



# Private Hire and Hackney Carriage Licensing Policy

## Contents

1. Introduction .....	6
2. Scope .....	7
3. Policy Statement .....	7
4. Background and definitions .....	9
5. Private Hire and Hackney Carriage Drivers .....	10
6. The Fit and Proper Person Test .....	11
7. Disclosure and Barring Service (DBS).....	13
7.2 Applicants with Residency Periods Outside of the UK.....	14
7.3 Right to Work in the UK.....	14
7.4 Convictions, Cautions and Driving Offences.....	14
8. The Knowledge Test .....	15
9. Medical Fitness Assessments .....	15
10. Assistance Dogs.....	17
11. Private Hire and Hackney Carriage Vehicle Licences .....	17
11.2 Grant and Renewal of Vehicle Licences.....	18
11.3 Insurance .....	20
11.4 Vehicle Specifications .....	20
11.5 Licensed Vehicle Conditions .....	20
11.6 Identification of Vehicles as a Private Hire Vehicle or Hackney Carriage.....	20
11.7 Tyres.....	21
11.8 Accidents .....	21
11.9 Meters.....	22
11.10 Additional Provisions for Private Hire Vehicles Only.....	22
11.11 Additional Provisions for Hackney Carriage Vehicles Only.....	22
11.12 Entrances and Exits .....	23
11.13 Taxi Ranks.....	23
A list of Taxi Ranks will be made available on request.....	23
12. Executive Hire (discreet plates).....	24
13. Private Hire Vehicle Operators .....	24
13.2 Requirement for a Private Hire Vehicle Operator Licence .....	26
13.3 Fitness and propriety.....	26
13.4 Insurance .....	26
13.5 Conditions.....	27
13.6 Operator responsibility .....	27
14. Driver, Vehicle and Operator Licence Conditions and Application Process.....	27
15. Enforcement, Compliance and Complaints.....	28
15.2 Enforcement Penalty Points .....	28
15.3 Suspension or Revocation of a Licence .....	28
15.4 Refusal to Renew a Licence.....	29
15.5 Prosecution of Licence Holders.....	29
15.6 Appeals.....	29
15.7 Service Requests and Complaints .....	29
15.8 Whistle-blowers policy.....	26



# 1. Introduction

- 1.1 Cherwell District Council is responsible for the licensing and enforcement of Private Hire and Hackney Carriage Vehicle trades within their district. The key objectives of the Private Hire and Hackney Carriage Vehicle licensing regime are ensuring public safety and the protection of residents and visitors to the district.
- 1.2 This policy and the appendices detail how the licensing of drivers, vehicles and operators will be undertaken by the Council. The policy has immediate effect and will be applied to all existing licences and all new applications.
- 1.3 The Council reserves 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 Council has 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
  - **General Data Protection Regulations 2018**
  - Jay Report into Child Sexual Exploitation (CSE) in Rotherham
  - The Serious Case Review into Child Sexual Exploitation in Oxfordshire
  - Cherwell District Council Enforcement Policy
  - **Policing & Crime Act 2017**
  - **Department for Transport Statutory Taxi & Private Hire Vehicle Standards**
  - **The Care Act 2014**
  - **The Public Interest Disclosures Act 1998 (PIDA)**
  - **Safeguarding and Vulnerable Groups Act 2006**
  - **Taxi and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022**
  - **The National Register of Refusals and Revocations (NR3 register)**
  - Other relevant legislation
- 1.5 In this document the term Council means Cherwell District Council, it's Scheme of Delegation and decision-making framework as set out in the Council's constitution.

## 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 National Minimum Standards issued by the Department for Transport, along with** the high standards outlined within this policy. This will help portray a positive image of both the Council and the licensed trade.

**To ensure continued Public Safety, and legislative compliance, the Council may update or alter the policy periodically. Such changes would be published on the Cherwell District Council website and affected license holders would be notified in advance of all such changes.**

- 3.2 The principle purpose of Private Hire and Hackney Carriage Vehicle licensing is to protect the public and promote public safety. 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
  - **The protection of the environment**
- 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

### 3.6 The protection of the environment

- Reducing harmful car emission into the environment
- Promoting the use of sustainably fuelled 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:** These 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). **The term 'fit and proper' involves assessing that the applicant may be 'Safe and Suitable' to hold such a licence. When considering whether an applicant or licensee is fit and proper to pose oneself the following question, 'Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?'** 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 licence 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 licence 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.
- 5.5 **All applications to renew a taxi drivers' licence should be made through the Cherwell District Council website.**
- <https://www.cherwell.gov.uk/directory-record/1881/taxi---hackney-carriageprivate-hire-driver-licence/category/44/taxis>
- 5.6 **Cherwell District Council has signed up to the National Register of Refusals and Revocations (NR3 register). This means that when an application for a taxi driver's licence is refused, or when an existing taxi driver's licence is revoked, that information will be placed on the register. The details of all applicants will also be checked against the information held on the register.**



## 6. The Fit and Proper Person Test

6.1 Sections 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:

**“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night”?**

6.3 **If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence.** 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 **All decisions on the suitability of an applicant or licensee are made on the balance of probability. This means that an applicant or licensee should not be ‘given the benefit of doubt’.** If the delegated officer is only “50/50” as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction. 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 these 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 applicant's 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, **but not limited to**, the Police, Neighbouring Authorities, Child and Adult Safeguarding Boards, **Multi Agency and Information Sharing groups (MASH)**, 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 **48 hours of any DVLA offences**. 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 driver's 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 Driver and Vehicle Licensing Agency (DVLA) record to be reviewed throughout the duration of the licence, alongside their Disclosure and Barring Service (DBS) record. Applicant through the online update service. The Council retains and shares information in accordance with Information Sharing Agreements, **the Data Protection Act 1998, and the General Data Protection Regulations 2018**.
- 6.9 **Applicants and licensees must disclose if they hold or have previously held a licence with another authority. An applicant or licensee is also required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. When such licences have been disclosed the council will contact that authority to gather further details. Failure to disclose such information may result in the refusal or revocation of a licence.**
- 6.10 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 **omitted information**, 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)

- 7.1.1 A criminal record check for any 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.
- 7.1.2 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, caution, **or Police interactions taken place during** their licence period as stated in the licence conditions. Failure to do so may result in **penalty points being issued to that licence, or the** 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 criminal, civil or traffic related investigation. It is essential that ALL information is declared. If applicants are unsure about what the above means, please contact the Council. Failure to inform the Council of any information may result in the application being refused or a licence being suspended or revoked.
- 7.1.4 Applicants **and licence holders** are responsible for the costs of obtaining DBS services. 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 Council to undertake checks of the DBS status. **All applicants and licence holders will be subject to 6 monthly DBS checks throughout their licence period, and at times when the Council consider it necessary and appropriate to do so. The DBS online update service, and subscription to the service is a compulsory requirement for all licence holders. It will be used to monitor the criminal record of the licence holder throughout the term of the licence.**
- 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 Cherwell District Council. However, DBS certificates from other local authorities **may** 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.
- 7.1.8 Where licence holders fail to maintain the online DBS subscription, or have not provided the council with the necessary information to check their DBS report, when required to do so, that licence will be suspended until such checks have been completed and the 'fit and proper' status of the licence holder has been fully assessed.
- 7.1.9 In the interests of public safety, the council will not issue a licence to any individual that appears on either barred list on the DBS reporting systems.

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

- 7.2.1 Where an applicant has spent **three** 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 3 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 licensed driver remains a fit and proper person to hold the licence.

## 8. The Knowledge Test

8.1 All applicants are required to pass the 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 Exploitation (CSE/CDE)**

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

- Should an applicant fail they will be able to book onto the next available test date
- A further 4 tests will be permitted per application
- The 4 additional tests will be charged at the current rate
- After 6 failures the applicant will be deemed to be not "fit and proper" and their application will be refused

8.3 In addition to the Knowledge Test all applicants will be required to attend (at their own cost) Council approved Safeguarding, CSE, **CDE and disability awareness** training prior to completing their applications.

8.4 The Safeguarding, CSE/CDE 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 licensed drivers are receiving the most up to date information at the time of the application.

## 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 Council.

9.2 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.

- 9.3 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.
- 9.4 Under the D.V.L.A. Group 2 Medical standards applicants and licensed drivers suffering from diabetes and using insulin, glinides, or other prescribed medications, must have an annual diabetes medical report. The diabetes specific medical report must be completed, and endorsed, by their diabetes care unit, or a medically qualified practitioner authorised by the Council. Oxfordshire University Hospitals diabetes specialists' units are authorised by the council to complete all diabetes assessments Failure to evidence a driver's medical fitness may result in the refusal, suspension, or revocation of the licence. This diabetes specific medical is in addition to all other medical assessment requirements.
- 9.5 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.
- 9.6 No medical fitness assessment form will be accepted where the person completing the form does not have access to the applicant's patient records or is not authorised by the council to complete such assessments.

## 10. Assistance Dogs

- 10.1 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, then 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.
- 10.2 When hired to carry a guide dog, the owner should be asked where s/he would prefer their dog to be.
- 10.3 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.
- 10.4 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 **As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore the council are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.**
- 11.1.2 **All vehicle licence holders will be required to meet the same level of the 'fit and proper' assessment outlined in the Hackney Carriage Private Hire Drivers section of the policy and appendices. For vehicle licence applicants this assessment will be partly based on a DBS Basic disclosures report as a minimum DBS report. All applicants and licence holders must subscribe to and maintain a subscription to the DBS on-line update service, and will be subject to annual DBS checks, or further checks when required by the Council. Failure to maintain this subscription, or provide the information required for such DBS checks may result in that licence being suspended or revoked.**
- 11.1.3 The procedure for applying for a Private Hire Vehicle or Hackney Carriage Vehicle Licence is detailed in Appendix C.

11.1.4 Only vehicles less than 6 years old and which meet the requirements of Appendix G will receive a new licence.

11.1.5 Existing licensed vehicles cannot have their licence transferred to a higher polluting vehicle (for example, a D.V.L.A. Cat 6 electric vehicle cannot be replaced with a D.V.L.A. Cat 5 Hybrid vehicle).

11.1.6 The Council will not licence vehicles that are **currently** licensed by another local authority.

11.1.7 The Council will not licence vehicles which fall with the D.V.L.A categories which indicate that the vehicle has been damaged or written off by insurers.

11.1.8 Applications should be made using the Council website:

<https://cherwell.uat.jadu.net/directory/29/licences-and-permits/category/44/categoryInfo/9>

11.1.9 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 (Logbook/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 Council's district.
- Newly registered vehicles with less than 500 miles on the odometer will not require a MOT prior to licensing.
- Evidence of the vehicle's emissions, no older than 28 days at the time of submitting the licence application.

11.1.10 In addition to the above, incomplete application forms, incorrect fees and 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 Vehicle licences are for a period of 1 year and will be subject to MOT testing annually. All MOT test reports must show that the vehicle has no faults, or advisories, and has passed the MOT test. Where advisories have been reported, the applicant must document the completion of any remedial works required to correct the advisory fault/s.



- 11.2.2 Vehicles must be less than six years old at the time of first licensing and must have working stop/start engine technology if it is propelled by petrol, diesel, or hybrid engines. That stop/start technology must be fully functional throughout the term of the licence.
- 11.2.3 Vehicles at the time of first licensing must be propelled by electric, hydrogen or be a hybrid engine using a combination of petrol and electric energy. From 2030 all vehicles at first licensing must be solely propelled by electric or hydrogen.
- 11.2.4 The council will only continue to licence vehicles less than 10 years old.
- 11.2.5 Once a vehicle is licensed, that licence cannot be transferred to another vehicle, whether temporary or otherwise, which has been categorised by the D.V.L.A., as emitting levels of pollution higher than the current licensed vehicle.
- 11.2.6 Once a wheelchair accessible vehicle is licensed, that licence cannot be transferred to another vehicle, whether temporary or otherwise, to non-wheelchair accessible 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 has set down a number of specifications, in order to apply for a vehicle to be licensed as a Private Hire or Hackney Carriage Vehicle it must comply with the specifications at the time of application.

The specifications for 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 via email, or through the **Cherwell District Council website:** <https://forms.cherwell.gov.uk/xfp/form/427?council=cdc>

**An accident report form must 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 **the Council Licensing Officers. Such an inspection requirement would be to ensure the safety of the vehicle, for public use. Any such inspection request would be at the licence holders' own**

**expense.**-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, **after which that licence is automatically revoked.**

11.8.3 **Once the accident damage has been repaired, the vehicle must be assessed by a Cherwell District Council Licensing officers. This vehicle assessment report will ensure the above assessment meets the Councils Taxi Licensing Policy and determine if the repaired vehicle meets the requirements of the policy. Any rescinding of notices following the vehicle/policy assessment will be notified in writing to the licence holder**

11.8.4 **Any vehicles written off by insurers following an accident will have the vehicle licence revoked.**

## **11.9 Meters**

11.9.1 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 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 pre-approval by the Council. Advertisements must be in accordance with the requirement set out in Appendix C.

## **11.11 Additional Provisions for Wheelchair accessible vehicles.**

### 11.11.1 Wheelchair Accessibility Requirements: -

1. Wheelchair spaces requirements: 1130mm length, 690mm width, 1290mm height (min).
2. **Wheelchair areas must allow at least 305mm (12") leg room from the wheelchair frame/seat to any structure in front of the seat. There must be enough roof space to allow the wheelchair used to be seated comfortably inside the vehicle.**
3. 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 wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.
4. Wheelchair user safety provisions: Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.
5. The vehicle must have type approval certification i.e. EU Whole Type Approval Certificate or UK Low Volume Type Approval Certificate.

### 11.11.2. Boarding Lifts and Ramps

1. Dimensions: Single piece ramp – width 700mm (min), length 1600mm (max)
2. Ramp gradients: Side entry: Kerb (125mm): 14 degrees (max) Ground: 19 degrees (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 failsafe 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.

### 11.12. 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 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 carry **an external** plate issued by the Council, which states details of the vehicle, issue date and the number of persons allowed to be carried. The driver must also have in the vehicle a copy of a letter from the council confirming that the vehicle does not have to display a plate. **The internal licence details must be displayed in the vehicle at all time, on the top left (passenger side) of the vehicle's windscreen.** This must be produced on request to an authorised officer or police officer in uniform. Licences will be conditioned to reflect any restrictions that the Council feels necessary.
- 12.2 Drivers of Executive Vehicles must complete the licensing application process in the same way as any other licensed driver.
- 12.3 Vehicles with discreet plates must never be used for **non-contractual** day to day Private Hire work.
- 12.4 Applicants wishing to apply for a discreet plate must satisfy the following Council requirements:
- 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.
  - The vehicle must be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
  - 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.

Applications 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 points 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 **As with driver licensing, the objective of operator licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore the council are assured that those granted an operator's licence also pose no threat to the public and have no links to**

serious criminal activity. Although operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

- 13.1.2 All operators, and each individual/director associated with the licence, will be required to meet the same level of the 'fit and proper' assessment outlined in the Hackney Carriage Private Hire Drivers section of the policy and appendices. For applicants this assessment will be partly based on a DBS Basic disclosures report as a minimum DBS report. All applicants and licence holders must subscribe to and maintain a subscription to the DBS on-line update service, and will be subject to annual DBS checks, or further checks when required by the Council. Failure to maintain this subscription, or provide the information required for such DBS checks may result in that licence being suspended or revoked.
- 13.1.3 Operators are required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and must ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual must have been issued within two weeks of employment commencing. When individuals start taking bookings and dispatching vehicles for an operator they are required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role. Operators will be required to conduct Basic DBS checks on their register of booking and dispatch staff every three years, as a minimum. All such DBS checks must be documented on an employee's register.
- 13.1.4 The register shall be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. Operator must record that they had sight of a basic DBS check certificate, and in doing so must list the DBS certificate number, date of issue, and generalised comments regarding the DBS report. The certificate itself should not be retained. The employee should be retained their DBS report for the duration that the individual remains employed and on the register. All a new basic DBS certificate should be requested and sight of this recorded. The register must be stored in a secure location at the Operators listed address and be available for inspection upon request of authorised officers.
- 13.1.5 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 duration 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.
- 13.1.6 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. **Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators are required to evidence, by documentation, that comparable protections are applied by the company to which they outsource these functions. Such documentation must be made available to authorised officers upon request.**
- 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 licence and will do so upon issue. A copy of the operator conditions is 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**

- 13.6.1 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.
- 13.6.2 All Operators must ensure that drivers and vehicle working on behalf of their licensed business do not park outside, or within the vicinity, of their licensed premises, unless picking up or dropping off a paying customer. Failure of the operator to adhere to this condition of the licence will lead to enforcement action which may include the issuing of penalty points, suspension or revocation of the licence or prosecution.

## **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 Appendices B, C and 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

- 15.1.1 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.
- 15.1.2 All complaints and enforcement actions will be recorded on the councils licensing database, and where patterns of behaviour or traits are outlined by that data, the council will review the suitability of that licence holder against the 'fit and proper' criteria, and the balance of probability.

### 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 point's 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 by an Authorised Licensing Officer to suspend the licence until the vehicle meets the required standard.
- 15.3.2 Where a vehicle is found to be suffering defects, 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 and the Officer is satisfied that the defects have been rectified. A Section 68 Notice may also result in Penalty Points being issued.
- 15.3.3 If an Authorised Licensing Officer considers that a given situation presents a serious risk to the safety of the public, under delegated powers then an Authorised Licensing Officer is permitted to suspend or revoke the licence of a driver, vehicle, or operator with immediate effect, and any such actions will be notified to Thames Valley Police.

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.

15.3.5 In certain circumstances the council will make referrals to the DBS, following enforcement actions such as refusing or revoking a licence, when the applicant/licence holder is thought to present a risk of harm to children or vulnerable individuals.

Referrals will be made when:

- i. An individual has harmed or poses a risk of harm to a child or vulnerable adult.
- ii. An individual has satisfied the 'harm test', as described in the Disclosure and Barring service (DBS) guidance about making referrals.
- iii. Where an individual has received a caution or conviction for a relevant offence.
- iv. Where the individual being referred is or may in the future be working in regulated activities.

Such referrals may result in that individual being added to the DBS 'barred' list, and would be made in line with the DBS referrals guidance:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

## **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 and 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:

<https://www.cherwell.gov.uk/info/189/performance/341/comments-and-complaints>

## **15.8 Whistleblowing Policy**

15.8.1 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards. In the normal course of events, if a licence holder or person, reveals information that his employer, or colleagues do not want revealed it may result in having a negative impact on the 'whistle-blower'. The 'Whistle-blowers' Policy enables licence holders and persons who 'blow the whistle' about wrongdoing to be protected from any such negative impacts.

15.8.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it expects and encourages licence holders, and others that it deals with, who have serious concerns about any aspect of the Taxi licensing regime and related work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis. Any licence holder/person who wishes to disclose information to the Council will be protected, and the source of this information will not be disclosed to other parties.

15.8.3 This policy document makes it clear that such issues can be raised without fear of victimisation, subsequent discrimination, or disadvantage. This Confidential Reporting Policy is intended to encourage and enable licence holders, or persons, to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. When a licence holder wishes to use the 'Whistle-blowers' policy, they should contact a Licensing Enforcement Officer, or the Licensing Manager. Alternatively, dependent upon the nature, seriousness and sensitivity of the issues involved and the person suspected of malpractice, the matter may be raised with the Chief Executive (Monitoring Officer), Solicitor to the Council (Deputy Monitoring Officer), or Head of Corporate Services. When reporting under this policy, the reporter should request the enactment of the 'whistle-blowers' policy before divulging any information.

15.8.4 Concerns may be raised verbally or in writing. Persons who wish to raise a concern should provide details of the nature of the concern or allegation and its background including relevant dates. The detail should be enough to demonstrate reasonable grounds for concern, although proof beyond doubt of an allegation is not expected at this stage

15.8.5 This Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of the normal complaints procedures.

Areas covered by this Confidential Reporting Policy include:

- criminal or other misconduct
- breaches of the Council's Policies/code of conduct or conditions of licence

- contravention of the Council's accepted standards, policies/procedures, or conditions
- disclosures relating to miscarriages of justice
- health and safety risks
- damage to the environment
- Public protection risk
- fraud or corruption
- sexual, physical, or verbal abuse of any person or group
- other conduct not in keeping with a licence holders' responsibilities/requirements
- the concealment of any of the above.

15.8.6 Any serious concerns about any aspect of service provision or the conduct of a licence holder, Members of the Council, or others acting on behalf of the stated, can be reported under the Confidential Reporting Policy.

15.8.7 The policy on Personal Harassment is designed to protect licence holders/persons from all forms of harassment. The Council is committed to good practice and high standards and endeavours to be supportive of its licence holders and public. The Council will not tolerate any forms of harassment or victimisation and will take appropriate action to protect licence holders/persons who raise a concern in good faith.

15.8.8 All concerns will be treated in confidence and the identity of the person raising the concern will not be revealed without his or her consent (subject to any legal requirements or decisions). At the appropriate time, however, the person may be expected to come forward as a witness.

15.8.9 Concerns expressed anonymously are likely to be difficult to deal with effectively. Consequently, persons are encouraged to put their name to any allegation. Any action taken in response to an anonymous allegation will be influenced by factors including the seriousness of the issues raised and the likelihood of confirming the allegation from attributable sources.

15.8.10 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person making the allegation. If, however, an allegation is made that is deemed to be frivolous, malicious or for personal gain, action may be taken against the person/licence holder in accordance with the Council's Taxi Licensing Policy.

15.8.11 Information received by Officers under the 'whistle-blowers' policy will only be divulged to other authorities when that information refers to, or presents as a risk in the areas of:

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

15.8.12 The Officer with whom the concern has been raised will initially respond in writing within ten working days, and will:

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter

- giving an estimate of how long it will take to provide a final response
- stating whether any initial enquiries have been made
- supplying information on staff support mechanisms
- stating whether further investigations will take place and if not, why not.
- Inform the whistle-blower of the results of the investigation, and actions taken against the accused.

15.8.13 This policy does not replace the Council's Service Requests and Complaints Procedure.