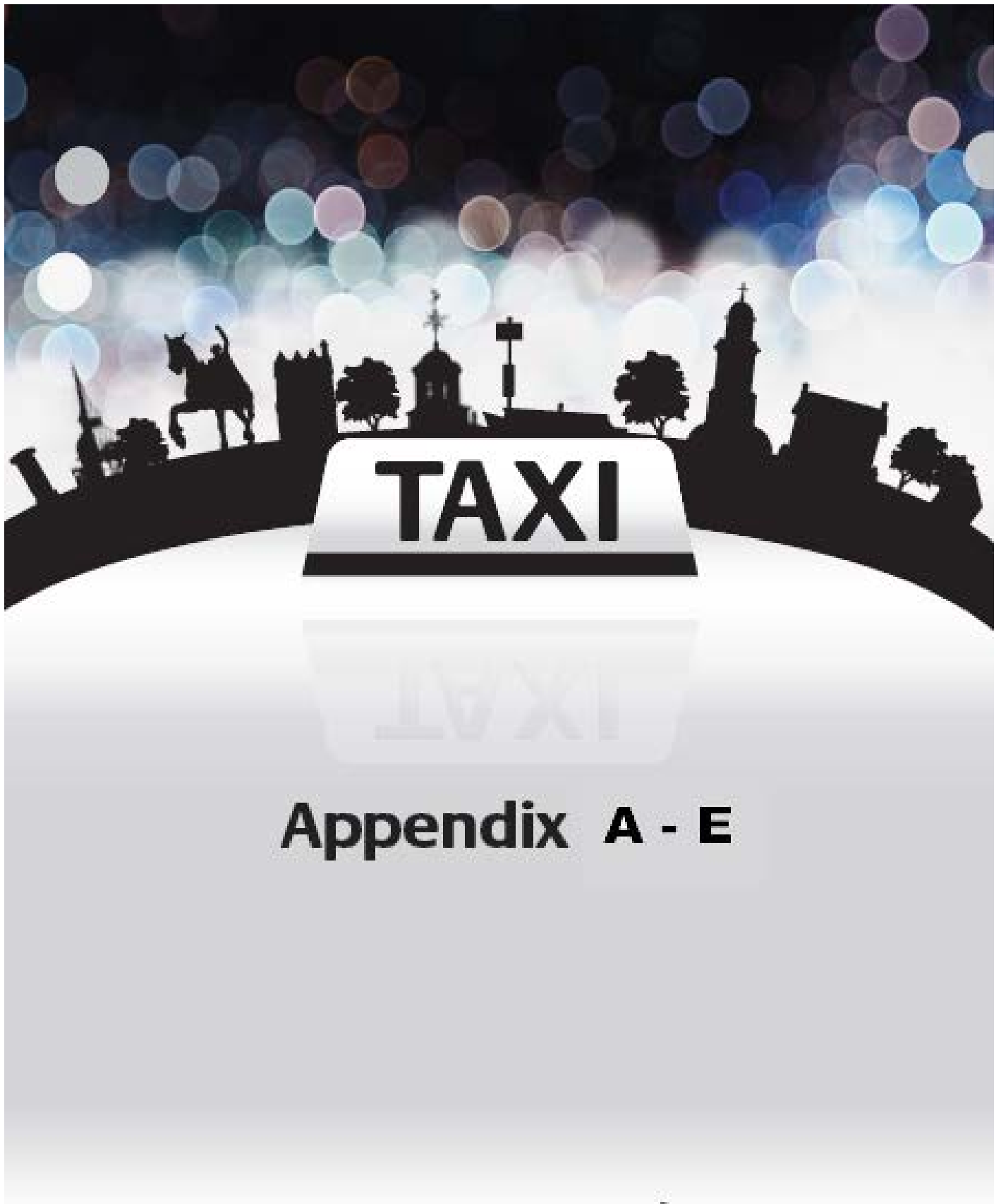
South Northamptonshire Council

<http://www.southnorthants.gov.uk/complaints-and-comments.htm> a

Cherwell District Council

<http://www.cherwell.gov.uk/index.cfm?articleid=3985>





## Appendix A - E

## **Appendices**

**Appendix A – Criminal Records Policy**

**Appendix B – Driver Application Process and Conditions**

**Appendix C – Vehicle Application Process and Conditions**

**Appendix D – Operator Application Process and Conditions**

**Appendix E – Hackney Carriage and Private Hire Driver Penalty Points Scheme**

# Criminal Records Policy

## Contents

- 1) Introduction
- 2) Scope
- 3) Background
- 4) General Policy
- 5) Serious Offences Involving Violence
- 6) Sexual and Indecency Offences
- 7) Dishonesty
- 8) Alcohol and Drugs
- 9) Driving Offences Involving Loss of Life
- 10) Other Traffic Offences
- 11) Outstanding Charges or Summonses
- 12) Non Conviction Information
- 13) Licensing Offences
- 14) Insurance Offences
- 15) Applicants with a Period of Residency Outside the UK
- 16) Summary

## 1. Introduction

- 1.1 Cherwell District and South Northamptonshire Councils are responsible for issuing Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and therefore must ensure, to the best of their abilities, that those who are granted a licence are 'fit and proper'. In undertaking this duty the Council's primary concerns are protecting public safety.

## 2. Scope

- 2.1 This policy provides guidance for licence applicants on what is taken into account when determining if an applicant is a 'fit and proper' person to hold a licence. This policy relates to any application regardless of whether it is a new or a renewal application. Whilst criminal convictions will play a large part in the determination of the application other information relating to the applicant's honesty and integrity, driving ability and information provided by the Police or any other body will also be taken into account.
- 2.2 This policy mainly relates to the determination of a driver licence application/ renewal however its principles are equally applicable in the determination of a Hackney Carriage/ Private Hire Vehicle licence and a Private Hire Vehicle Operator licence. Therefore when a conviction is noted on any application form and is considered relevant in determining if an applicant is 'fit and proper' this policy will be referred to in order to assist the determination of the application.
- 2.3 This policy applies from the date of publication to all current licences and to all new licence and renewal applications after the publication date.

## 3. Background

- 3.1 In order to protect public safety the Council is mindful of the following:
- That a person is a **fit and proper** person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
  - That the person does not pose a threat to the public

- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

3.2 There is no strict legal definition for what constitutes a 'fit and proper person' and it will be in the opinion of the Council as to whether or not an applicant is a 'fit and proper' person.

3.3 To assist in determining whether an applicant is a 'fit and proper' person to hold a licence the Council will undertake any checks deemed necessary and will take every step to ensure that licences are not issued to or used by unsuitable people. The Council will take the following into consideration:

- Criminality – details provided from the Disclosure Barring Service (DBS) Certificate or intelligence from the Police
  - Period of holding a DVLA driver's licence – An applicant who has not held their licence for at least one year will not be eligible to apply for a licence
  - Number of endorsed driving licence penalty points – as detailed in the DVLA licence check
  - Right to work – Evidence that the applicant is eligible to work in the UK must be provided within the application. If the leave to work is less than the drivers licence (3 years) the licence will only be issued for the same period however the fee remains the same.
  - Medical fitness – A completed medical must be provided with the application by a doctor who has full access to the applicant's medical records and history. If we are not satisfied with the medical submitted further assessments may be required
  - The Standard of verbal and written English
  - The Standard of driving/driving ability
  - General conduct/standards of behaviour (including online activity)
  - The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process) – For example, where an applicant has not disclosed all criminal convictions on the application form as requested but the DBS Certificate details convictions this will be considered to be dishonest and the application may not be looked on favourably
  - The previous licensing history of existing/former licence holders – including information sought from neighbouring authorities that the applicant may have previously worked in
  - Knowledge and understanding of requirements of a licenced driver
  - Or anything else that may bring into doubt the applicants suitability to hold a licence
- **To ask the question “Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”**

- 3.4 The Council may also take into account information and intelligence provided by other agencies including, but not limited to, the Police, Immigration Services, Children and Adult Safeguarding Teams.
- 3.5 This policy is a guide for applicants, Council officers and members, however, it is not possible to detail every possible situation and every application is dealt with on a case by case basis. If exceptional circumstances dictate, it may be necessary for the Council to depart from the policy and the Council reserves the right to do so.
- 3.6 For the avoidance of doubt, where it is detailed in this policy that a specified period of time from conviction is required to elapse before an application will be considered, the date of conviction is the date upon which an applicant pleads guilty or is found guilty. Where it is detailed in this policy that a specified period of time from the completion of sentence/ licence period is required to elapse before an application will be considered, the completion of sentence is the date upon which an applicant's sentence, including any licence period, is completed.
- 3.7 The Council reserves the right to review and if necessary reverse any previous decisions if information comes to light that identifies that the initial decision as being was incorrect.

## **4. General Policy**

- 4.1.1 A previous conviction is not an automatic bar to an applicant being granted a licence. The criteria set out below (4.2.3) will be considered and an applicant with a previous conviction will be expected to:-
1. Have remained free of further conviction for a specified period of time; and
  2. Provide evidence that s/he is a fit and proper person to hold a licence. It is the applicant's responsibility to produce any evidence s/he thinks relevant to assist in the determination of his/ her 'fit and proper' status. Simply remaining free from convictions is not necessarily enough to demonstrate that an applicant is fit and proper, particularly in light of evidence of poor driving or where the behaviour of the applicant has been called into question.
- 4.1.2 The criteria set out below (4.2.3) would normally be applied in the determination of all applications. The Council may depart from this policy where required to do so by exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

4.1.3 Applicants must include on the application form all details of:-

- Any arrest or request to voluntarily attend a police station for interview or formal questioning;
- Convictions, cautions, binding overs, reprimands or final warnings;
- Being charged with an offence or summonsed to court;
- Issued with a Fixed Penalty Notice;
- DVLA driving licence endorsements;
- Civil proceedings, orders or injunctions.

## 4.2 Appeals

4.2.1 Any applicant refused a driver or operator licence, or who has a licence suspended or revoked on the grounds that the Council is not satisfied that the applicant is a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, S 77 (1)].

## 4.3 Powers

4.3.1 **Section 61 of the Local Government Miscellaneous Provisions Act 1976:** Allows the Council to suspend, revoke or refuse to renew a licence if the applicant licence holder has been convicted of an offence involving dishonesty; indecency; violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.3.2 **The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975:** Allows the Council to take into account all convictions recorded against an applicant or licence holder whether 'spent' or not. The Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared. The time periods post-conviction referred to later in this policy are guidelines only. For example being 10 years clear of an arson offence will not mean a licence will be automatically granted.

#### 4.3.3 **Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976:**

The Councils are required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver licence or Operator Licence is a “fit and proper” person to hold such a licence. However, if an applicant has any convictions, cautions, warnings, charges awaiting trial or on-going investigations, the Council will consider:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant’s age at the time of offence/incident leading to the conviction, warning, caution etc.
- Whether the conviction, caution, warning etc. forms part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder,
  - Whether the applicant has intentionally, knowingly or recklessly misled the Council or lied as part of the application process,
  - Information provided by other agencies/Council departments.

4.3.4 In accordance with the conditions attached to the licence, existing holders of a driver licence or operator licence are required to notify the licensing department of the Council in writing, by letter or email within 7 days of his/ her being:-

- Arrested or requested to voluntarily attend a police station for interview or formal questioning;
- Administered with a caution, binding over, reprimand or final warning;
- Charged with an offence or summonsed to court;
- Convicted of an offence;
- Issued with a Fixed Penalty Notice;
- Receiving a DVLA driving licence endorsement;
- The subject of any civil proceedings, orders or injunctions.

4.3.5 All drivers will have an enhanced Disclosure Barring Service (DBS) check undertaken at the time of application. All new and renewal applicants must attend the Council Offices for the DBS check to be completed. Once the certificate has been received by the applicant the applicant must sign up to the DBS Online Update Service within 19 days of the certificate issue. The costs of all DBS checks are the responsibility of the applicant. The DBS Online Update Service is a less expensive service that ensures a quicker turnaround of the certificate; the fee for the service must be paid on an annual basis by the applicant. The applicant must sign up to the service before the licence is issued as it is a condition



of the licence that the applicant / licence holder has signed up, and remains signed up to the service.

- 4.3.6 Information as to the suitability of the applicant may be sought from any external organisations. The Common Law Disclosure Policy used by all Police forces may result in receiving information which calls into question the suitability of the applicant. Such information may be provided to the Council at the point of application or throughout the duration of the licence.
- 4.3.7 It is an offence for any person to intentionally, knowingly or recklessly make a false declaration, or to omit any material particular in giving information required by way of the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on the application for the grant or renewal of a licence, the licence will normally be refused.
- 4.3.8 Any offences or behaviour not stated in this Policy will not prevent the Council from taking into account those offences or behaviours.

#### **4.4 Options when Determining an Application and Reviewing a Licence**

- 4.4.1 When determining an application or reviewing an existing licence the Council has the following options:
- approve the application or take no further action
  - refuse the application/ revoke the licence/ suspend the licence
  - issue a warning which may include the use of enforcement penalty points

### **5. Serious Offences Involving Violence**

- 5.1 Licenced drivers have close regular contact with the public. Serious consideration will be given to applicants and licence holders convicted of offences of violence. No application will be granted and an existing licence revoked where a conviction offence has resulted in a loss of life.

5.2 A licence application will be refused or an existing licence revoked where the applicant / licence holder has a conviction or is convicted of any of the following offences:

- Murder
- Rape
- Offences related to Child Sexual Exploitation
- Manslaughter
- Manslaughter or Culpable Homicide while Driving
- Offences related to Child Sexual Exploitation
- Terrorism
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

5.3 Consideration will only be given to the granting of a licence if at least 10 years have passed since the completion of any sentence and/ or licence period following conviction the following offences:-

- Arson
- Malicious wounding
- Actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Any Public Order Act 1986 offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Any offence (including attempted or conspiracy to commit offences) that are similar to those above.

A licence application will be refused if the applicant has more than one conviction for an offence of violence, irrespective of the dates of conviction.

An existing licence will ordinarily be revoked if the licence holder is convicted of an offence of violence

5.4 Consideration may only be given to the granting a licence if at least 5 years have passed since the completion of sentence and/ or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offence (including attempted or conspiracy to commit offences) that are similar to those above.

## **5.2 Possession of a Weapon**

5.2.1 If an applicant or licence holder has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the applicant/ licence holder is a fit and proper person to hold such a licence. At least 3 years must have passed since the completion of the sentence/ and or licence period, before a licence is granted.

## **6. Sexual and Indecency Offences**

6.1 Licenced drivers often carry unaccompanied and vulnerable passengers; the Council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Convictions for sexual or indecency offences will result in the refusal of an application or revocation of an existing licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and/or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003)
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Grooming
- Making obscene/indecent telephone calls
- Indecent exposure

- Any similar offence (including attempted or conspiracy to commit) offences which replace the above

6.2 In addition to the above the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

## **7. Dishonesty**

7.1 A licenced Hackney Carriage/Private Hire Vehicle driver is expected to be trustworthy. In the course of their working duties a Hackney Carriage/ Private Hire Vehicle driver will deal with cash transactions and valuable property may be left in their vehicles. Drivers will also deal with passengers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

7.2 In general, a minimum period of 5 years free of conviction or at least 5 years have passed since the completion of sentence/ and or licence period should be required before granting a licence to an applicant convicted of a dishonesty offence. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offence (including attempted or conspiracy to commit) offences which replace the above

7.3 An existing licence will ordinarily be revoked if the licence holder is convicted of an offence of dishonesty.

## **8. Alcohol and Drugs**

- 8.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety. Whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, the nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully.
- 8.2 Hackney Carriage / Private Hire Vehicle drivers are professional, vocational drivers and a serious view is taken by the Council of convictions for driving, or being in charge of a vehicle while under the influence of alcohol or drugs. More than one conviction for an alcohol or drug related offence raises significant doubts as to the fitness of an applicant / driver to drive the public. At least 5 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be granted. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be granted.
- 8.3 A licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs and a current licence will be revoked, because of the nature of a driver's involvement with the public.
- 8.4 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal/controlled drugs until at least 5 years have passed since the completion of any sentence and/ or licence period, and only then after full consideration of the nature of the offence and the quantity/type of drugs involved.
- 8.5 If there is evidence of persistent alcohol or drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant is a recovering addict evidence will be required to show 5 years free from alcohol / drug use after detoxification treatment is required.

## **9. Driving Offences involving the Loss of Life**

9.1 A very serious view is to be taken of any applicant or licenced driver convicted of a driving offence that resulted in the loss of life. A Hackney Carriage / Private Hire Vehicle driver licence will be refused or revoked if the applicant / licenced driver has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicenced, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **10. Other Traffic Offences**

10.1 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences, waiting in a restricted area, or offences of a similar nature may not ordinarily merit the refusal of an application, but the application will be subject to consideration as part of the Council's Penalty Points Scheme. However, if an applicant has more than 6 points or 6 points for a singular offence the application will be refused. If a licenced driver totals up more than 6 DVLA points or has his/ her licence endorsed with 6 DVLA points for a singular offence, the licence will be revoked. Hackney Carriage / Private Hire Vehicle drivers are professional drivers and the Council expects such drivers to maintain the highest standards of driving.

10.2 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court rather than a fixed penalty), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least one year free of such convictions. For applicants with more than one offence this should normally be increased to two years.

10.3 Where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

10.4 A list of all DVLA offence codes can be found here: <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>

## **11. Outstanding Charges or Summonses**

- 11.1 If an applicant is the subject of an outstanding charge or summons his/ her application may be suspended until the matter is resolved. If an existing licence holder is subject to an outstanding charge or summons his/ her licence may be suspended or revoked dependant on the information available. Such a decision will be made on a case by case basis.

## **12. Non-Conviction Information**

- 12.1 The Council will also take into account situations and circumstances that have not resulted in a prosecution or conviction. This may include acquittals, circumstances in which convictions were quashed due to misdirection by the court, circumstances where the decision was taken not to prosecute, situations where the applicant or licence holder has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness/ complainant and the licence holder will also be taken into account.
- 12.2 If an applicant has been arrested or charged, but not prosecuted or convicted, in relation to a serious offence which calls into question his/ her fit and proper status, serious consideration will be given to refusing the application. An existing licence holder in the same situation is subject to the same. His/ her licence may be suspended or revoked dependant on the information available. Such offences include violent and/ or sexual offences of dishonesty and drug related offences.
- 12.3 In assessing the action to take, the safety of the travelling public will be the overriding consideration.

## **13. Licensing Offences**

- 13.1 Certain offences under the Hackney Carriage / Private Hire Vehicle licensing legislation such as plying for hire, overcharging (Hackney Carriages), refusing to carry disabled persons or assistance dogs (in the absence of the requisite exemption) will prevent a licence being granted. An existing licence holder should expect his/ her licence to be

revoked following a conviction for a licensing offence. In such circumstances a licence will not be granted until a period of 3 years has passed since the date of conviction.

#### **14. Insurance Offences**

- 14.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided the applicant has been free of conviction for 3 years; however strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed. If the second conviction occurs whilst a licence is held that licence will be revoked.
- 14.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have an Operator licence revoked immediately and will not be permitted to hold a licence for a period of at least three years from the date of conviction.

#### **15. Applicants with Periods of Residency outside the UK**

- 15.1 If an applicant has spent 6 continuous months or more overseas (since the age of 16) the Council will expect to see evidence of a criminal record check from the Country/Countries visited covering the 6 month period.
- 15.2 Due to the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required; for those Countries for which checks are not available, the Council will require a Certificate of Good Conduct authenticated by the relevant Embassy.

#### **16. Summary**

- 16.1 A previous conviction will not always automatically result in the refusal of a licence and a conviction obtained during the period of a licence will not always automatically result in the revocation of an existing licence. In most cases, an applicant or licence holder whose licence has been revoked as a result of a conviction would be expected to have remained free from conviction for 3 to 10 years (depending on the offence committed



before an application is likely to be successful. If there is any doubt about the suitability of an individual to be a licence holder, the Council's primary consideration is the need to protect the public.

- 16.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licenced. A series of convictions over a period of time is more likely to give cause for concern than an isolated conviction, but in all case the protection of the public is the Council's primary consideration.
- 16.3 A suspension or revocation of the licence of an existing licence holder takes effect at the end of the period of 21 days beginning with the day on which notice is given to the licence holder. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the licence holder includes such a statement and explanation,, the suspension or revocation takes effect when the notice is given to the driver [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976].

# Driver Application Process and Conditions

## The Application Process

If you are a new driver wishing to apply for a driver's licence for a Hackney Carriage/Private Hire Vehicle please visit [www.cherwell-dc.gov.uk](http://www.cherwell-dc.gov.uk) or [www.southnorthants.gov.uk](http://www.southnorthants.gov.uk) to download an application form. Alternatively you can email [licensing@cherwell-dc.uk](mailto:licensing@cherwell-dc.uk) or [licensing@southnorthants.gov.uk](mailto:licensing@southnorthants.gov.uk) to request a copy be emailed to you.

If you are already a driver and your licence is due for renewal, your renewal date will appear on the paper counter part of your licence, you will not receive a separate reminder. Please allow sufficient time before expiry when booking your appointment, leaving it to the latter part of the month may result in your application not being processed in time. It is your responsibility to apply to renew your licence in time.

You must complete all sections of the application form. It is important to note that the following matters must be disclosed on the application form, irrespective of the age of the matter:-

- Arrests and/ or voluntary attendances at police station for interview or formal questioning;
- Convictions, cautions, binding overs, reprimands or final warnings;
- Charges awaiting trial;
- Summons to court;
- Fixed Penalty Notices
- DVLA driving licence endorsements;
- Civil proceedings, orders or injunctions.

The Council is seeking to ensure the honesty and integrity of the Hackney Carriage / Private Hire Vehicle drivers it licences and will not look favourably at an application where offences have not been detailed on an application form, but appear on the Disclosure Barring Service Certificate, or if the Council receives information from other agencies which should have been disclosed on the application form.

If you have spent six months or more continuously outside the UK evidence of a criminal record check from the Country/Countries visited covering the duration overseas will be required. For stays longer than 6 months outside of the European Union a certificate of good conduct is required to be authenticated by the relevant embassy. If the applicant has resided in this country for less than 5 years a Certificate of Good Conduct is required from either the local Police from where they lived or the Embassy of that country where they resided previously. This also applies to overseas stays of 6 months more during that 5 year period.

All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals.

The list below states what evidence needs to be provided to prove the applicant has a right to work in the UK, this list is not exhaustive and other documents may be accepted (please follow this link; <https://www.gov.uk/government/organisations/uk-visas-and-immigration>), however this must be discussed with the Council in advance of the application being submitted. Any issues with the documentation provided may result in a delay in issuing the licence or renewal of an existing licence.

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth/Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment. You must make an appointment to attend the Council Offices with your completed application and supporting documentation.

During your appointment your application and supporting documentation will be reviewed. Your DVLA record will be checked online and your Disclosure Barring Service (DBS) application form checked to ensure it has been completed correctly. For licence renewals a check of the DBS Online Update Service will be undertaken if you have brought your current certificate to your appointment. If you have not signed up to the DBS Online Update Service your application may be delayed or refused.

Payment for the application must be made at the time of submitting the paperwork and a receipt will be given. An application will be progressed until:

- The application is completed in full
- Group 2 Medical form completed by a doctor with access to your patient records
- Payment for the application has been made
- All supporting documents required have been seen and photocopied (including 2 passport photographs)
- The Disclosure Barring Service application has been completed
- Council approved safeguarding training has been undertaken

- A Council approved Spoken English qualification has been produced
- A Council approved driving qualification has been produced
- Topographical Knowledge Test

If you have any offences on your application form or Disclosure Barring Service (DBS) Certificate the Council will refer to the Criminal Convictions Policy (see appendix A) in determining your application.

Once your DBS Certificate has been posted to you, you must apply to the DBS Online Update Service as part of the terms and conditions of your licence within 19 days of the certificate being issued. This ensures that your criminal record can be checked throughout the duration of your licence and enables a faster licence renewal application process at a lower cost. The licence fee for your application/renewal is in addition to this fee. To register your Certificate visit: [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service).

All driver licences will be issued for a period of three years unless otherwise determined by the Council. All licences will be a joint Hackney Carriage/ Private Hire Vehicle driver licence.

All applications for a Hackney Carriage / Private Hire Vehicle drivers licence are to be made on the Council's official form and must be submitted together with all necessary documentation.

Licence applications will be determined by an Authorised Licensing Officer.

## **Driver Licence Conditions**

### **1. Driver Badge/Licence**

- 1.1 The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council in a prominent visible place on the outer clothing. The badge must be clearly visible to passengers and made available on request.
- 1.2 The driver's badge remains the property of the Council. The badge must be returned to the Council immediately if the licence is suspended or revoked. Upon expiry the badge must be returned to the Council within 7 days.
- 1.3 The driver of a Hackney Carriage / Private Hire Vehicle /shall submit the original Private Hire Vehicle Driver's licence to his/ her employer (Private Hire Vehicle Operator) before commencing employment as a driver of Private Hire Vehicle. The employer (Private Hire Vehicle Operator) shall retain the original Private Hire Vehicle Driver's licence until such time as the driver ceases to be so employed.

- 1.4 Hackney Carriage and Private Hire Vehicles shall not be driven by unlicensed drivers under any circumstances.

## **2. Conduct of Driver**

- 2.1 The driver of a Hackney Carriage/Private Hire Vehicle shall at all times when the vehicle is being driven for hire be clean and smartly dressed.
- 2.2 The driver shall not at any time behave in an abusive, aggressive or threatening manner to any passenger, officer of the Council or any officer authorised by the Council.
- 2.3 Drivers of Private Hire Vehicles shall not ply the street for hire nor shall s/he use Hackney Carriage stands (taxi ranks)
- 2.4 Drivers must at all times when working with vulnerable passengers comply with the below detailed safeguarding principles:-

A vulnerable passenger is a passenger whose age or disability means that s/he is more susceptible to harm than a typical passenger. Vulnerable passengers include children, elderly persons or somebody with learning difficulties. In addition, an individual should be considered vulnerable if she does not fall within one of the above categories, but whose condition is such as to render him/ her more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

The following safeguarding principles aim to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the Hackney Carriage or Private Hire trade. The following safeguarding principles must be complied with and embedded into driver working practice:

- Drivers must carry photo ID at all times and wear it in accordance with the conditions of the licence.
- A lone vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver/operator must not undertake the journey.
- Drivers should always ask if a vulnerable passenger needs help and should not make assumptions.

- Drivers must remain professional at all times and should not:
    - Touch a person inappropriately
    - Make offensive or inappropriate comments (such as the use of swearing, sexualised or discriminatory language)
    - Behave in a way that may make a passenger feel intimidated or threatened
    - Attempt to misuse personal details obtained via the business about a person; these standards are equally applicable when working with vulnerable and non-vulnerable passengers.
  
  - Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so). If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, the driver must report this to the police by telephoning 101 (or in appropriate cases by calling 999).
  
  - If a driver/operator is concerned about someone else's conduct, they should report any concerns to the Council's Licensing Department; South Northants Council 01327 322278 and Cherwell District Council 01295 753744, Police (101) or Crimestoppers (0800 555111).
- 2.5 Licensed Drivers must comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- 2.6 Licensed Drivers must afford all reasonable assistance with passenger luggage and shopping as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage, shopping, disability aids or wheelchair.
- 2.7 Licensed Drivers must take all reasonable steps to ensure the safety of passengers entering, travelling in, or alighting from the vehicle, especially those passengers with a disability.
- 2.8 Licensed Drivers must not smoke tobacco or a similar substance, or E-Cigarettes /Vaping Cigarettes in the vehicle at any time as provided by the Health Act 2006.
- 2.9 Licensed Drivers must at all times when driving a licensed vehicle ensure that the vehicle is clean, road worthy and well maintained, meets Council vehicle licence conditions

- 2.10 Licensed Drivers must ensure that none of the markings/signs/notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible. The licence plate must be securely attached externally to the rear of the vehicle.
- 2.11 Licensed Drivers must, when aware that the vehicle has been hired to be in attendance at an appointed time and place, or when otherwise instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- 2.12 Licensed Drivers must undertake an inspection of any vehicle being driven whilst working as a Hackney Carriage/ Private Hire Vehicle driver. This inspection must be undertaken at least daily and before the first carriage of a fare paying passenger in the vehicle whilst it is being driven by the licence driver.

### **3. Change of Address**

- 3.1 Licensed Drivers must notify the Council in writing within 7 days of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

### **4. Customer and Other Personal Information**

- 4.1 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted/ updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent and/or used for any other purpose (such as unsolicited marketing calls). If a driver is found to be contacting a customer after the booking has been completed his/ her licence may be suspended or revoked.

### **5. Accidents**

- 5.1 If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within 24 hours of reporting the accident (except in exceptional circumstances when the report must be made as soon as possible after the accident – an example of an exceptional circumstance would be

that the driver is incapacitated due to the accident and physically unable to make the notification).

## **6. Fares**

- 6.1 Licensed Drivers must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- 6.2 Licensed Drivers must not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 6.3 Licensed Drivers must, if requested by the hirer, provide a written receipt for the fare paid. The receipt must bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

## **7. Passengers**

- 7.1 The licence holder must not carry more persons than is permitted by the vehicle licence.
- 7.2 Licensed Drivers not allow to be conveyed in the front of a licensed vehicle:
  - more than one person, unless the vehicle is manufactured to carry two front seat passengers, and seat belts are fitted for both passengers, or
  - any child under the age of 13 years old.
- 7.3 Licensed Drivers must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- 7.4 Licensed Drivers must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed Hackney Carriage/ Private Hire Vehicle drivers:



## **Duty to Assist Passengers in Wheelchairs**

Section 36 of the Disability Discrimination Act 1995 (DDA) places a duty on the driver of a designated\* wheelchair accessible Hackney Carriages and Private Hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

\* Designated vehicles are those listed by the Council under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'. (a list can be obtained on request)

Section 36 of the DDA 1995 remains in effect until such time as section 165 of the Equality Act 2010 comes into force. It will then be a condition of a licence that drivers adhere to the requirements of s165 of the 2010 Act.

## **8. Duty to Carry Guide Dogs and Assistance Dogs**

- 8.1 Drivers must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Council and the Notice of Exemption is displayed in the approved manner by it being fixed in a prominent position facing outwards on the dashboard.
- 8.2 Any animal belonging to or in the custody of any passenger should remain with that passenger and may be conveyed in the front or rear of the vehicle.
- 8.3 Drivers hired to carry a guide dog must ask the owner where s/he would prefer the dog to be. Most dogs are trained to lie in the front passenger foot well between the feet of the owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Drivers must let the visually impaired person know that this applies.
- 8.4 If the front foot well is not large enough to accommodate the dog, the guide dog owner must be advised to travel in the rear of the vehicle with the dog in the foot well behind the front passenger seat. The seat should be pushed forward to make room for the dog.

## **9. Found Property**

Licensed Drivers must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to the local police station within 24 hours, unless an alternative arrangement has been made with the owner of the property.

## **10. Medical Conditions**

- 10.1 Licensed Drivers must notify the Council in writing without undue delay of any change in medical condition.
- 10.2 Licensed Drivers must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that s/he is or continues to be physically fit to be a driver of a Hackney Carriage/ Private Hire Vehicle

## **11. Convictions, Cautions, Arrest etc.**

- 11.1 Throughout the duration of the licence, Licensed Drivers must notify the relevant Council **within 3 days** providing full details of any:-
- Convictions, cautions, binding overs, reprimands or final warnings,
  - Charges awaiting trial,
  - Summons to court,
  - Fixed Penalty Notices,
  - DVLA driving licence endorsements,
  - Civil proceedings, orders or injunctions

Failure to notify the Council of the above will result in enforcement action being taken.

## **12. Disclosure and Barring Service Online Update Service and Online DVLA System**

- 12.1 Licensed Drivers must subscribe to the Disclosure and Barring Service (DBS) Online Update Service. Any costs associated with maintaining this subscription must be met by the licensed driver.
- 12.2 Licensed Drivers must give permission for the Council to undertake checks of their DBS and DVLA status should the Council consider it necessary to do so. The Councils will use the DBS Online Update Service to monitor the criminal record of Licensed Drivers.

### **13. Change of Operator**

- 13.1 Licensed Drivers must notify the Council in writing within 5 working days of a change their operator.

### **14. CCTV Recording Equipment**

- 14.1 Drivers are permitted to install in Hackney Carriage Private Hire Vehicles CCTV recording equipment if previously approved by the Council. Approved CCTV recording equipment will have a hard drive which is only accessible by an Authorised Officer of the Council or a Police Officer. Misuse of any approved installed CCTV or use of unauthorised CCTV systems will result in action being taken against the licensed driver which could ultimately result in the revocation of the driver's licence. All installed CCTV must comply with the Information Commissioners CCTV Code of Practice.

## Appendix C

# Vehicle Application Process and Conditions

### Application Process

Any vehicle that is not currently licenced with the relevant Council, no matter how recently the licence elapsed or was transferred will be treated as a new vehicle application.

If you are wishing to apply for a new licence for a Hackney Carriage/Private Hire vehicle please visit [www.cherwell-dc.gov.uk](http://www.cherwell-dc.gov.uk) or [www.southnorthants.gov.uk](http://www.southnorthants.gov.uk) to download an application form. Alternatively you can email [licensing@cherwell-dc.uk](mailto:licensing@cherwell-dc.uk) or [licensing@southnorthants.gov.uk](mailto:licensing@southnorthants.gov.uk) to request a copy be emailed to you. Please note that new licence applications can only be submitted for vehicles under 6 years old. Once licenced a vehicle is required to be tested depending on its age. These are known as periodical tests. Vehicles under 6 years will require an MOT every 6 months and vehicles over 6 years every 4 months.

If you already have a vehicle and your licence is due for renewal your renewal date will appear on the paper counter part of your licence, you will not receive a separate reminder. Please allow sufficient time before expiry when booking your appointment, leaving it to the latter part of the month may result in your application not being processed in time. It is the licence holder's responsibility to apply to renew their licence in time.

Any vehicle must be first MOT tested before a request for an appointment is made at the relevant Council. The cost of this test is not included in the licence application fee, neither are the costs included for the periodical tests.

Any vehicle MOT failures at any time will require retesting at the applicant's expense. It is your responsibility to ensure that your vehicle is safe at all times and therefore a vehicle should not fail when presented to be tested.

Payment for the application must be made at the time of submitting the paperwork and a receipt will be given. No application will be progressed until:

- The application is completed in full
- MOT test showing a pass is enclosed with proof that all mechanical/safety advisories have been rectified
- Insurance documents are enclosed (your insurance document must specify that it is insured to convey passengers for reward) Hackney Carriages require 'Public Hire' on insurance. Private Hire vehicles require 'For hire and reward'
- V5 registration document is enclosed or New Keeper Supplement along with letter headed sales receipt should the vehicle have been recently acquired
- Any other supporting documentation required must be submitted to the Council with the appropriate fee

Procedure for vehicles leased by a hire company:

- The vehicle(s) in question will be licenced in the driver's name; however the V5 can show the company name
- Must have a signed hire agreement between company and driver
- We will not accept fleet insurances, all insurance certificates must show the relevant drivers name for the vehicle(s) in question
- Should the driver of a vehicle(s) change, we must be informed in writing and have a new hire agreement showing new driver details – this must be done before the new driver has the vehicle
- Should any of the above be breached or not adhered to, the licence will be revoked

During your appointment at the relevant Council your vehicle will be inspected. Provided it meets the required standards outlined below you will be issued a licence and relevant plates. The external plate must be attached securely to the rear exterior of the vehicle. Once the vehicle is licenced only a person holding a drivers licence issued by the relevant Council will be permitted to drive the vehicle.

# VEHICLE LICENCE CONDITIONS

## PRIVATE HIRE VEHICLES

### 1.1 GENERAL

- a) Front engine - petrol, diesel, LPG, hybrid or electric front or rear wheel drive  
(if a vehicle is fuelled with LPG and the system is not factory fitted as original equipment the installation must be certified as satisfactory by a qualified vehicle engineer).
- b) The vehicle must be right hand drive.
- c) The vehicle must have least three body-side doors for passengers with a separate means of access for the driver. Rear doors may be included in this number as long as there is unobstructed access of at least 30cms via these doors to the rear row seats; this relates to minibus type vehicles.
- d) All seats must be fitted with lap & diagonal safety belts as a minimum standard, and may face forwards or backwards, but not sideways.
- e) Backward facing seats over or behind the rear wheels and axle(s) having normal access only through a rear door will not be accepted.
- f) Both Councils follow guidelines from the Department for Transport in respect of multi-purpose vehicles (MPVs). Accordingly:
  - i) Vehicles with folding for moving seats which are constructed to provide access to other seats to which there is no direct access are acceptable, will be licenced for the same number of passengers as there are seats.
  - ii) Certain models of Vauxhall Zafira and a number of other models have a rear row of seats which under normal circumstances should only be used by children. In the interests of passenger's comfort and public safety, these vehicles will only be licenced to carry four passengers.
- g) The vehicles must have at least four road wheels; which – unless alloy – must have matching trims.
- h) All tyres must be the same dimensions unless specifically designed otherwise. Tyres with embedded nails, etc., are not acceptable; they must be replaced, not repaired. The minimum tread depth will be 2mm and wear must be even.
- i) Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style

### 1.2 DIMENSIONS

- a) A row of seats provided for three persons shall be at least 1295mm (51") wide.
- b) Seats designed for two persons shall be at least 865 mm (34") wide.

## 2 WHEELCHAIR ACCESSIBLE PRIVATE HIRE VEHICLES

Both Councils adhere to the Equalities Act 2010 in respect of wheelchair accessible vehicles.

- a) Suitably modified “people mover” type vehicles may be deemed acceptable for licensing. The vehicle will generally have to comply with the requirements relating to vehicles that carry 5 or more passengers, pending the publication of a national Hackney Carriage and Private Hire vehicles. Further advice may be obtained from the Licensing team at the relevant Council.
- b) The vehicle must have a satisfactory arrangement for ramps, steps, handrails and storage of wheel chairs. Fixing of wheelchairs must also be satisfactory. The vehicle must be capable of taking a passenger in a wheelchair; which in turn must be suitably anchored with a safety belt / harness. The dimensions for the door aperture giving access for wheelchair-based persons and the interior dimensions of the vehicle must also be acceptable to the Licensing Authority.
- c) All such vehicles will be licenced for the number of non-wheelchair customers only.

### **3 STRETCH LIMOUSINES**

The majority of these vehicles are imported from the USA via Belgium. In the interests of passenger safety, South Northamptonshire Council and Cherwell District Council will licence them as long as they meet the required specification and are under six years of age from the date of first registration wherever that may have been.

## **4 REQUIREMENTS FOR ALL VEHICLES**

### **4.1 LUGGAGE SPACE**

A separate lockable luggage compartment shall be provided. For non-saloon vehicles, passengers must be protected from items of luggage contained in the loads space being propelled into the passenger compartment by the vehicle movement. In the case of LPG fuelled vehicles, the vehicle will not be licenced if the LPG tank adversely impacts on the load carrying capacity.

### **4.2 AGE AND CONDITION OF VEHICLES, AND MECHANICAL TESTING**

- a) Only vehicles less than six years old will be considered for first-time licensing.
- b) All vehicles must have inspections carried out at an approved MOT testing centre. For vehicles with less than 100000 miles on the odometer this inspection shall be carried out every six months; for vehicles with more than 100000 miles on the odometer, every four months.
- c) A vehicle more than ten years old will not be licenced unless it is in an ‘exceptionally well maintained’ condition and currently licenced by the relevant Council.

To be classed as ‘exceptionally well maintained’, a vehicle must: -

- i) Have a full service history showing from the date when the vehicle was first licenced;
- ii) The bodywork must be in an unmarked condition i.e. no dents rust or body-filler, and paintwork must be of a uniform colour;

- iii) The interior of the vehicle must be clean; all door fittings must be in place and working. All seats must be intact and not sagging, torn, ripped or repaired. All carpets must be clean and properly fitted; headlining must be clean and properly fixed;
- iv) There must be no wires hanging loose from the dashboard or anywhere else;
- v) The load carrying space must be clean and dry, with flooring in good condition and correctly fitted matting;
- vi) Any other items or modifications must be to the satisfaction of an authorised Licensing Officer and be to EU safety standards

#### **4.3 COLOUR, MARKINGS, SIGNS, ADVERTISEMENTS AND WINDOWS**

- a) The vehicle may be any single colour, but **MUST NOT** resemble a Hackney Carriage. Signs showing the words TAXI or CAB must not be displayed on or above roof height. Paintwork must be factory standard – no “crackle” or “custom” paint.
- b) The name of the company / owner and telephone number may appear on the vehicle subject to the prior approval of the Council. Third party advertising is not permitted.
- c) Glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, which prevent clear vision into vehicle are not permitted. Only factory fitted tinted glass will be acceptable which must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986. Under no circumstances will stick on style tinting be permitted.

#### **4.4 EQUIPMENT**

The following shall be provided: -

- a) Spare wheel and tyre – properly stowed to protect passengers’ luggage;
- b) Jack;
- c) Wheel brace;
- d) Any current alternative to the above that allows the vehicle to complete the journey.
- e) Nearside and offside exterior rear view mirrors;
- f) The standard factory exhaust system

#### **4.5 RADIO AND AUXILLIARY EQUIPMENT**

Any equipment fitted to the vehicle for operational requirements, such as two-way radio, or navigation systems must be fixed to the satisfaction of the Council. The microphone must be properly fixed to the vehicle dashboard.

#### **4.6 DISPLAY OF INFORMATION**

Every vehicle (except those with a discreet plate exemption) must have:-

- a) The plate issued by the Council displayed securely on the rear outside (and not inside the rear window);
- b) Displayed inside and visible to passengers, the smaller plate issued by the Council;



- c) Signs with the words “**This vehicle must be pre-booked**” and the Councils name and crest. These must be displayed on both nearside and offside front doors. With the permission of the Licensing Manager they may incorporate the Private Hire company’s name.
- d) At least one interior sign showing the red ‘no smoking’ symbol.

#### 4.7 MODIFICATIONS

No modifications shall be made to the standard factory built vehicle without prior consent of the licensing authority.

#### 5. EXCEPTIONS

If a vehicle does not meet all of the above requirements, but is: -

- a) built to a higher standard than that which is normally acceptable for licensing, or
- b) as a result of model changes, does not fully comply with the current specification, the Licensing Manager may use discretion in deciding its suitability for use as a Private Hire vehicle.

#### HACKNEY CARRIAGES

##### 1.1 GENERAL

- a) All Hackney Carriages (taxis) must be; for SNC – black and wheelchair accessible, for CDC- all vehicles must be white unless purpose built “London style” taxis and all new grants must be wheelchair accessible.
- b) Front engine - petrol, diesel, LPG, hybrid or electric  
front or rear wheel drive  
(If vehicle is fuelled with LPG and the system is not factory fitted as original equipment the installation must be certified by a qualified vehicle engineer as satisfactory).
- c) The vehicle must be right-hand drive.
- d) Must have at least 3 body-side doors for passengers with a separate means of access for the driver and excluding any rear door.
- e) All seats must be fitted with lap & diagonal safety belts as a minimum standard, and may face forwards or backwards, but not sideways. Minimum access to rear seating will be 30cms
- f) Backward facing seats over or behind the rear wheels and axle(s) having normal access only through a rear door will not be accepted.
- g) The vehicle must have at least four road wheels; which – unless alloy – must have matching trims.
- h) All tyres must be the same dimensions unless specifically designed otherwise. Tyres with embedded nails, etc, are not acceptable; they must be replaced, not repaired. The minimum tread depth will be 2mm and wear will be even.
- i) A roof sign shall be provided which is capable of being illuminated at night. The roof sign must display the word TAXI, and there must be a sign to indicate when the vehicle is available FOR HIRE.

## **1.2 DIMENSIONS**

- a) A row of seats provided the three persons shall be at least 1295mm (51") wide.
- b) Seats designed for two persons shall be at least 865mm (34") wide  
Any vehicle which has to be modified to meet this requirement will not be accepted.

## **2. HACKNEY CARRIAGES MUST BE CONSTRUCTED FOR THE CARRIAGE OF PASSENGERS IN WHEELCHAIRS – SNC ALL VEHICLES / CDC NEW GRANTS**

- a) The Councils adhere to the Equalities Act 2010 in respect of wheelchair accessible vehicles.
- b) The vehicle must have satisfactory arrangement for ramps, steps, handrails and storage of wheelchairs. Fixing of wheelchairs must also be satisfactory. It must be capable of taking a wheelchair with passenger, suitably anchored with a safety belt / harness. The dimensions for the door aperture giving access for wheelchair-based persons must also be acceptable to the Licensing Authority relevant Council.

## **3. REQUIREMENTS FOR ALL VEHICLES**

### **3.1 LUGGAGE SPACE (GENERAL)**

A separate lockable luggage compartment shall be provided. Passengers must be protected from items of luggage contained in the load space being propelled into the passenger compartment by the vehicle movement. In the case of LPG fuelled vehicles, the vehicle will not be licenced if the LPG tank adversely impacts on the load carrying capacity.

### **3.2 AGE AND CONDITION OF VEHICLES AND MECHANICAL TESTING**

- a) Only vehicles less than six years old will be considered for first-time licensing
- b) All vehicles must have inspections carried out at an approved MOT testing centre. For vehicles with less than 100000 miles on the odometer this inspection shall be carried out every six months; for vehicles with more than 100000 miles on the odometer, every four months.
- c) A vehicle more than ten years old will not be licenced unless it is in an 'exceptionally well maintained' condition and currently licenced by the relevant Council.  
*To be classed as 'exceptionally well maintained', a vehicle must:-*
  - i) *Have a full service history showing from the date when the vehicle was first licenced;*
  - iii) *The bodywork must be in an unmarked condition, meaning no dents, rust or body-filler, and paintwork must be of a uniform colour;*
  - iii) *The interior of the vehicle must be clean; all door fittings must be in place and working. All seats must be intact and not sagging, torn, ripped or repaired. All carpets must be clean and properly fitted; headlining must be clean and properly fixed;*

- iv) *There must be no wires hanging loose from the dashboard or anywhere else;*
- v) *The load carrying space must be clean and dry, with flooring in good condition and correctly fitted matting;*
- vi) *Any other items or modifications must be to the satisfaction of an authorised Licensing Officer.*

### **3.3 COLOUR, MARKINGS, SIGNS, ADVERTISEMENTS AND WINDOWS**

- a) For SNC the vehicle must be black, for CDC the vehicle must be white unless a purpose built "London style" taxi. All paintwork must be factory standard – no "crackle" or "custom" paint.
- b) The name of the company / owner and telephone number may appear on the vehicle subject to the prior approval of the Council. Third party advertising is not permitted without prior approval from the Council.
- c) A windscreen sign should be fitted, displaying the words "FOR HIRE".
- d) Glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, which prevent clear vision into vehicle are not permitted. Only factory fitted tinted glass will be acceptable which must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986. Under no circumstances will stick on style tinting be permitted.

### **3.4 TAXIMETER**

- a) a taximeter must be fitted to all vehicles and it must comply with the following requirements: -
  - i) be capable of being locked so that when the meter is not in use no fare is recorded;
  - ii) when in use the fare shall be displayed in clearly legible figures;
  - iii) must be fitted so that all letters and figures on the meter can be clearly visible to any person travelling in the vehicle;
  - iv) the letters and figures must be illuminated at night;
  - v) must be fixed to the vehicle with seals so that no unauthorised person can alter or tamper with the meter without the seal being broken;
  - vi) vehicles with improperly sealed meters will not be licenced. The meter must be used for all journeys including those booked through a Private Hire operator.
  - vii) the Measuring Instruments (Taximeters) Regulations 2006 applies to all meters fitted

### **3.5 EQUIPMENT**

The following must be provided: -

- a) a spare wheel and tyre – properly stowed to protect passengers' luggage;
- b) a jack;
- c) Any current alternative to the above that allows the vehicle to complete the journey.
- d) nearside and offside exterior rear view mirrors;
- e) standard factory exhaust system;
- f) Wheelchair accessible vehicles; ramps, securing straps and other associated items.

### **3.6 RADIO AND AUXILLIARY EQUIPMENT**

Any equipment fitted to the vehicle for operational requirements, such as two-way radio, or navigation systems must be fixed to the satisfaction of the relevant Council. Any microphone must be properly fixed to the vehicle dashboard.

### **3.7 DISPLAY OF INFORMATION**

Every vehicle must have:-

- a) the plate issued by the Council displayed securely on the outside rear (and not inside the rear window);
- b) the smaller plate issued by the Council displayed inside and visible to passengers;
- c) At least one sign showing the red 'no smoking' symbol prominently displayed.
- d) Door signs on nearside and offside front doors displaying the word "TAXI"

### **3.8 MODIFICATIONS**

No modifications shall be made to the standard factory built vehicle without prior consent of the licensing authority.

## **4. EXCEPTIONS**

If a vehicle does not meet all of the above requirements, but is:-

- a) built to a higher standard than that which is normally acceptable for licensing, or
- b) as a result of model changes, does not fully comply with the current specification, the Licensing Manager may use discretion in deciding its suitability for use as a Hackney Carriage.

### **Right of appeal**

**Nothing in these conditions will remove the right to appeal to a Magistrates' Court against the Council's refusal to grant or renew a licence, or any decision to suspend or revoke a licence, nor against any conditions which may have been imposed on any such licence by the local authority. Any appeal must be made to the relevant Council's Magistrates' Court within 21 days of the refusal or decision.**

## Appendix D

# Operator Application Process and Conditions

### The Application Process

If you are already a licensed driver with the relevant Council you are not required to undergo an additional Disclosure Barring Service check in order to apply for your operator's licence. You should be subscribed to the DBS Update Service and when you apply for a new or renewal of an operator's licence we will check your information online as part of the application process.

If you are not a licenced driver with the relevant Council you will be required to submit as part of your application process a standard Disclosure Barring Certificate. You can apply for a Standard Disclosure Barring Certificate online at <http://www.disclosurescotland.co.uk/basicdisclosureonline>

If you are already an operator and your licence is due for renewal your renewal date will appear on the paper counter part of your licence, you will not receive a separate reminder. Please allow sufficient time before expiry when booking your appointment, leaving it to the latter part of the month may result in your application not being processed in time. It is the operator's responsibility to apply to renew their licence in time. Failure to renew in time could result in your business ceasing to operate until such time as the new licence is granted.

If you are a new operator wishing to apply for a licence to operate Private Hire vehicles please visit [www.cherwell-dc.gov.uk](http://www.cherwell-dc.gov.uk) or [www.southnorthants.gov.uk](http://www.southnorthants.gov.uk) to download an application form. Alternatively you can email [licensing@cherwell-dc.uk](mailto:licensing@cherwell-dc.uk) or [licensing@southnorthants.gov.uk](mailto:licensing@southnorthants.gov.uk) to request a copy be emailed to you.

You must complete the relevant application form and then make an appointment with the relevant Council

Payment for the application must be made at the time of submitting the paperwork and a receipt will be given. No application will be progressed until:

- The application is completed in full
- Either a Standard Disclosure Barring Certificate is provided or confirmation that the applicant is subscribed to the DBS Update Service
- A full list of all vehicles you intend to operate
- Proof of identity – a passport or driving licence photocard
- Proof of National Insurance number
- Proof of right to work in the UK
- Public liability insurance

Please note we consult with Planning and they have 14 days in which to make any comments.

## Operator Licence Conditions

### 1. Records

Private Hire operators must keep records in accordance with the above legislation.

The records kept by the operator under Section 56 Local Government (Miscellaneous Provisions) Act 1976 must be kept in a manner, whether written or on a computer, which enables them to be examined or audited. Written records must be kept in a bound book.

In any case, all records must be kept for at least three years, and made available to an authorised officer of the Council or police officer within the requested time scale.

If the operator uses a computerised record system, hard copies of all records must be printed and kept in accordance with the above at the end of each daily working period.

All computerised systems must be checked regularly for time accuracy (this can easily be done online at <http://www.greenwichmeantime.co.uk/> )

Records to be kept:-

- Vehicle details
- Make & model
- Registration number
- Vehicle owner
- Relevant Councils plate number
- Fleet number/call-sign (if issued). If a call sign or number is allocated for a temporary period, a record must be kept of the relevant dates and the vehicle and driver concerned
- Copy of the vehicle licence
- Copy of the insurance certificate / cover note
- Copy of the vehicle's most recent MOT certificate

*Driver details*

- Name
- Address
- Relevant Councils driver's licence number
- Copy of the Private Hire drivers licence

### 2. Bookings

*General*

Before the commencement of each journey, the operator (or in his/her absence, a responsible member of staff) must enter either in a bound book or on a computer system, the particulars of every booking of a Private Hire vehicle accepted by him. The bookings must follow this format:



- (c) date of expiry of the policy and of any cover notes issued;
- (d) persons entitled under the terms of the policy to drive the vehicle and details of any limitations as to use (e.g. Private Hire or public hire).

#### 4. Standard of Service

The operator must at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that: -

- (a) when a vehicle has been hired to attend at an appointed time and place, the vehicle shall attend punctually unless delayed or prevented by sufficient cause. Where possible, the operator should contact the customer and inform them of any delay;
- (b) premises provided by the operator, either for waiting or booking shall be kept clean, adequately heated, ventilated and well lit and also adequate seating provided;
- (c) any telephone facilities and radio equipment are maintained in a sound condition;
- (d) any complaints received by the operator shall be referred in writing to the Council, together with any action taken;
- (e) the operator shall ensure, without prejudice to any other liabilities imposed under the Act that all vehicles and drivers owned, controlled or operated in association with the operator shall observe and perform the conditions of their licence;
- (f) and that all vehicles operated by him shall be maintained in a satisfactory and road worthy condition;
- (g) in that respect, the Council will hold the owner and / or operator of a Private Hire vehicle responsible for the general condition and roadworthiness of the vehicle(s), and for ensuring that drivers are familiar with all conditions, legislation and byelaws regulating the operation of vehicles;
- (h) in certain instances therefore the proprietor or operator may be subject to enforcement action as a result of an offence committed by the driver of their vehicle;
- (i) the Councils will take into account the circumstances of each offence and how far the proprietor has carried out their obligations in deciding whether to take any action against the proprietor.

#### 5. Reference to the Council

The licenced operator must inform the relevant Council in writing within 7 days of: -

- (a) any convictions incurred by him or any partner, director or company secretary during the period of the licence for any offence;
- (b) change of address, in writing, within 7 days. (Note: It is your responsibility to ensure that your address is also changed on your driving licence, insurance documents and V5);

It is in your interest to also tell us if you are stopping work for any length of time, especially if it is likely to affect the date of your licence renewal.

#### 6. Driver / vehicle licences

It is the licenced operator's responsibility to ensure that the licences of all drivers currently working for and vehicles being used by him/her are current.



## 7. Complaint Book

In relation to condition 4(d) above, each operator must keep in a bound book approved by the Council, a record of all complaints made to him or his agents or managers relative to any aspect of his business or persons at that time working with or employed by that operator. The complaint book shall be available at all times for inspection by an authorised officer of the Council.

## 8. Door Signs/Advertisements

When an operator wishes to provide drivers/proprietors with door advertising panels (other than the ones issued by the relevant Council) the below procedure must be followed: -

- (a) the sign must be approved by an authorised officer before being put into use;
- (b) it must be displayed on both front doors of the vehicle;
- (c) it may contain the name of the company and the telephone number but must incorporate the words, '**South Northamptonshire Council /Cherwell District Council. Private Hire Vehicle. This vehicle must be pre-booked.**'
- (d) it must not show the words "TAXI" or "CAB", nor any other word of similar meaning or appearance which may be taken to indicate that the vehicle is a Hackney Carriage.

## 9. Planning consent for operating base

This Council's current planning policy allows one car to be operated without planning permission. Any more than one car would require an application for change of use of the premises. Planning consent for each operating base must be maintained during the period of a licence.

## 10. Change of circumstances

Any material change of the circumstances since the licence was granted must be reported to the Council immediately. This includes any changes to drivers or vehicles which must be notified to a licensing officer in writing within 48 hours.

## 11. General Conduct

Whilst in the course of your business you must not cause a nuisance to individuals or other businesses. A maximum of 2 vehicles can be in attendance at the business address at any one time.

**FAILURE TO COMPLY WITH THE CONDITIONS SET OUT IN THIS DOCUMENT MAY RESULT IN PENALTY POINTS BEING AWARDED AGAINST YOU, LEGAL ACTION BEING TAKEN, OR YOUR LICENCE BEING SUSPENDED OR REVOKED**

### Right of appeal

**Nothing in these conditions will remove the right to appeal to a Magistrates' Court against the Council's refusal to grant or renew a licence, or any decision to suspend or revoke a licence, nor against any conditions which may have been imposed on any such licence by the local authority. Any appeal must be made to the relevant county's Magistrates' Court within 21 days of the refusal or decision.**

# Hackney Carriage and Private Hire Driver Penalty Points Scheme

## Introduction

Points based enforcement is a method by which licenced drivers, operators or owners can be issued with points against their Council issued Hackney Carriage/ Private Hire Drivers or Operator Licence by authorised licensing officers of the Council. Points would be used for less serious breaches of a licence condition or legislative provision. The issuing of points formalises the Councils previous practice of issuing warnings. The aim is to encourage licence holders to comply with licence conditions and legislation and to behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the licenced vehicle trade. The points system operates in addition to all existing enforcement options and has regard to the principles of the Councils overarching 'Enforcement Policy' and the Regulators Code.

1. The points system aims to provide a fast and efficient way of dealing with lesser breaches of licence conditions or primary legislation. Licence holders who habitually disregard the less serious aspects of the licensing regime will accumulate points. Points will be issued according to a scale developed by the Council as part of the scheme. Points will accumulate on a licence until a trigger level is reached, at which time the licence holder could be subject to more formal sanctions including the suspension or revocation of his/her licence.
2. The points will be administered by an authorised licensing officer and recorded on the Council's licensing database. The points system will be used for less serious offences which would not normally trigger more formal enforcement action in the first instance and which are resolved by the licence holder after it is brought to his/her attention. The points system will help provide an open and transparent method of how a licence holder will be assessed in terms of the 'fit and proper person' test.
3. Points will remain on a licence for between 12 and 36 months from the date of issue depending on the seriousness of the offence.
4. Where a licence holder accumulates the trigger level of penalty points more than once in any three year period, the Council will decide whether a licence should be suspended or revoked if it is considered that the accumulation of points indicates that the licence holder is no longer a 'fit and proper person' to hold a licence. Each case will be considered on its own merits.
5. Points can be issued at the roadside or at the Council's offices by authorised licensing officers. Points issued to a licence holder will be confirmed in writing within ten working days from the contravention or at the conclusion of an investigation into a complaint.
6. The Council may cancel penalty points issued to a licence holder and take more with formal enforcement action, if additional information becomes available subsequent to the issuing of points which the Council considers to increase the severity of the offence to a level beyond that which can be sanctioned by way of penalty points.

7. The penalty points system will operate without prejudice to the Council's ability to take alternative enforcement action as provided for by the Private Hire and Hackney Carriage Licensing Policy and/or legislation.



**Penalty points system for Hackney Carriage/Private Hire drivers & Private Hire operators**

	Offence/breach of condition	No. of pts	Dvr	Op		Offence/breach of condition	No. of pts	Dvr	Op
1	<b>Driver not holding a current Hackney Carriage/Private Hire driver licence</b>	<b>12*</b>	✓	✓	16	Failure to notify transfer of Private Hire or Hackney Carriage licence within 14 days	4*	✓	✓
2	Failure to notify the Council of change of address within 7 calendar days	3*	✓	✓	17	Failure to provide information on vehicle garaging arrangements	3	✓	✓
4	<b>Touting/illegally plying for hire</b>	<b>9*</b>	✓	✓	18	Failure to display "taxi" sign on roof of Hackney Carriage	4	✓	✓
5	Failure to display/no vehicle excise licence	6	✓	✓	19	Failure to maintain, keep or produce records of Private Hire bookings, or other documents required to be kept	6*		✓
6	<b>Using unlicensed vehicle or vehicle without insurance</b>	<b>12*</b>	✓	✓	20	Unsatisfactory behaviour or conduct of driver	3	✓	
7	Failure to produce documents within timescale, when requested to do so	4*	✓	✓	21	Using a non-approved taximeter	6	✓	✓
8	Vehicle in unsatisfactory condition inside or out	4	✓	✓	22	<b>Driver not holding a current DVLA licence</b>	<b>12</b>	✓	✓
9	Failure to produce vehicle for testing when required	4*	✓	✓	23	Failure to wear driver's badge	4*	✓	
10	<b>Using a vehicle subject to a prohibition/suspension order</b>	<b>12</b>	✓	✓	24	Failing to notify change of medical circumstances	6	✓	
11	<b>Using a vehicle for which the licence has been suspended or revoked</b>	<b>12*</b>	✓	✓	25	Failure to return driver's badge within 7 days of being requested to do so	4*	✓	✓
12	Failure to report within 72 hours an accident or damage to a licenced vehicle	3	✓	✓	26	Failure to return vehicle licence plate within 7 days of being requested to do so	4*	✓	
13	Overloading of licenced vehicle (including exceeding the licenced number of passengers)	6*	✓		27	Failure to notify the Council of any motoring or criminal convictions or cautions during period of current licence	6	✓	✓
14	Failure to display external or internal licence plate or door sign as required (including not attaching plate in suitable manner)	4*	✓		28	Providing false/misleading information on application form, or failing to provide relevant information	6*	✓	✓
15	Carrying an offensive weapon in the vehicle	4-12	✓		39	Any other offence not outlined above namely ....	3-12	✓	✓

Driver Name: .....

Driver Badge No: .....

Vehicle Plate No: .....

Signature of Officer ..... Date: .....

**Notes:**

**General**

- Those items marked with an asterisk (\*) are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other legislation and may result in prosecution in addition to any points penalty imposed
- Ticks (✓) indicate potential recipients of penalty points for infringements may result in both driver and operator receiving penalty points
- Where there is a range in points available the Licensing Officer has the discretion to award the number of points according to the severity of the breach
- Points generally remain on the driver's file for a period of 12 months from the date of issue
- Points awarded for more serious offences (in **bold** print) will remain on the driver's file for a period of 36 months
- Any driver or operator awarded points has a right to appeal to the Magistrates Court within 21 days

**Drivers**

- On accumulation of 12 or more points in a rolling 12 month period, a driver will be subject to a recommendation to suspend his/her licence
- For drivers on the first occasion of an accumulation of 12 points, the recommendation would be suspension for 28 consecutive days
- For drivers on the second occasion of an accumulation of 12 points, the recommendation would be revocation of licence

**Operators**

- On accumulation of 24 or more points in a rolling 12 month period, an operator will be subject to a recommendation to suspend his/her licence
- For an operator on the first occasion of an accumulation of 24 points, the recommendation would be suspension of the operator's licence for 28 consecutive days
- For an operator on the second occasion of an accumulation of 24 points, the recommendation would be revocation of licence
- All suspensions and revocations will be determined by the Licensing Committee
- Once a suspension has been served, all points will be removed
- Any driver or operator subject to suspension or revocation has a right to appeal to the Magistrates Court within 21 days of the decision

- Suspensions and revocations will not be implemented until the 21 day appeals period has elapsed; however, driver suspensions on public safety grounds will take immediate effect.