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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: General Licensing Committee

Date: Wednesday 22 October 2025

Time: 6.30 pm

Venue: 39 Castle Quay, Banbury, OX16 5FD

Membership

**Councillor Rebecca Biegel
(Chair)**

Councillor Phil Chapman
Councillor Andrew Crichton
Councillor Lesley McLean
Councillor Robert Parkinson
Councillor John Willett

Councillor Fiaz Ahmed (Vice-Chair)

Councillor Nick Cotter
Councillor Dr Henry Elugwu
Councillor Ian Middleton
Councillor Chris Pruden
Councillor Barry Wood

(The membership of the Committee will be amended at the 20 October 2025 Council, an updated agenda front sheet will be published after this date to reflect the revised membership, which will be effective for this meeting.)

Substitutes Any member of the relevant political group

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interests and the nature of that interest which they may have in any of the items under consideration at this meeting.

3. Minutes (Pages 5 - 10)

To confirm as a correct record the Minutes of the meetings of the Committee held on 15 April 2025 and 21 May 2025.

4. Chair's Announcements

To receive communications from the Chair.

5. Urgent Business

The Chair to advise if they have agreed to any items of urgent business.

6. New Cherwell District Council Taxi Licensing Policy (Pages 11 - 190)

Report of Health Protection, Compliance and Licensing Manager

Purpose of report

To consider the post consultation draft Taxi Licensing Policy for hackney carriage and private hire for adoption by the Council. The draft policy is included at Appendix 1. A summary of changes from the current policy and the post-consultation changes are included at Appendix 3.

Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the post consultation Cherwell District Council Taxi Licensing for adoption by Cherwell District Council.

7. New Cherwell District Council Street Trading Policy (Pages 191 - 230)

Report of Health Protection, Compliance and Licensing Manager

Purpose of report

To consider and agree a draft Street Trading Policy for consultation with Oxfordshire Country Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. The current Policy is attached at Appendix 1. The proposed draft policy is attached at Appendix 2 together with proposed new standard conditions.

Following consultation and any changes deemed necessary, the Policy will be submitted to the Committee for approval.

Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the new draft Cherwell District Council Street Trading Policy for consultation with the trade and members of the public.

8. New Cherwell District Council Pavement Licence Policy (Pages 231 - 260)

Report of Health Protection, Compliance and Licensing Manager

Purpose of report

To consider and agree a draft Pavement License Policy for consultation with Oxfordshire Country Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. The current Policy is attached at Appendix 1. The proposed draft policy is attached at Appendix 2 together with proposed new standard conditions.

Following consultation and any changes deemed necessary, the Policy will be submitted to the Committee for approval.

Recommendations

The General Committee resolves:

- 1.1 To approve the new draft Pavement Licensing Policy for consultation to ensure that it reflects the current Government guidance, and input from relevant consultees.

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

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Queries Regarding this Agenda

Please contact Aaron Hetherington / Patrick Davis, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Tuesday 14 October 2025

Cherwell District Council

General Licensing Committee

Minutes of a meeting of the General Licensing Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 15 April 2025 at 6.30 pm

Present:

Councillor Rebecca Biegel (Vice-Chair, in the Chair)
Councillor Becky Clarke MBE
Councillor Gemma Coton
Councillor Andrew Crichton
Councillor Chris Pruden
Councillor John Willett
Councillor Barry Wood

Substitute Members:

Councillor Robert Parkinson (In place of Councillor Nick Cotter)

Apologies for absence:

Councillor Besmira Brasha
Councillor Nick Cotter
Councillor Lesley McLean
Councillor Ian Middleton (Chair)

Officers:

Jan Southgate, Health Protection, Compliance & Licensing Manager
Aaron Hetherington, Principal Officer - Electoral Services Lead
Patrick Davis, Democratic and Elections Officer

Officers Attending Virtually:

Christine Pegler, Lead Licensing Enforcement Officer
Denzil Turbervill, Head of Legal Services

1 Appointment of Chairman for the remainder of the Municipal Year 2024-25

This being the first meeting of the newly created General Licensing Committee, the Democratic and Elections Officer opened the meeting and called for nominations for the appointment of Chairman for the remainder of the municipal year 2024-25.

It was proposed by Councillor Parkinson and seconded by Councillor Coton that Councillor Middleton be elected Chairman of the Licensing Committee for the remainder of the municipal year 2024-2025.

There were no further nominations.

The Democratic and Elections Officer advised the Councillor Middleton had confirmed he would accept the appointment if appointed in his absence.

Resolved

- (1) That Councillor Middleton be appointed Chairman for the remainder of the municipal year 2024/25.

2 **Appointment of Vice-Chairman for the remainder of Municipal Year 2024-25**

It was proposed by Councillor Parkinson and seconded by Councillor Crichton that Councillor Biegel be elected Vice-Chairman of the Licensing Committee for the remainder of the municipal year 2024-25.

There were no further nominations.

Resolved

- (1) That Councillor Biegel be appointed Vice-Chairman for the remainder of the municipal year 2024/25.

Having been appointed Vice-Chairman and in the absence of the Chairman, the Vice-Chairman took the Chair.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Urgent Business**

There were no items of urgent business.

5 **Minutes**

The Minutes of the meetings held on 18 January 2023, 23 May 2023 and 22 May 2024 were agreed as correct records and signed by the Chairman.

6 **Chairman's Announcements**

There were no Chairman's Announcements.

New Cherwell District Council Taxi Licensing Policy

The Health Protection, Compliance and Licensing Manager submitted a report which presented a draft Taxi Licensing Policy for Hackney Carriage and Private Hire for consultation and agreement with the public and trade.

In introducing the report the Health Protection, Compliance and Licensing Manager explained that the current Taxi Licensing policy had been published in 2023 and the Council was committed to reviewing the policy at least every five years to ensure it reflected current legislation and guidance. The review of the current policy introduced changes to reflect the latest Department for Transport guidance which had been published in November 2023 and made improvements to safety, further encouraged the adoption of cleaner vehicles and accessibility for wheelchair access

In considering the report, Committee members sought clarification on a number of aspects of the policy. Regarding the wording that defined activities that would lead to the suspension or revocation of a license, the Committee was advised it was difficult to have an exhaustive list but officers had the tools to take enforcement action where appropriate.

It was confirmed that the definition of assistance dogs also included emotional support animals, the Committee was advised that under disability legislation this would be the case.

Regarding the possibility of providing a list of British Sign Language interpreters to taxi drivers, the Health Protection, Compliance and Licensing Manager agreed to investigate this further.

In respect of the appeal process following the revocation of a taxi license, the Committee was advised that the process considered how the decision had been reached rather than the decision itself, any appeals would be heard at a Magistrates' Court.

In response to a question from the Committee regarding the mechanism for ensuring that taxi license applicants had made full disclosure, the Health Protection, Compliance and Licensing Manager explained that all drivers would have an enhanced DBS check at the time of application and a minimum of every six months during their licensed period. Although there was not a formal mechanism for obtaining information from the police, there were other channels of communication available where required.

In response to a query regarding the potential impact of the draft policies on the future level of supply of taxis and private hire vehicles in the Cherwell district and the effect this would have on pricing for customers, the Committee was advised that the trade in services was currently healthy and that officers had tried to take in to account the burden the new requirements would place on drivers' costs when creating the draft policy.

In response to a Committee request for the inclusion of first aid kits in vehicles, the Health Protection, Compliance and Licensing Manager agreed to add this requirement to the draft policy.

Resolved

- (1) That, subject to inclusion of the points of clarification raised, the new draft Cherwell District Council Taxi Licensing Policy be approved for consultation with the trade and members of the public.

The meeting ended at 7.18 pm

Chair:

Date:

Cherwell District Council

General Licensing Committee

Minutes of a meeting of the General Licensing Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 21 May 2025 at 7.29 pm

Present:

Councillor Rebecca Biegel (Chair)
Councillor Fiaz Ahmed (Vice-Chair)
Councillor Andrew Crichton
Councillor Dr Henry Elugwu
Councillor Lesley McLean
Councillor Ian Middleton
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor Barry Wood

Apologies for absence:

Councillor Phil Chapman
Councillor Nick Cotter
Councillor John Willett

1 Appointment of Chairman for the municipal year 2025/2026

It was proposed by Councillor Crichton and seconded by Councillor Pruden that Councillor Biegel be appointed Chair of the General Licensing Committee for the municipal year 2025/2026.

There were no further nominations.

Resolved

- (1) That Councillor Rebecca Biegel be appointed Chair of the General Licensing Committee for the municipal year 2025/2026.

2 Appointment of Vice-Chairman for the municipal year 2025/2026

It was proposed by Councillor McLean and seconded by Councillor Wood that Councillor Ahmed be appointed Vice-Chair of the General Licensing Committee for the municipal year 2025/2026.

There were no further nominations.

Resolved

- (1) That Councillor Fiaz Ahmed be appointed Vice-Chair of the General Licensing Committee for the municipal year 2025/2026.

The meeting ended at 7.30 pm

Chair:

Date:

This report is public	
New Cherwell District Council Taxi Licensing Policy	
Committee	General Licensing Committee
Date of Committee	22 October 2025
Portfolio Holder presenting the report	Portfolio Holder for Safer Communities, Councillor Robert Parkinson
Date Portfolio Holder agreed report	13 October 2025
Report of	Health Protection, Compliance and Licensing Manager, Jan Southgate

Purpose of report

To consider the post consultation draft Taxi Licensing Policy for hackney carriage and private hire for adoption by the Council. The draft policy is included at Appendix 1. A summary of changes from the current policy and the post-consultation changes are included at Appendix 3.

1. Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the post consultation Cherwell District Council Taxi Licensing for adoption by Cherwell District Council.

2. Executive Summary

- 2.1 The Department for Transport (DfT) recommends all licensing authorities have a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This must include, but not be limited to policies on convictions, a 'fit and proper' person test, license conditions and vehicle standards.
- 2.2 The Council's primary aim in carrying out its Taxi and Private Hire licensing function is to protect and promote public safety. The Council must ensure that licensed vehicles are fit for purpose and that licensed drivers are 'fit and proper' in accordance with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 2.3 The legislation above provides a broad framework for the licensing of drivers, vehicles and operators, but the detail of how this is done, including standards and conditions, is the responsibility of licensing authorities. Other Acts must also be considered where they apply; for example, the Equalities Act 2010, which places a duty on councils to take steps to meet the needs of disabled people where these

are different from the needs of other people and enables regulations to improve disabled access to taxis.

- 2.4 The new draft policy introduced changes which we designed to bring the Council's policy more in-line with the current DfT guidance, improve safety, inclusion, compliance and enhance incentives for cleaner vehicles. Consultation on this policy was approved by the General Licensing Committee on the 15 April 2025.
- 2.5 The Council consulted on the new policy from 16 June 2025 to 11 August 2025. During the consultation period two in-person drop-in events were held in the Council Chamber at Castle Quay. The online consultation survey was completed by 32 people, and the in-person events were attended by 36 people on the 15 July and 11 people on the 17 July. E-mails regarding the new policy were also received by the licensing authority from some individuals. These covered policy areas that have been answered in those comments received during the survey, so no separate answers to these have been provided in appendix 4. Following the consultation all the feedback received was considered and several changes were made to the draft policy; these are outlined in appendix 3 and section 4 of this report.

Implications & Impact Assessments

Implications	Commentary
Finance	<p>If adopted the policy will mean additional income for the Council by means of Taxi inspections at the Council's depot but cost neutral for the driver.</p> <p>Kelly Wheeler, Finance Business Partner, 7 October 2025</p>
Legal	<p>Taxi and Private Hire Vehicle (PHV) legislation is primarily concentrated in the</p> <ul style="list-style-type: none"> • Town Police Clauses Act 1847 (the 1847 Act) and • Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). <p>The Council should also consider its requirements within other Acts such as the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, which amends the Equality Act 2010 along with important statutory guidance, for example the Department for Transport best practice guideline.</p> <p>Any new or amended policy must be reasonable, proportionate, and not go beyond the powers granted to the council by law. Policies can be challenged in court if they are deemed to be unreasonable or for an ulterior motive.</p> <p>The report identifies that we are amending our current licensing policy to ensure the Department for Transport's best practice guideline is considered and included. Moreover, the report highlights our current gaps and ensures we comply with Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 when considering the use of taxi's by disabled people.</p> <p>Denzil Turbervill, Head of Legal Services, 10 October 2025</p>
Risk Management	<p>There are no risk implications directly linked to this policy. The updated policy mitigates the risk of not being compliant with the DfT best practice guidance.</p>

	Celia Prado-Teeling, Performance Team Leader, 09 October 2025			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact	X			The proposed policy will have a positive impact on service users with requirements for Wheelchair accessible vehicles. And increased incentives for adoption of these types of vehicles by licenced drivers. Celia Prado-Teeling, Performance Team Leader, 9 October 2025
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		N/A
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			New policy in line with DfT guidance to promote wheelchair accessibility, an inclusive service plan has been included. This contains fleet limits for Private hire operators to have wheelchair accessible vehicles. Additionally, the age limit for wheelchair accessible vehicles has been increased to promote the licensing of wheelchair accessible vehicles.
Climate & Environmental Impact	X			The Council has a target of net zero by 2030; the new policy promotes cleaner vehicles by removing the age limit on full electric and hydrogen powered vehicles. Additionally, the age limit for hybrid vehicles is being increased.
ICT & Digital Impact		X		N/A
Data Impact		X		N/A
Procurement & subsidy		X		N/A
Council Priorities	Environmental Stewardship, Quality Housing and Place Making			
Human Resources	N/A			
Property	N/A Mona Walsh, Assistant Director - Property, 3 March 2025			
Consultation & Engagement	An 8-week public and trade consultation was held from the 16 June 2025 to 11 August 2025. The consultation also included two drop-in events on the 15 and 17 of July in the Council Chamber. Consultation responses can be found in Appendix 4.			
Supporting Information				

3. Background

- 3.1 In November 2023, the DfT revised the Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England. The DfT has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities that have responsibility for the regulation of the taxi and private hire vehicle trades. This is updated periodically, considering stakeholder views and changes in the way the sector operates. This best practice guidance is one of several documents intended to assist the operation and regulation of the sector.
- 3.2 The DfT last published non-statutory best practice guidance to complement the Statutory Standards in 2010 and have revised and re-issued this in November 2023, covering a range of issues outside the remit of the Statutory Standards. The changes to the Taxi Licensing Policy introduce additional requirements to bring the Council's policy in line with the latest DfT best practice guidance and also provides additional incentives for the adoption of cleaner vehicles. Appendix 3 details Taxi Licensing Policy Change Summary for reference. The change summary includes changes made to the policy post-consultation.

4. Details

- 4.1 The consultation responses have been considered and the following changes to the draft policy have been made.
- 4.2 Inclusive service plan (ISP): introduced in the latest DfT guidance licensing authorities should produce and maintain an ISP as part of their taxi licensing policy. The aim of the ISP is to promote more accessible vehicles and reduce barriers for disabled users. The draft policy contained a requirement for Licensed Operators with 10 or more licensed vehicles facilitating hire and reward journeys under their operator's license, to aim to have at least 20% of the private hire vehicles operating under their license registered as wheelchair accessible before 01/01/2028. The feedback received regarding this outlined that the required percentage of 20% was too high, given the demand experienced by operators for these types of vehicles. Concerns were also raised regarding the availability and cost of Wheelchair Accessible Vehicles (WAV).
- 4.3 The Licensing Authority is committed, within its ISP, to requiring Operators to be required to have WAV available for those service users who require them. Having considered the feedback, we have changed the draft policy to require Operators, who have more than 20 vehicles, to have one WAV for every 20 vehicles, the WAV can include a Hackney Carriage WAV. The age limit for WAV has been increased from 10 years to 15 years for internal combustion engine vehicles (ICE). The incentive to adopt cleaner vehicles remains with hybrid WAV vehicles increasing from 15 years to 20 years and electric and hydrogen powered vehicles age limits being unlimited.
- 4.4 The draft policy introduced daily documented vehicle checks for driver and operators. We received concerns from drivers and operators that the requirement to fully document all checks was overburdensome. The Council are of the opinion that the checks are required to be documented. However, these can be completed

and documented as being completed by exception. So noted as the check being completed and only any identified issues and corrective actions documented. For Operators the checks must be available to them on request, Operators will not be required to obtain the daily checks from drivers each day.

- 4.5 Consultation responses were received regarding the Introduction of Council led vehicle inspections. To be delivered by a 6-month vehicle inspection at the Cherwell District Council depot during each 12-month vehicle licence period, this will replace the current requirement for an additional MOT 6-months into each 12-month licence period. There were concerns raised by drivers about the capacity of the depot and the booking of the checks. The Licensing Authority are still committed to have council led inspections at the Council's depot. We believe these will ensure consistency and enable the inspections to include taxi licensing specific checks, which the current MOT requirement is unable to incorporate. This will be cost neutral to license holders, as the council led checks will be at no more cost than the MOT cost and the frequency of the checks will be maintained to the current 6-month MOT check for licenced taxi vehicles. We have amended the implementation date for these checks from the 1 January 2026 to 1 April 2026. Allowing for testing capacity and functionality assessments prior to implementation.
- 4.6 During the consultation comments were received, in the survey and during the drop-in events, regarding the age limits of vehicles in the Council's policy. We have considered these comments and note the latest DfT best practice recommends age limits for vehicles are removed. The Licensing Authority consider that the removing of age limits would remove incentives for drivers to move to cleaner or zero emission vehicles. However, we recognise the cost of replacing vehicles to drivers. Therefore, we have amended the age limits for vehicles as set out below:
- Remove 6-year maximum licence grant age limits, and increase of vehicle age limits from 10-year-old vehicles to:
 - Petrol/Diesel, Hybrid non wheelchairs vehicles maximum licensing period to 12 years old vehicles.
 - Petrol/Diesel Wheelchair accessible vehicles to 15 years old
 - Wheelchair accessible hybrid vehicles 20 years
 - Zero emissions vehicles no licensing age limits.
- 4.7 All ICE vehicles from September 2014 are Euro 6 standard. By increasing the age limits as outlined above, we still ensure all licensed vehicles are of the latest ICE emission standard. This also retains the important incentive for drivers to adopt cleaner vehicles.
- 4.8 It was highlighted by drivers during the consultation that topography questions in the Council's Knowledge test were now outdated, due to the use and widespread availability of Satellite Navigation Systems. The Licensing Authority agreed that these systems now make Topography questions in the Knowledge test less relevant. Therefore, we will remove Topography questions from the Knowledge test and replaced with Taxi Licensing policy and legislation questions.

- 4.9 Changed the requirement for number of years of driving experience for drivers from 3 years to 12 consecutive months. This was highlighted by current drivers and seen as a barrier to potential new drivers, who should be assessed on application for suitability as a licenced driver.

5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.
- 5.2 Option 1: Leave the current policy in place. This would mean ignoring the latest DfT guidance, this guidance introduces the inclusive service plan for disabled access. Changing the policy also introduces additional safety measures, like driver vehicle safety checks, council directed vehicle inspections and 3 monthly DBS checks for drivers. The draft policy also has enhanced incentives for drivers to move to cleaner vehicles which supports the Council's priority of "Environmental Stewardship" and the current target of net zero by 2030.

6 Conclusion and Reasons for Recommendations

- 6.1 The Council must have regard to the Department for Transport's Best Practice Guidance. The changes proposed bring the Council's Taxi Policy more in line with the most recent published guidance. All the changes have benefits in one or more of the following areas: improved safety, consistency, compliance, inclusion and improved incentives for the adoption of cleaner vehicles. The post consultation changes also introduce increased age limits for vehicles.

Decision Information

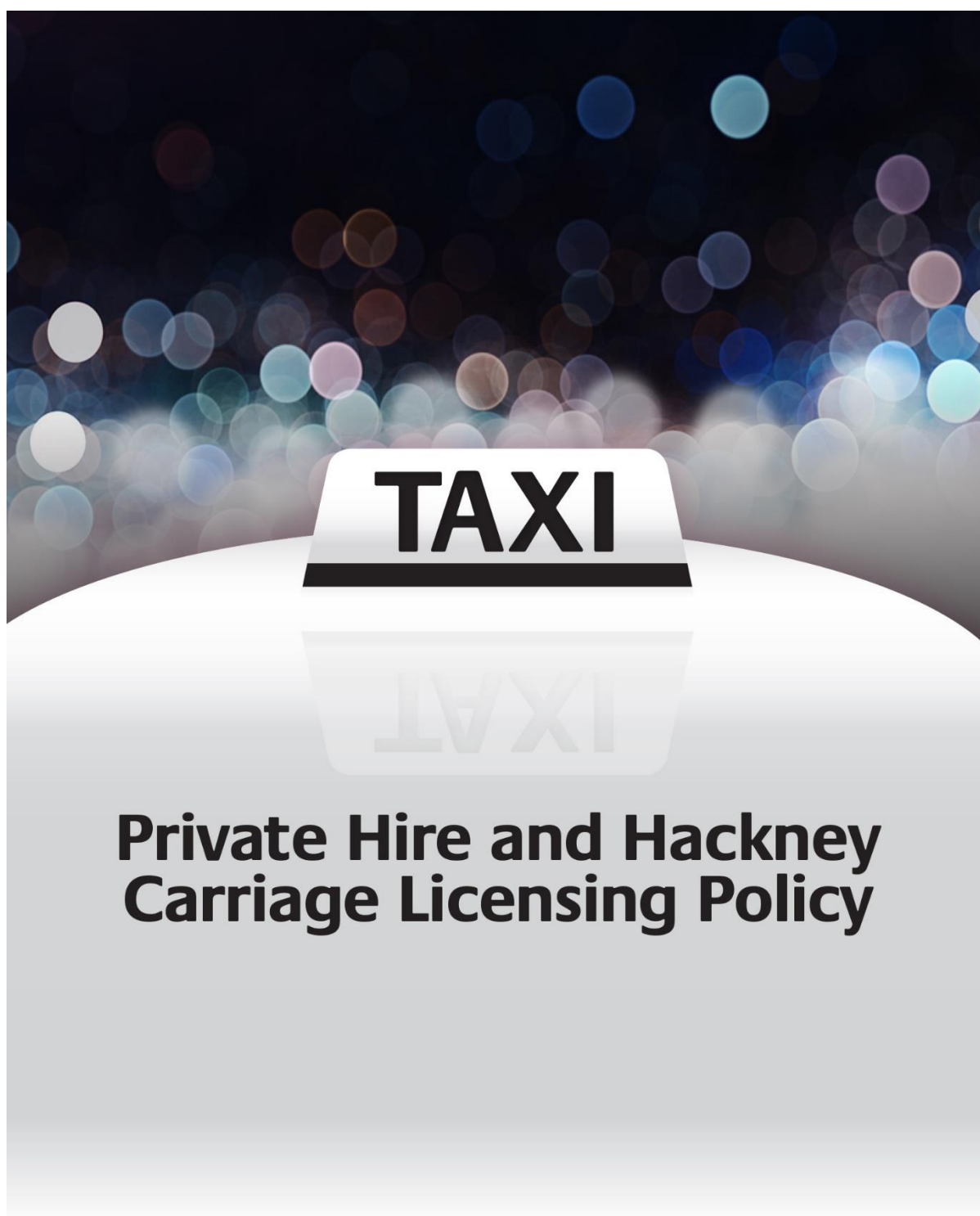
Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Draft Taxi Licensing Policy 2025 v4.1
Appendix 2	Taxi and Private Hire Policy Appendices 2025 V4.1 A-I
Appendix 3	Taxi Licensing Policy Post Consultation Change Summary
Appendix 4	Consultation Survey Responses

Background Papers	None
Reference Papers	DfT Guidance for Local Authorities, DfT Driver vehicle condition checklist, DVLA medical requirements.
Report Author	Jan Southgate, Health Protection, Compliance and Licensing Manager
Report Author contact details	Jan.southgate@cherwell-dc.gov.uk 01295 227906
Corporate Director Approval	Ian Boll, Corporate Director Communities 10 October 2025

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Appendices

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Appendix B – Driver Application Process and Conditions

Appendix C – Vehicle Application Process and Conditions

Appendix D – Operator Application Process and Conditions

Appendix E – Private Hire and Hackney Carriage Penalty Points Scheme

Appendix F - The National Register of Refusals and Revocations (NR3 register)

Appendix G – Vehicle emission standards

Appendix H – Vehicle inspection

Appendix I – Drivers daily vehicle condition checklist

Version	Date	Author
V3.2	09/03/2022	Richard Rockall
V3.3	13/01/2023	Richard Rockall
V3.4	18/01/2023	Richard Webb
V3.5	15/02/2023	Richard Webb
Final	28/02/2023	Richard Webb
V4.0 Draft	03/03/2025	Jan Southgate
V4.1	01/10/2025	Jan Southgate
	GREEN changes DfT GUIDANCE (should be applied) RED CHANGES LICENSING POLICY CHANGE	

1. Introduction

- 1.1 Cherwell District Council is responsible for the licensing and enforcement of Private Hire and Hackney Carriage Vehicle trades within the 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
 - [Department for Transport Taxi and Private Hire vehicle licensing best practice guidance](#)
 - 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

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 the 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 principal 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. Inclusive Service Plan (ISP) – Accessibility

There are around 13.9 million disabled people in the UK, representing 20% of the population, a proportion that is expected to rise as the average age of the population increases.

National Statistics published in the current Family Resources Survey showed that the proportion of people in England who reported a disability was 21%. As people age, the incidence of disability increases, with 40% of over 60s and 75% of over 80s being disabled, meaning that disability will become a fact of life for an increasing number of people.

Disabled people are particularly reliant on taxi and private hire vehicle services, either because they may not have access to a private car, are unable to use public transport, or because the built environment is insufficiently accessible to meet their needs. This can mean that the availability of an accessible, affordable taxi or private hire vehicle service can make the difference that allows them to live their life the way they want to, and ultimately, to fulfil their potential.

In acknowledgement of the growing needs for accessible Licensed vehicles Cherwell Licensing will promote and encourage the licensing of wheelchair accessible vehicles and ensure that larger licensed Private Hire Operators have adequate wheelchair accessible vehicles working for their licensed Operation.

The council will publish all wheelchair accessible licensed vehicles, and the number of wheelchair accessible vehicles working through a Private Hire Operator on the Licensing Public register.

Licensed Operators will be required to ensure they are aware of, and meet their customers' needs prior to completing a booking, and all licensed drivers will be required to meet the requirements of any customer requiring assistance.

Licensed Operators will have to ensure that their websites and booking apps comply with WCAG2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content.

All licensed vehicles with passengers' partitions must have an audio speaker system or hearing loop installed, and licensee will be encouraged to learn sign language.

5. Background and definitions

5.1 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.

5.2 This policy applies to the following:

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

6. Private Hire and Hackney Carriage Drivers

- 6.1 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.
- 6.2 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, **are subject to complaints, are subjects of criminal behaviour, or patterns of unacceptable behaviour** are brought to the attention of the Council the licence holder may be subject to enforcement action. This may result in the revocation, **suspension, or enforcement action of a licence.**
- 6.3 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.
- 6.4 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.
- 6.5 All applications to renew a taxi drivers' licence should be **made allowing sufficient time to process that application prior to a license expiring and** 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>
- Cherwell District Council will make all reasonable adjustments to ensure the Licensing Service is accessible by all.
- 6.6 Cherwell District Council has signed up to the National Register of Refusals and Revocations

(NR3 register). This means that when an application for, or license holder of, a taxi driver's licence is refused, revoked or suspended, that information will be placed on the register. The details of all applicants will also be checked against the information held on the register.

7. The Fit and Proper Person Test

7.1 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.

7.2 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”?

7.3 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.

7.4 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.

7.5 The Council will consider a number of factors when determining if an individual is a fit and proper person including:

- 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.

- 7.6 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 (e.g. the Multi-Agency Safeguarding Hub), and County Councils that may have a bearing on the fit and proper standard of the individual.
- 7.7 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 72 hours of any DVLA offences. Road traffic offences which are discharged by way of speed awareness training or similar, must be reported to the council. Cherwell District Council will note such offences, and their method of discharge. Failure to notify will result in the licenced driver receiving Council penalty points, under the Penalty Point Scheme (See Appendix E). "Extraordinary circumstances" are always taken into consideration, in line with the council's enforcement policy when reaching enforcement decisions.
- 7.8 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 applicant's Driver and Vehicle Licensing Agency (DVLA) record to be reviewed throughout the duration of the licence, alongside their Disclosure and Barring Service (DBS) record. The Council retains and shares information in accordance with Information Sharing Agreements, the Data Protection Act 1998, and the General Data Protection Regulations 2018.
- 7.9 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.
- 7.10 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.

8. Disclosure and Barring Service (DBS)

- 8.1 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. **All new and license renewal applicants will be required to apply for a new DBS check via Taxi Plus (for now) or the Councils designated DBS service provider. Once a DBS report is completed the applicant/licensee must ensure that their DBS update service subscriptions via Taxi Plus, or similar designated service, is maintained throughout their license and application period. Where the identification checks of the applicant are required for a DBS check, the applicant must complete an in person identity check at a Post Office.** Details of the DBS application process can be found within Appendix B as part of the application process.
- 8.2 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 formal 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.
- 8.3 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.
- 8.4 Applicants and licence holders are responsible for the costs of obtaining DBS and **Persons identification services**. It is a licence condition that applicants sign up to the DBS online update service **via Taxi Plus or similar Council designated service** within 32 days of their DBS certificate being issued, 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 and **the designated DBS service** to undertake **regular** checks of the DBS status. All applicants and licence holders will be subject to **regular** DBS checks throughout their licence period, and at times when the Council consider it necessary and appropriate to do so. The **the designated DBS service** DBS online update service, and subscription to the service is a compulsory requirement for all licence holders, **failure to subscribe and maintain that subscription would result in the suspension of a license until this requirement is resolved. The designated DBS service subscriptions will be used to monitor the criminal record of the licence holder throughout the term of the licence.**
- 8.5 **In order to sign up to the online service DBS checking service the applicant, must create an**

account with the designated DBS service. Licensee's or applicants unable to access the internet, or requiring assistance, should make an appointment with licensing to facilitate their application.

- 8.6 DBS checks will only be accepted through Cherwell Council Taxi Plus accounts (for now), or the councils designated DBS service provider, all pre-existing licensee DBS subscriptions not completed through the councils designated DBS provider, will no longer be valid once their exiting license has expired from implementation of this policy.
- 8.7 A Licence will not be issued without a current enhanced DBS certificate corresponding with a Taxi Plus/Council designated DBS service account subscription, associated to Cherwell District Council.
- 8.8 Where licence holders fail to maintain the online DBS subscription **through the Council designated DBS service**, or have not provided the council with the necessary information to check their DBS report/certificate, 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.
- 8.9 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.

9 Applicants with Residency Periods Outside of the UK

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. The Home Office publish guidance on applying for overseas criminal record information or 'Certificates of Good Character'.

9.1 Right to Work in the UK

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.

10 Convictions, Cautions and Driving Offences

- 10.1 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.
- 10.2 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.

11 The Knowledge Test

- 11.1 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
 - **Taxi Licensing Policy and Legislation**
 - Communications
 - Road Safety/ **Highway Code**
 - Safeguarding and Child Sexual Exploitation and Child Drug Exploitation (CDE).
- 11.2 Applicants are entitled to 2 attempts at the Knowledge Test as part of the application.
- 11.2.1 Should an applicant fail they will be able to book onto the next available test date
- 11.2.2 A further 4 tests will be permitted per application
- 11.2.3 The 4 additional tests will be charged at the current rate
- 11.2.4 After 6 failures the applicant will be deemed to be not "fit and proper" and their application will be refused
- 11.3 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.
- 11.4 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.
- Safeguarding certificates issued no more than 3 months prior to the application date will

be accepted by the authority.

- Failure to provide Cherwell District Council with a valid safeguarding certificate will prevent that license being issued, or existing licenses being suspended until the requirements have been met and documented.

12 Medical Fitness Assessments

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 Under the D.V.L.A. Group 2 Medical standards applicants and licensed drivers suffering from diabetes and using insulin 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.
- 12.5 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.
- 12.6 Third party medicals - DVLA Group 2 medical assessments will be accepted from approved third party assessors if the licence applicant provides the council with a copy of their full medical records. Once viewed those medical records will not be retained or stored by the Council.

13 Assistance Dogs

- 13.1 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.
- 13.2 When hired to carry a guide dog, the owner should be asked where s/he would prefer their dog to be.
- 13.3 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.
- 13.4 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.

14 Private Hire and Hackney Carriage Vehicle Licences

- 14.1 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.
- 14.2 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/Council designated DBS service provider 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/Council designated DBS service provider checks may result in that licence being suspended or revoked.

- 14.3 The procedure for applying for a Private Hire Vehicle or Hackney Carriage Vehicle Licence is detailed in Appendix C.
- 14.4 Only applications which meet the requirements of Appendix C and G will receive a new licence.
- 14.5 Existing licensed vehicles cannot have their licence transferred to a higher polluting vehicle (for example, a DVLA Cat 6 electric vehicle cannot be replaced with a DVLA Cat 5 Hybrid vehicle).
- 14.6 The Council will not licence vehicles that are currently licensed by another local authority.
- 14.7 The Council will not licence vehicles which fall with the DVLA categories which indicate that the vehicle has been damaged or written off by insurers.
- 14.8 Applications should be made using the Council website: <https://cherwell.uat.jadu.net/directory/29/licences-and-permits/category/44/categoryInfo/9>
(Cherwell District Council will make all reasonable adjustments to ensure the Licensing Service is accessible by all)
- 14.9 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 (if applicable to the vehicle type), no older than 28 days at the time of submitting the licence application.
- Licensed vehicle applicants will be subject to a minimal basic Disclosures and Barring vetting (DBS). Where applicants have subscribed to the DBS update service and had provided Cherwell licensing with their enhanced DBS certificate for a taxi drivers license, those applicants may also use that DBS update service for a vehicle license application.

- 14.10 In addition to the above, incomplete application forms, incorrect fees and or supporting

documentation that does not conform will result in the application being refused. Only when a complete application has been provided will the application assessment process begin.

15 Grant and Renewal of Vehicle Licences

- 15.1 Vehicle licences are for a period of 1 year and will be subject to MOT testing upon grant or renewal applications. Additionally, all licensed vehicles must be inspected, or MOT tested, after an initial 6-month license period, and before the start of the 7 month of a license.

The 6-month (mid license) vehicle inspection will remain a standard MOT test until at least 01/04/2026. Prior to that mid license vehicle assessment changing from an MOT to a Council vehicle inspection all vehicle licensee's will be notified.

Following notification all mid license vehicle inspections will be conducted by Authorised Officers at a Council designated vehicle inspection facility.

The applicant/Licensee must submit that mid license report to the licensing department within 5 days of that assessment, failure to submit within the specified time may result in the suspension of a license until such requirements are met.

All MOT and Council vehicle inspection reports must show that the vehicle has no faults, or advisories, has passed the stated inspection/test, and meets Licensing Policy minimum standards. Where advisories or faults have been reported, the license or application may be suspended or refused until the applicant/Licensee have documented the completion of any remedial works required to correct the advisory fault/s and/or the vehicle has passed a new inspection or MOT.

Where the authority assesses a vehicle needs additional vehicle checks, the vehicle must be taken to a Council appointed vehicle testing station within 7 days of such a request. The appointed MOT or vehicle inspecting station used for additional checks will be detailed by Cherwell District Council at the time of such request.

Vehicle MOT and inspection appointments, and all associated additional fees which are solely the applicant or licensee responsibility.

- 15.2 Non-Wheelchair accessible vehicles grant applications may only be licensed as a Private Hire vehicle, in accordance with the Private Hire vehicle license requirements. Such vehicles 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. All new grant applications for a Hackney license must be wheelchair accessible.

Non-Wheelchair accessible vehicles propelled by petrol or diesel, or are Hybrid vehicles, will be licensed until the vehicle is 12 years old from the date of first registration.

Wheelchair accessible vehicles, propelled by petrol or diesel will be licensed until the vehicle is 15 years old from the date of first registration.

Wheelchair accessible vehicles propelled by electric hybrid engines will be licensed until the vehicle is 20 years age limit from first registration.

Wheelchair, and non-wheelchair accessible vehicles propelled solely by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions.

- 15.3 There is an expectation that from 2030 all vehicles at the time of first licensing must be propelled by either electric or hydrogen. Please note, this clause will be reviewed again at the time of the next Policy review in 2029 which occurs before the above clause comes into force. That Policy review will consider the availability of sufficient infrastructure to support electric and hydrogen vehicles, the availability of such vehicles and suitability of models available whilst also considering the affordability of those vehicles.

Implementation of any policy requiring all licensed vehicle to meet zero emission will be notified to existing license holders at least 12 months in advance of any implementation date.

- 15.4 Once a vehicle is licensed, that licence cannot be transferred to another vehicle, whether temporary or otherwise, which has been categorised by the DVLA as emitting levels of pollution higher than the current licensed vehicle. When a vehicle has been replaced following a vehicle accident/damage, the replacement vehicle may be like for like with regards to emissions, wheelchair accessibility, and euro categorisations up to the accident vehicle age limits. Any vehicle exceeding the age limit thresholds will not be renewed, and any replacement vehicle must meet the relevant policy requirements.
- 15.5 Once a wheelchair accessible vehicle is licensed, that licence cannot be transferred to another vehicle, whether temporary or otherwise, to non-wheelchair accessible vehicle.
- 15.6 Licensed vehicle applicants will be subject to a minimal basic Disclosures and Barring vetting (DBS). Where applicants have subscribed to the DBS update service and had provided Cherwell licensing with their enhanced DBS certificate for a taxi drivers license, those applicants may also use that DBS update service for a vehicle license application.

15.7 Insurance

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.

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.

15.8 Vehicle Specifications

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.

15.9 Licensed Vehicle Conditions

- 15.10 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.
- 15.11 Licensees, and drivers should complete a daily vehicle check before starting hire and reward work. The driver daily vehicle check list (Appendix I) indicates all areas where the driver/licensee should check prior to any Hire and Reward work.
- The Driver/Licensee should document that they had completed those checks. Such documentation may be via digital spread sheet, diary or notebook, and that documentation must be made available to both Private Hire Operators, Licensing and authorised Officers.
- All such documented checks should be retained for one year from the date of that check.
- 15.12 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.

15.13 Identification of Vehicles as a Private Hire Vehicle or Hackney Carriage

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

15.14 Tyres

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.

15.15 Accidents

- 15.16 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.

- 15.17 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 and inspected by an authorised officer within 2 months of the Section 68 notice issue date.

Under the Local Government (Miscellaneous Provisions) Act 1976 that license is automatically revoked if those requirements are not met. When a license is subject to revocation under these circumstances, the authority will allow a license grant application for a like for like vehicle with regards to emissions and euro categories, and vehicle type, up to the original accident vehicle **associated licensing age limit**. Such a replacement vehicle grant application must be submitted within 6 months of the issue date of the Section 68 notice.

15.18 Once the accident damage has been repaired, the vehicle must be assessed by a Cherwell District Council Licensing officer. This vehicle assessment 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.

15.19 Vehicles written off by insurers will not be licensed or have a suspended license re-instated.

15.20 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 Council.

15.21 Additional Provisions for Private Hire Vehicles Only

Advertisements: Limited advertising is allowed on a Private Hire Vehicle subject to pre-approval by the C.

15.22 Additional Provisions for Wheelchair accessible vehicles.

Existing licensed vehicles from the policy implementation date, will continue to have their licenses renewed until any associated vehicle age limits are reached

15.23 Wheelchair Accessibility Requirements: -

1. Wheelchair spaces requirements: 1200mm length, 700mm width, 1350mm 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. Whole Type Approval to EU, GB or UK(NI) standards or UK Low Volume / Individual Type Approval Certificate.

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.

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

15.24 Taxi Ranks

A list of taxi ranks will be made available upon 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.

15.25 First Aid kits

All licensed vehicles are required to carry a British Standards BS 8599-1:2019 and contains HSE approved first aid kit. That kit should be replenished as needed, and out of date supplies replaced. The kit should be regularly inspected to ensure it complies with the stated standards.

16 Executive Hire (discreet plates)

- 16.1 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 **will be subject to a charge** and 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.

- 16.2 Drivers of Executive Vehicles must complete the licensing application process in the same way

as any other licensed driver.

16.3 Vehicles with discreet plates may not be used for any day to day Private Hire work which is not associated with the companies listed on the discreet plate authorisation, **inclusive of fulfilling contracts for school transportation on behalf of an Authority.**

16.4 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 each contracts will be required.

Applications for exemption **will be subject to an administration fee and** should 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 the requirement.

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

Following the issuing of a Plate Exemption, the authorised vehicle cannot be used for any other hire and reward journeys other than those listed on the plate exemption authorisation. Failure to comply with the stated requirements of the plate exemption will result in the immediate removal of that authorisation.

The duration of the discrete plate exemption will not exceed the vehicle licensed expiry date. Variations to an existing plate exemption authorisation will be subject to an administration fee.

17 Private Hire Vehicle Operators

17.1 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.

17.2 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.

- 17.3 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.
- 17.4 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.
- 17.5 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.
- 17.6 A separate licence will be issued in respect of each approved secondary booking office.
- 17.7 Licensed Operators should ensure that they are aware of their legal responsibilities under employments laws, inclusive of "Reporting Rules for Digital Platforms" legislation. The legislation mandates that all taxi and private hire digital platforms gather and submit earnings data from their drivers to HMRC, and will include reporting personal details from their drivers, such as National Insurance numbers. This data should be annually reported directly by the Operator to HMRC.

Requirement for a Private Hire Vehicle Operator Licence

- 17.8 A licensed Private Hire Vehicle can only be dispatched 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.
- 17.9 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 dispatch 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.

- Any private hire operator making provision for the invitation or acceptance of bookings in Cherwell needs to hold a private hire operator's licence with Cherwell. The Council expects operators licensed by the Council to utilise vehicles and drivers licensed by Cherwell so as to ensure that the licensed trade working in Cherwell conform to the standards set by the Council and can be subject of local compliance.
- In addition, as part of the Council's 'fit and proper' test, it would not expect an operator to obtain a licence in Cherwell to simply make vehicles licensed by another authority available for booking via sub-contracting on a regular basis. As such whilst any licensed vehicle may enter Cherwell to pick up or drop off customers, the Council would not expect vehicles licensed outside of Cherwell to be waiting in Cherwell and be made available for bookings as this diminishes the Council's ability to set local standards and local control. As such, any operator acting to deliberately reduce the Council's ability for local control would not be meeting the required public safety objectives and standards expected of a professional, licensed, fit and proper private hire operator, and may have their licence to make provision to invite or accept bookings in Cherwell revoked.

By way of guidance, the Council would expect at least 75% of journeys received by a Cherwell licensed operator commencing or finishing in Cherwell in a 3 month period to be completed by Cherwell licensed private hire vehicles (or Cherwell licensed hackney carriage vehicles completing pre-booked work).

17.10 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.

17.11 Fitness and propriety

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.)

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.

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.

17.12 Insurance

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.

17.13 Conditions

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.

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.

17.14 Operator responsibility

17.14.1 The Council expects licensed operators to work with the Council and to support the aim of improving safety, **accessibility**, 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.

17.14.2 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 other than on their own home abode, 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.

**Vicinity may be assessed as parking within 10 metres of the licensed operator's premises.*

17.15 Accessibility and Public Safety

17.15.1 From 01/01/2028 Licensed Operators with the following number of vehicles registered as working under their license (fleet) will be required to have the following number of wheelchair accessible vehicles as part of that fleet:

- Operators with 20 vehicle or less are not required to have wheelchair accessible vehicles within that fleet
- Operators with 21 to 40 vehicles are required to have at least 1 wheelchair accessible vehicle as part of that fleet.

- Operators with 41 to 60 vehicles are required to have at least 2 wheelchair accessible vehicle as part of that fleet.
- Operators with 61 to 100 vehicles are required to have at least 3 wheelchair accessible vehicle as part of that fleet.
- Operators with over 100 vehicles are required to have at least 4 wheelchair accessible vehicle as part of that fleet, and an additional one extra wheelchair accessible vehicle for every additional 50 vehicles thereafter.

Wheelchair accessible Hackneys registered as working under an Operator's license will count as part of that operator's fleet, providing the Operator has registered that Hackney as part of their fleet on application or license variation.

17.15.2 The Licensing Authority may request documentation of the licensed operators' vehicles and wheelchair accessibility vehicles at any time during their licensed period.

17.15.3 Licensed Operators must ensure that their booking systems are accessible and comply with WCAG2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content: <https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag>

17.15.4 Licensed Operators must ensure that all bookings allow the hirer to identify and record any disabilities, or additional needs of the customer at the time of booking. The Operator must allocate an appropriate vehicle and driver to fulfil the needs of their customer. Where such additional needs are identified and/or a disability or registered assistance animal, the Operator cannot add additional fees as part of that hire agreement.

17.15.5 Licensed Operators should ensure that all vehicles working under their license have been inspected by the driver before any jobs are allocated to that vehicle. Daily 'Driver Vehicle Condition Checks' should be inspected by the operator. Any vehicle checks held/stored by the operator must be retained for a period no less than 12 months. Vehicle condition checks may be stored digitally but must be accessible for inspection by an authorised officer upon request.

18 Driver, Vehicle and Operator Licence Conditions and Application Process

18.1 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.

18.2 The application process for driver, vehicle and operator licences can be found in Appendices B,

C and D respectively.

19 Enforcement, Compliance and Complaints

- 19.1 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.
- 19.2 All complaints and enforcement actions will be recorded on the council's 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.

20 Enforcement Penalty Points

- 20.1 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.
- 20.2 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.
- 20.3 The penalty points are issued per incident and are cumulative and will remain on a license for a specified period of time. **When a license is renewed existing penalty points will carry over to the renewed license until the points specified period has expired.** 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. See appendix E for further details.
- 20.4 All Authorised Licensing Officers are authorised to operate the scheme and issue points accordingly.

21 Suspension or Revocation of a Licence

- 21.1 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.
- 21.2 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.
- 21.3 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 and other Authorities.

21.4 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.

21.5 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:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult.
- An individual has satisfied the 'harm test', as described in the Disclosure and Barring service (DBS) guidance about making referrals.
- Where an individual has received a caution or conviction for a relevant offence.
- 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>

22 Refusal to Renew a Licence

22.1 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.

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

22.3 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.

23 Prosecution of Licence Holders

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

24 Appeals

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

25 Service Requests and Complaints

25.1 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.

- 25.2 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.
- 25.3 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>

26 Whistleblowing Policy

- 26.1 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.
- 26.2 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.
- 26.3 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, Assistant Director for Legal Services (Monitoring Officer) or Corporate Director for Communities. When reporting under this policy, the reporter should request the enactment of the 'whistle-blowers' policy before divulging any information.
- 26.4 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
- 26.5 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.

- 26.6 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.
- 26.7 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.
- 26.8 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.
- 26.9 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.
- 26.10 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.
- 26.11 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
- 26.12 The Officer with whom the concern has been raised will initially respond in writing within ten working days, and will:
- acknowledge that the concern has been received
 - indicate how it is proposed to deal with the matter
 - give an estimate of how long it will take to provide a final response
 - state whether any initial enquiries have been made
 - supply information on staff support mechanisms

- state whether further investigations will take place and if not, why not.
- Inform the whistle-blower of the results of the investigation, and actions taken.

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



Appendices A - I

Appendices (V4.1)

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

Appendix F – The National Register of Refusals and Revocations (NR3S Register)

Appendix G – Vehicle Emission Standards

Appendix H – Vehicle Inspection

Appendix I – Drivers vehicle condition checklist

Criminal Records Policy

1. Introduction

- 1.1 Cherwell District Council is 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 ability, 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 and will also apply to current licence holders. 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', or 'Safe and Suitable' person.
- 3.3 To assist in determining whether an applicant is a 'fit and proper' ('Safe and Suitable') 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.

This also applies to current licence holders. 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 consecutive three years prior to their application, 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 driver's 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, conducted 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 other local authorities' areas where the applicant may have previously worked.
- Knowledge and understanding of requirements of a licensed driver.
- Or anything else that may bring into doubt the applicant's suitability to hold a licence.
- The answer to 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 new and/or previously unused information comes to light.

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 (4.1.3) will be considered and an applicant with a previous conviction will be expected to: -

1. Have remained free of further convictions 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 (4.1.3) 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 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, investigation 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 3 days of his/ her being: -

- Arrested or requested to voluntarily attend a police station for interview or formal questioning;
- Enforcement interactions with official bodies or Authorities;
- Administered with a verbal or written caution, binding over, reprimand or final warning;
- Charged with an offence, summonsed to court, or is under official investigation;
- 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, and a minimum of every six months during their licensed period. All new and renewal applicants must complete a DBS application via the Taxi Plus portal, or the Councils designated DBS check service provider, from the implementation of this policy. Once the DBS certificate has been received by the applicant, the applicant/licensee must sign up to the DBS Online Update Service via the Councils designated DBS check service provider within 32 days from DBS certificate issue date. Costs associated with the DBS checks are the responsibility of the applicant. The DBS update service is a less expensive service than a single Enhanced DBS check every six months and should prevent license renewal delays.
- 4.3.6 Applicants and licensees must sign up to, and maintain, subscription to the Council chosen designated DBS update service. This is required before licencing, and throughout the licensed period. Failure to subscribe and maintain subscription to the nominated DBS update service via the Councils designated DBS check service provider will result in the suspension, revocation, or refusal of a license.
- 4.3.7 Any changes to the councils designated DBS service provider will be notified to the applicant/licensee.
- 4.3.8 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.
- 4.3.9 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.
- 4.3.10 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 Licensed 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.

- 5.1.2 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.
- 5.1.3 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list
- 5.1.4 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/Violence against persons
 - Resisting arrest
 - Any racially aggravated offence against a person or property
 - Common assault
 - Affray
 - Any offence that may be categorised as domestic violence/abuse
 - 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.

- 5.1.5 Consideration may only be given to the granting of 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 7 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 Licensed 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, barred list, or any other similar register.

7. Dishonesty

7.1 A licensed 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 7 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 7 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 7 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 7 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 licensed 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/licensed 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: unlicensed, 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 **DVLA penalty** points or 6 **DVLA penalty** points for a singular offence the application will be refused. If a licensed 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 Using a hand-held/digital device whilst driving. Where an applicant/licensee has a conviction for using a held-hand mobile telephone or a device capable of transmitting and receiving data whilst driving, a licence will be refused/revoked and will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

10.3 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.

10.4 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.

10.5 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 or license holder is the subject of an **Authority investigation**, or an outstanding charge or summons his/ her application may be suspended, refused, or revoked until the matter is resolved. 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, **repetitive behaviours (alleged or otherwise)**, 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 revoked dependant on the information available. Such offences may include violent and/ or sexual offences, offences of dishonesty and drug related offences, or other.
- 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 3 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 3-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 licensed. A series of convictions over a period of time is more likely to give cause for concern than an isolated conviction, but in all cases 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].
- 16.4 The National Register of license Revocations, Refusals and Suspensions (NR3) will be used by this authority to share and disclose information on a more consistent basis. This will mitigate the risk of non-disclosure of relevant information by applicants.
- 16.5 From April 2022 all applicants/ licence holders who are unable to provide sufficient documentation of their right to work in the UK must demonstrate their right to work using the Home Office right to work checking service: <https://www.gov.uk/prove-right-to-work> This service will issue the applicant a 9 digit code which must be provided to the licensing authority as part of their application.

Driver Application Process and Conditions

The Application Process

If you are a new driver wishing to apply for a driver's license for a Hackney Carriage/Private Hire Vehicle, please visit www.cherwell-dc.gov.uk to apply. Alternatively, you can email licensing@cherwell-dc.uk to request an application is emailed to you.

If you are already a driver and your license is due for renewal, your renewal date will appear on the paper counterpart of your license, you will not receive a separate reminder. Please allow sufficient time before expiry **when applying to renew your license**, 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 license in time.

All applications to renew a taxi drivers' licence should be made through the Cherwell District Council website, Cherwell District Council will make all reasonable adjustments to ensure the Licensing Service is accessible by all:

<https://www.cherwell.gov.uk/directory-record/1881/taxi---hackney-carriageprivate-hire-driver-licence/category/44/taxis>

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.
- Released pending investigation.
- Convictions, cautions, binding overs, reprimands or final warnings.
- Charges awaiting trial; Summons to court.
- Fixed Penalty Notices.
- DVLA driving license 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 licenses 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 an applicant has spent 3 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. 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 3 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 status check code or 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.

All applicants must have held a UK issued DVLA full driving licence for at least 12 consecutive months at point of application. If a driving licence was issued outside the UK it must be converted to a UK DVLA license 12 months prior to applying for a Private Hire/Hackney Carriage Drivers licence.

During your application supporting documentation will be reviewed.

Your DVLA record will be checked online and you must create a DVLA sharing code to allow this check.

All grant and license renewal applications (not subscribing to the DBS update service via Taxi Plus, or the Councils designated DBS check service provider) must complete a new DBS application by creating you their own Taxi Plus account (for now) or one with the Councils designated DBS check service provider

Once a DBS certificate/report is issued by the DBS that full certificate/report must be made available to the Licensing authority.

Once the DBS application is completed through the Councils designated DBS check service provider the licensee must maintain their DBS subscription, via Taxi Plus/ the Councils designated DBS check service provider, throughout their licensed period.

If renewal or grant applicants do not undertake a DBS check through the Councils designated DBS check service provider and maintain their DBS update subscriptions throughout their licensed period, their application will be delayed, refused, or existing licences suspended.

It is the applicant/license holder's responsibility to pay any costs associated with their DBS check and update subscriptions.

Payment for the application must be made at the time of submitting the paperwork.

An application will not be progressed until:

- The application is completed in full*
 - Group 2 Medical form completed by a doctor with access to your patient records has been received*
 - Payment for the application has been made*
 - All supporting documents required have been seen/submitted (including a passport style photograph) *
 - The Disclosure Barring Service application has been completed **the Councils designated DBS check service provider***
 - Council approved safeguarding and disability awareness training has been undertaken*
 - A HM Revenue and Customs (HMRC) tax check code has been supplied*
 - A D.V.L.A. license check code has been supplied*
 - **When assessed as required - A Council approved Spoken English assessment has been completed**
 - A Council approved driving qualification has been produced
 - **A Council approve Taxi Knowledge Test has been passed**
- All requirements marked with a * need to be carried out at renewal as well

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.

Application for new Grants must be completed within eight months from the application date. Applications not completed within eight months will be deemed as withdrawn.

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

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

Licence applications will be determined by an Authorised Licensing Officer.

The council will not issue licences to cover unlicensed periods while an applicant is waiting for documentation, or has been unable to incomplete the application requirements.

Driver Licence Conditions

1. Driver Badge/License

- 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 license 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 license 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 license 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.
- 1.5 Drivers aware of a child or vulnerable person is at risk of harm must immediately contact the police, or licensing team, or otherwise they should:
- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
 - call Crime Stoppers on 0800 555 111.

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 drive or behave in an abusive, aggressive, intimidating or threatening manner to any member of the public, officer of the Council or any other Authority.
- 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 she/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/he 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 license.
- 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; 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 Licensees, and drivers must complete a daily vehicle check before starting hire and reward work. The driver daily vehicle check list (Appendix I) indicates all areas where the driver/licensee should check prior to any Hire and Reward work. The Driver/Licensee should document that they had completed those checks. Such documentation may be via digital spread sheet, diary or notebook, and that documentation must be made available to both Private Hire Operators, Licensing and authorised Officers. All such documented checks should be retained for one year from the date of that check.

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 license 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.

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 license, whether permanent or temporary. **Notification must be through a license variation application via the councils website.**

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 license may be suspended or revoked.

5. Accidents

- 5.1 If at any time the vehicle is involved in an accident/**incident**, 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 through the council's website) must then be completed and submitted to the Council, along with photographs of the vehicle damage, 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. When fitted to a Hackney Carriage taximeter must be used on every hire journey, and charges cannot exceed the metered 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. Where payment is made through contactless electronic means, the driver must issue a receipt to the customer

identifying the taxi license number, date, time, and drivers badge number.

7. Passengers

- 7.1 The licence holder must not carry more persons than is permitted by the vehicle license.
- 7.2 Licensed Drivers will 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, and
 - any child under the age of 13 years old unless a County Council contract permits otherwise.
- 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 165 of the Equality Act 2010 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)

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 footwell 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 footwell behind

the front passenger seat. The seat should be pushed forward to make room for the dog.

9. Found Property

- 9.1 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 notify the councils licensing department, in writing 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 their medical status** or 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 who has had full sight of the driver's medical history to the effect that s/he is or continues to be physically fit to be a driver of a Hackney Carriage/ Private Hire Vehicle.
- 10.3 Under the D.V.L.A. Group 2 Medical standards applicants and licensed drivers suffering from diabetes and using insulin 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.

11. Convictions, Cautions, Arrest etc.

- 11.1 Throughout the duration of the license, Licensed Drivers must notify, in writing, the relevant Council within 72 hours providing full details of any: -
- Arrested or requested to voluntarily attend a police station for interview or formal questioning;
 - Enforcement interactions with official bodies or Authorities.
 - Being administered with a verbal or written caution, binding over, reprimand or final warning;
 - Being charged with an offence, summonsed to court, or is under/subject to an official investigation;
 - Being convicted of an offence;
 - Being issued with a Fixed Penalty Notice;
 - Receiving a DVLA driving offence notification and/or licence endorsement;
 - Being subject of any 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 continually subscribe to the Councils designated 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.
- 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 encouraged to install CCTV in Hackney Carriage Private Hire Vehicles. CCTV recording equipment must be 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.
- 14.2 CCTV systems that can record audio as well as visual data must be overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only activated when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.
- 14.3 Dash cameras, which only records visual footage (not audio), and records footage outside of the licensed vehicle, is recommended for all licensed vehicles, provided the recordings and equipment comply with the Information Commissioners CCTV Code of Practice
- 14.4 All health and safety duties required by the Health and Safety at Work Act 1974 whether temporary or permanent on the workplace in this case a vehicle being the workplace must be followed at all times.
- 14.5 All License Holders are to comply with current Government Legislation and Guidance applicable, an example is COVID-19 requirements such as wearing a face covering in a Vehicle (health and Safety defined as workplace)'.

15 Daily Drivers Vehicle Condition Checks

- 15.1 **Licensed Drivers must inspect their licensed vehicle daily before commencing hire and reward work. They must complete a 'Driver Vehicle Condition Check as outlined in the Vehicle check documentation (appendix I) and must document that completed check. All such vehicle check documentation must be retained for period no less than 12 months.**

- 15.2 When a driver is working for a Private Hire Operator, they must provide that operator with the Daily Vehicle Check documentation before commencing work for that operator. This is required daily before accepting any hire and reward jobs.

The vehicle check documentation may be stored digitally, or via a notebook, and must be accessible for inspection by an authorised officer.

Vehicle Application Process and Conditions

Application Process

Any vehicle which is not currently licensed as a Hackney Carriage / Private Hire Vehicle with the Council, no matter how recently the license elapsed or was transferred, will be treated as a new vehicle application.

Applicants for a license for a Hackney Carriage/Private Hire Vehicle please visit <https://forms.cherwell.uat.jadu.net/xfp/form/544?council=cdc> or download an application form. Alternatively email licensing@cherwell-dc.uk to request a copy is emailed to you. Please note that new license applications age limits and wheelchair accessibility requirements may apply.

New MOT testing certificate are required upon license application. Once licensed, vehicles must complete a Council vehicle Inspection at a designated vehicle inspection facility on the sixth month after that license is issued. The relevant date of inspection will be printed on the vehicle license, you will not receive a separate reminder

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

Any vehicle must be first MOT tested before making an application. The cost of this test is not included in the license application fee, neither are the costs included for the periodical vehicle inspections.

Initial licensing of a vehicle with less than 500 miles on the odometer are exempt from an MOT certificate on initial first licensing application.

Any vehicle MOT, or vehicle inspection, failures at any time will require inspecting/testing at the applicant's expense. It is the license holder's responsibility to ensure that your vehicle is safe at all times and therefore a vehicle should not fail when presented to be tested or inspection.

Payment for the application must be made at the time of submitting the application and supporting documentation. A receipt will be provided automatically. 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. Such a test must have been completed no more than 28 days before the application is received by the Council.
- 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.
- A vehicle compliance inspection has been completed by the Council's authorised Officers (When required).
- Licensed vehicle applicants will be subject to a minimal basic Disclosures and Barring vetting (DBS). Where applicants have subscribed to the DBS update service **via the Councils designated DBS check service provider** for Cherwell licensing with their enhanced DBS certificate for a taxi drivers license, those applicants may also use that DBS update service for a vehicle license application.

Procedure for vehicles leased by a hire company:

- The vehicle(s) in question will be licensed in the driver's name; however, the V5 can show the company name.
- Must have a signed hire agreement between company and driver
- The Council 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, the Council 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.

Provided you have evidenced that your vehicle meets the required standards you will be issued a license and plates.

The external plate must be attached securely to the rear exterior of the vehicle and the internal plate must be affixed to the front top left of the windscreen (passenger side) with the details facing inwards.

Once the vehicle is licensed only a person holding a driver's licence issued by the Council will be permitted to drive the vehicle.

VEHICLE LICENCE CONDITIONS

PRIVATE HIRE VEHICLES

1.1 GENERAL

- On initial grant of a license non wheelchairs accessible vehicles must be under 6 years old from first registration.
- The council will only continue to licence non wheelchair accessible vehicles up to the vehicle being 10 years old from first date of registration.
- Wheelchair accessible vehicles upon first licensing will be exempt from a maximum vehicle age restriction and will be licensed until the vehicle is 10 years old, from the date of first registration.
- Wheelchair accessible vehicles propelled by electric hybrid engines will be licensed until

the reach 15 years old from first registration.

- E. Wheelchair accessible vehicles propelled solely by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions.
- F. 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).
- G. Vehicles modified to use a different fuel from which they were first manufactured, will not be licensed unless adapted with an agreed retrofit to an approved standard*. Eligibility of modified vehicles will be determined on a case-by-case basis.
*The approved standard cannot be detailed at this time as this does not exist. Any creation of such standard in future will be examined at such time."
- H. The vehicle must be right hand drive.
- I. The vehicle must have at least four wheels, and 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.
- J. All seats must be fitted with lap and diagonal safety belts as a minimum standard, and may face forwards or backwards, but not sideways.
- K. Backward facing seats over or behind the rear wheels and axle(s) having normal access only through a rear door will not be accepted.
- L. Minimum access to rear seating will be 300mm
- M. The Council follows 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 licensed for the same number of passengers as there are seats.
 - ii) Certain car 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 licensed to carry four passengers.
- N. The vehicles must have at least four road wheels, which – unless alloy – must have matching trims.
- O. All tyres must be the same dimensions unless specifically designed otherwise. Tyres with part worn, remoulded, embedded nails, etc., are not acceptable; they must be replaced, not repaired. Evidence of tyres purchase may be required. The minimum tread depth will be 2mm and wear must be even.
- P. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Additional seat coverings must not cover air bag zones. 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.
- Q. Drivers must complete a daily vehicle check before starting hire and reward work, and document that check in a vehicle condition check list. All such documented checks should be retained and may be requested by the Authority.

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.

- c) A single seat should be at least 432mm (17") wide
- d) Each seat must have a minimum height of 410mm (16") from the floor to the top of the seat, allowing for leg room, when seated.

1.3 WHEELCHAIR ACCESSIBLE LICENSED VEHICLES

- a) The Council adheres to the Equalities Act 2010 in respect of wheelchair accessible vehicles.
- b) Suitably documented 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. Further advice may be obtained from the Licensing team at the relevant Council.
- c) The vehicle must have a satisfactory arrangement for ramps, steps, handrails, and storage of wheelchairs. 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.
- d) 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.
- e) Ramp dimensions: Single piece ramp – width 700mm (min), length 1600mm (max).
- f) Ramp gradients: Side entry: Kerb (125mm): 14 degs (max) Ground: 19 degs (max).
- g) Slip resistant surfaces: all surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.
- h) 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.
- i) Control and failsafe mechanisms or power operated equipment: power operated equipment shall only be capable of operation from a control adjacent to the ramp.
- j) 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.
- k) Manual override provisions for power operated equipment: a provision to repeatedly operate the equipment in the event of power failure shall be provided.
- l) 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.

Wheelchair assessable Entrances and Exits

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

Wheelchair internal area

- a. 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.

- b. Wheelchair spaces requirements: 1200mm length, 700mm width, 1350mm height (min).
- c. All such vehicles will be licensed for the number of non-wheelchair customers only.

2. HACKNEY CARRIAGES MUST BE CONSTRUCTED FOR THE CARRIAGE OF PASSENGERS IN WHEELCHAIRS – NEW GRANTS

- a) The Council adheres 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.
- c) It must be capable of taking a wheelchair with passenger, suitably anchored with a safety belt / harness.
- d) The dimensions for the door aperture giving access for wheelchair-based persons must also be acceptable to the Licensing Authority.

3. STRETCH LIMOUSINES

The majority of these vehicles are imported from the USA via Belgium. In the interests of passenger safety, the Council will licence stretch limousines as long as the vehicle meets 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 or converted fuel vehicles, the vehicle will not be licensed if the LPG/fuel tank adversely impacts on the load carrying capacity.

4.2 CONDITION OF VEHICLES, AND MECHANICAL TESTING

- a) Vehicle licences are for a period of 1 year and will be subject to MOT testing upon grant or renewal applications. Following the grant of a license all licensed vehicle must be inspected after the initial 6 months, and before the 7th month of license.
The 6-month (mid license) vehicle inspection will be conducted by Authorised Officers at a Council designated vehicle inspection facility.
- b) All MOT and Council vehicle inspection reports must show that the vehicle has no faults, or advisories, has passed the stated inspection/test, and meets Licensing Policy minimum standards. Where advisories or faults have been reported, the license or application may be suspended/revoked or refused a license until the applicant/Licensee have documented the completion of any remedial works required to correct the advisory fault/s.

Where any additional vehicle checks are required by Cherwell District Council, vehicles must be taken to an appointed vehicle testing station within 7 days of such a request. The appointed MOT or vehicle inspecting station used for additional checks will be detailed by Cherwell District Council at the time of such request. Vehicle MOT and inspection appointments, together with all associated fees, are solely the applicant or licensee responsibility.

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. **Such approval applications may be subject to a fee.**
- c) Glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, and tinted window coverings, 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, or post manufacture glass 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
- g) **Vehicles with driver/passengers' partitions must have a hearing loop or similar audio assistance installed.**
- h) **All licensed vehicles are required to carry a British Standards BS 8599-1:2019 and contains HSE approved first aid kit. That kit should be replenished as needed, and out of date supplies replaced. The kit should be regularly inspected to ensure it complies with the stated standards. All kits must be permanently marked with the vehicle license plate number.**

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 exterior of the vehicle (and not inside the vehicles 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 Council's name and logo. These must be displayed on both nearside and offside front doors.

With the permission of the Licensing Department the signs may incorporate the Private Hire Vehicle company's name. All such signs must be of a minimum dimension of 40cm in length and 20cm in width and should use a large enough lettering font for the words to be easily read from 3 metres distance, in a font no less than 15cm/6 inch high. **Applications for door sign approvals may be subject to a fee.**

- d) At least one interior sign showing the red 'no smoking' symbol*
- *applies to all vehicles

4.7 MODIFICATIONS

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

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.

6. CCTV Recording Equipment

- a. Drivers are encouraged to install in Hackney Carriage Private Hire Vehicles CCTV recording equipment for public protection purposes. The Council should be notified about CCTV installed in licensed vehicles. CCTV recording equipment must have a hard drive which is only accessible by an Authorised Officer of the Council or a Police Officer. Licensees must allow Authorised Officers of the Council unrestricted access to all recordings. On formal request all footage recorded must be supplied to the Licensing Authority within 72 hours of the request. 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 license. All installed CCTV must comply with the Information Commissioners CCTV Code of Practice.
- b. CCTV systems that can record audio as well as visual data must be overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only activated when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behavior and must not

be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- c. Dash camera's, which only records visual footage (not audio), and records footage outside of the licensed vehicle, is recommended for all licensed vehicles, provided the recordings and equipment comply with the Information Commissioners CCTV Code of Practice

HACKNEY CARRIAGES

1.1 GENERAL

- a) All Hackney Carriages (taxis) must be white unless purpose built “London style” taxis and all new grants must be wheelchair accessible.
 - i. All new vehicles licensing grants must meet the requirements as per Appendix G These vehicles must also have functioning start/stop technology unless the vehicle is powered entirely by electric or Hydrogen.
 - ii. 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) and will not have their licences extended past the vehicle being 10 years old (from first being registered at the DVLA).
 - iii. Vehicles modified to use a different fuel from which they were first manufactured, will not be licensed unless adapted with an agreed retrofit to an approved standard*. Eligibility of modified vehicles will be determined on a case-by-case basis.

*The approved standard cannot be detailed at this time as this does not exist. Any creation of such standard in future will be examined at such time.

- b) The vehicle must be right-hand drive.
- c) Must have at least 3 body-side doors for passengers with a separate means of access for the driver and excluding any rear door.
- d) 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 300mms
- 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) The vehicle must have at least four road wheels, which – unless alloy – must have matching trims.
- g) 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.
- h) A fully functioning roof sign shall be attached to the roof, which is capable of being illuminated at night. The roof sign must display the word TAXI.
- i) There must be a fully functioning sign, which is capable of being illuminated at night, to indicate when the vehicle is available FOR HIRE.
- j) Drivers should complete a daily vehicle check before starting hire and reward work, and document that check in a vehicle condition check list. All such documented checks should be retained and may be requested by the Authority.

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.
- c) A single seat should be at least 432mm (17”) wide
- d) Each seat must have a minimum height of 410mm (16”) from the floor to the top of the seat, allowing for leg room, when seated.

1.3 WHEELCHAIR ACCESSIBLE LICENSED VEHICLES

- a) The Council adheres to the Equalities Act 2010 in respect of wheelchair accessible vehicles.
- b) 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. Further advice may be obtained from the Licensing team at the relevant Council.
- c) The vehicle must have a satisfactory arrangement for ramps, steps, handrails, and storage of wheelchairs. 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.
- d) 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.
- e) Ramp dimensions: Single piece ramp – width 700mm (min), length 1600mm (max)
- f) Ramp gradients: Side entry: Kerb (125mm): 14 degs (max) Ground: 19 degs (max)
- g) Slip resistant surfaces: all surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.
- h) 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.
- i) Control and failsafe mechanisms or power operated equipment: power operated equipment shall only be capable of operation from a control adjacent to the ramp.
- j) 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.
- k) Manual override provisions for power operated equipment: a provision to repeatedly operate the equipment in the event of power failure shall be provided.
- l) 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.

Wheelchair assessable Entrances and Exits

- a) Number and position: a minimum of 1 located on the nearside
- b) Minimum doorway width: 740mm
- c) Minimum doorway height: 1230mm

Wheelchair internal area

- a) 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.

- b) Wheelchair spaces requirements: 1200mm length, 700mm width, 1350mm height (min).
- c) All such vehicles will be licensed for the number of non-wheelchair customers only.

2 HACKNEY CARRIAGES MUST BE CONSTRUCTED FOR THE CARRIAGE OF PASSENGERS IN WHEELCHAIRS – NEW GRANTS

- a) The Council adheres 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.
- c) It must be capable of taking a wheelchair with passenger, suitably anchored with a safety belt / harness.
- d) The dimensions for the door aperture giving access for wheelchair-based persons must also be acceptable to the Licensing Authority.

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 converted fuel vehicles, the vehicle will not be licensed if the LPG/fuel tank adversely impacts on the load carrying capacity.

3.2. AGE AND CONDITION OF VEHICLES AND MECHANICAL TESTING

- c) Vehicle licences are for a period of 1 year and will be subject to MOT testing upon grant or renewal applications. Following the grant of a license all licensed vehicles must be inspected after an initial 6 month license period and before the 7th month of a license period. The 6 month (mid license) vehicle inspection will be conducted by Authorised Officers at a Council designated vehicle inspection facility.
- d) All MOT and Council vehicle inspection reports must show that the vehicle has no faults, or advisories, has passed the stated inspection/test, and meets Licensing Policy minimum standards. Where advisories or faults have been reported, the license or application may be suspended/revoked or refused a license until the applicant/Licensee have documented the completion of any remedial works required to correct the advisory fault/s.
- e) Where any additional vehicle checks are required by Cherwell District Council, vehicles must be taken to an appointed vehicle testing station within 7 days of such a request. The appointed MOT or vehicle inspecting station used for additional checks will be detailed by Cherwell District Council at the time of such request. Vehicle MOT and inspection appointments, together with all associated fees, are solely the applicant or licensee responsibility.
- f) On initial grant of a new license non wheelchair accessible vehicles will be

refused.

- g) The council will only continue to licence non wheelchair accessible vehicles up to the vehicle being 10 years old from first date of registration.
- h) Wheelchair accessible vehicles upon first licensing will be exempt from a maximum vehicle age restriction and will be licensed until the vehicle is 10 years old, from the date of first registration.
- i) Wheelchair accessible vehicles propelled by electric hybrid engines will be licensed until they reach 15 years old from first registration.
- j) Wheelchair accessible vehicles propelled solely by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions.

3.3 COLOUR, MARKINGS, SIGNS, ADVERTISEMENTS AND WINDOWS

- a) 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 word "TAXI" must be shown on both front doors affixed to the vehicle in black block letter, in a font no less than 15cm/6 inch high.
- c) 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.
- d) A windscreen and roof sign, capable of illumination, should be fitted, displaying the words 'FOR HIRE' and 'TAXI' in black lettering against a white background. Where vehicles are purpose built as Hackney Carriages and the only specification available during its build is for orange 'for hire' illuminated roof signs then these will be permitted. Retrofitted changes will not be accepted.
- e) 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 licensed. 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.
- g) Vehicles with driver/passengers' partitions must have a hearing loop or similar audio assistance installed.
- h) All licensed vehicles are required to carry a British Standards BS 8599-1:2019 and contains HSE approved first aid kit. That kit should be replenished as needed, and out of date supplies replaced. The kit should be regularly inspected to ensure it complies with the stated standards. All kits must be permanently marked with the vehicle license plate number.

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 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 exterior 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" in a font no less than 150mm in height. These may be permanent or magnetic

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.

5. CCTV Recording Equipment

- a. Drivers are encouraged to install in Hackney Carriage Private Hire Vehicles CCTV recording equipment for public protection purposes. The Council should be notified about CCTV installed in licensed vehicles. CCTV recording equipment must have a hard drive which is only

accessible by an Authorised Officer of the Council or a Police Officer. Licensees must allow Authorised Officers of the Council unrestricted access to all recordings. On formal request all footage recorded must be supplied to the Licensing Authority within 72 hours of the request. 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 license. All installed CCTV must comply with the Information Commissioners CCTV Code of Practice.

- b. CCTV systems that can record audio as well as visual data must be overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only activated when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.
- c. Dash camera's, which only records visual footage (not audio), and records footage outside of the licensed vehicle, is recommended for all licensed vehicles, provided the recordings and equipment comply with the Information Commissioners CCTV Code of Practice

Right of appeal

Nothing in these conditions will remove the right to appeal to a Magistrates' or Crown 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 Council under Section 7 of the Public Health Act 1907.

Appendix D

Operator Application Process and Conditions

The Application Process

Hackney Carriage / Private Hire Vehicle drivers licensed with the Council are not required to undergo an additional Disclosure Barring Service check in order to apply for an operator's licence. Operator licence holders must be subscribed to the DBS Online Update Service and when applying for a new operator licence or the renewal of an existing operator licence.

The Council will check the status of DBS records online as part of the application process.

Applicants for an operator licence who do not hold a Hackney Carriage / Private Hire Drivers licence issued by Council will be required to submit a Standard DBS Certificate as part of the application. Applicants should contact the Licensing Authority to apply for a Standard DSB Certificate, a charge will be applicable.

If you already hold an operator licence and your licence is due for renewal the renewal date will appear on the paper counter part of the licence; you will not receive a separate reminder. Please allow sufficient time before expiry when booking your appointment with the Council 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 a 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 apply via <https://www.cherwell.gov.uk/directory-record/1876/taxi---private-hire-operators-licence>. Alternatively, you can email licensing@cherwell-dc.uk for assistance.

Applicants for an operator licence must complete in full the relevant application form and make an appointment with the Council.

Payment for the application must be made at the time of submitting the application and supporting documentation. A receipt will be provided. 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
- A HM Revenue and Customs (HMRC) tax check code

Please note that as part of the application process the Council's licensing team will

consult the Council's planning team. The planning team has 14 days in which to make any comments in respect of the application.

Operator License Conditions

1. Records

Private Hire Vehicle operators must keep records in accordance with the Local Government (Miscellaneous Provision) Act 1976.

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 examination and/ or audit. Written records must be kept in a bound book.

In all cases, all records must be kept for at least three years, and made available to an Authorised Licensing Officer or police officer within the time specified.

If an 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 and model
- Registration number
- Vehicle owner
- Council 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
- Council Hackney Carriage / Private Hire Vehicle driver licence number
- Copy of the Hackney Carriage / Private Hire Vehicle driver licence.

Employee details:

- Employee register recording the full name and address of all operators/dispatch employees.
- Employee register must record certificate number and date of issue of

a basic DBS report, and any comments from the operator regarding that report (for example no offence/no relevant offences).

- Records of employee Basic DBS report having been checked by the employer/operator at least every three years, by recording the new report certificate number, date and comments.
- Operators must record any offences disclosed by the employee following the receipt of a Basic DBS report/certificate.

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.

At the time of accepting a hire and reward booking the Operator must ensure that the customers have been asked if they require any assistance, such as a Wheelchair accessible vehicle, assistance for a disability, have a registered assistance dog, or similar. The operator must then accommodate the customers' requirements at no extra charge. Operators will be required keep records of the said customer requirements as evidence of their compliance with their license.

The bookings must follow the following format:

- the name of the passenger/hirers full name;
- the time of the request;
- the pick-up point;
- the destination;
- any additional customer requirements
- the full name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name dispatcher

Example: -

Passenger/ Hirer Full name	Date & Time Requested	Pick-up location	Pick-up date/ time	Destination	Additional customer requirements	Drivers licence number	Vehicle registration	Vehicle licence number	operators booking employee	Dispatcher

All such booking should be retained for a minimum period of six months. Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Computerized systems (e.g. Diplomat, Autocab, Avakia, or others)

When a computerized system with GPS tracking is installed – and where the software allows this function – it must be used to indicate where a vehicle is at any given time. In addition, a printed plot of a vehicle's movements must be made available on request.

Licensed Operators must ensure that their booking systems are accessible and comply with WCAG2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content:

<https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag>

3. Insurance

The operator must keep a copy of all cover notes and certificates of insurance issued to the drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the operator. When a "block" policy is held by the operator, a full list of all vehicles and drivers covered should be kept for at least one year. The insurance document should show:

- (a) name and address of insurance company (and broker if applicable) insuring the use of the vehicle;
- (b) date of commencement of any policy of insurance and of any cover notes issued with policy and cover note numbers relating to the use of the vehicle;
- (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).
- (e) Licensed operators must have public liability Insurance and maintain that insurance throughout their license period.

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 him/ her of any delay;
- b) premises provided by the operator, either for waiting or booking, shall be kept clean, adequately heated, ventilated and well-lit with 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;

The operator shall ensure, without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 that all vehicles and drivers owned, controlled, or operated in association with the operator shall observe and perform the conditions of their license.

All vehicles operated by the operator shall be maintained in a satisfactory and road worthy condition

- a) Licensed Operators must ensure that all vehicles working under their license have been inspected by the driver before any jobs are allocated to that vehicle. Daily 'Driver Vehicle Condition Checklists' reports must be inspected by the operator, and the reports held/stored by the operator for a period no less than 12 months. The vehicle condition check lists may be stored digitally but must be accessible for inspection by an authorised officer.

Additionally: -

- 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.
- In certain instances, therefore the owner and / or operator may be subject to enforcement action as a result of an offence committed by the driver of their vehicle.
- The Council will take into account the circumstances of any offence and the compliance of the owner and / or operator with their obligations in deciding the action, if any, which should be taken against the owner and / or operator.

5. Reference to the Council

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

- a) any convictions, verbal or written cautions/reprimands/warnings, civil actions, arrests, interactions with official bodies or Authorities, any bail period incurred by him or any partner, director, or company secretary during the period of the licence for any offence.
- b) change of address, both business and personal 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).
- c) Any relevant offences which may come to light, with regards to their employees/dispatching operators. Such notification should include details of the actions taken by the licensed operator.

It is also in the interests of an operator to inform the Council if s/he is stopping work for any length of time, especially if it is likely to affect the date of license renewal.

6. Driver / vehicle licenses

It is the operator's responsibility to ensure licenses for all drivers and vehicles working for and being used by the operator 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/ her or his/ her agents or managers relative to any aspect of the operator's 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 Licensing Officer.

8. Door Signs/Advertisements

Should an operator wish to provide drivers/proprietors with door advertising panels (other than those issued by the Council) the below procedure must be followed: -

- a) the sign must be approved by an Authorised Licensing Officer before being put into use;
- b) the sign must be displayed on both front doors of the vehicle;
- c) the sign may contain the name of the company and the telephone number but must incorporate the words, '**Cherwell District Council. Private Hire Vehicle. This vehicle must be pre-booked.**'
- d) the sign must not show the word 'TAXI' or nor any other word of similar meaning or appearance which may be taken to indicate that the vehicle is a Hackney Carriage.
- e) Door signs must meet the requirements specified in Appendix C, 4.6 c.

9. Accessibility

- a) Licensed Operators with 10 or more Cherwell Council licensed vehicles facilitating Hire and reward journeys under their operator's license should ensure at least 20% of those vehicles are wheelchair accessible before **01/01/2028**.
- b) The Licensing Authority may request documentation of the licensed operators' vehicles and wheelchair accessibility vehicles at any time.

Planning consent for operating base

The 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 license.

10. Change of circumstances

Any material change of the circumstances since the license was granted must be reported to the Council immediately. This includes any changes to drivers or vehicles which must be notified to an Authorised Licensing Officer in writing within 48 hours.

11. General Conduct

During the course of business operators must not cause a nuisance to individuals or other businesses. No licensed vehicles may park on the Highway outside a Licensed Operators Office, unless picking up, or dropping of a paying

customer, in such cases a maximum of 2 vehicles can be in attendance at the business address at any one time.

12. Sub-contracting

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.

- Any private hire operator making provision for the invitation or acceptance of bookings in Cherwell needs to hold a private hire operator's licence with Cherwell. The Council expects Operators licensed by the Council to utilise vehicles and drivers licensed by Cherwell so as to ensure that the licensed trade working in Cherwell conform to the standards set by the Council and can be subject of local compliance.
- In addition, as part of the Council's 'fit and proper' test, it would not expect an operator to obtain a licence in Cherwell to simply make vehicles licensed by another authority available for booking via sub-contracting on a regular basis. As such whilst any licensed vehicle may enter Cherwell to pick up or drop off customers, the Council would not expect vehicles licensed outside of Cherwell to be waiting in Cherwell and be made available for bookings as this diminishes the Council's ability to set local standards and local control. As such, any Operator acting to deliberately reduce the Council's ability for local control would not be meeting the required public safety objectives and standards expected of a professional, licensed, fit and proper private hire operator, and may have their licence to make provision to invite or accept bookings in Cherwell revoked.

By way of guidance, the Council would expect at least 75% of journeys received by a Cherwell licensed operator commencing or finishing in Cherwell in a 3-month period to be completed by Cherwell licensed private hire vehicles (or Cherwell licensed hackney carriage vehicles completing pre-booked work).

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

13. Contracts

All journeys facilitated or booked by the licensed operator are considered as a contractual obligation between the customer and that operator. All licensed Operators must comply with all legislative, HMRC, Employment law, and all other associated Government requirements associated with each such contract.

14. 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 license, or any decision to suspend or revoke a license, nor against any conditions which may have been imposed on any such license by the Council. Any appeal must be made to the relevant 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 licensed drivers, operators or owners can be issued with points against their Council issued Hackney Carriage/ Private Hire Drivers or Operator License by authorised licensing officers of the Council. Points would be used for less serious breaches of a license condition or legislative provision. The issuing of points formalises the Council's previous practice of issuing warnings. The aim is to encourage license holders to comply with license conditions and legislation and to behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the licensed vehicle trade. The points system operates in addition to all existing enforcement options and has regard to the principles of the Council's 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 license conditions or primary legislation. License 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 license until a trigger level is reached, at which time the license holder could be subject to more formal sanctions including the suspension or revocation of his/her license.
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 license holder after it is brought to his/her attention. The points system will help provide an open and transparent method of how a license holder will be assessed in terms of the 'fit and proper person' test.
3. Points will remain on a license for 3 years for licensed drivers and vehicle licensee's and for 5 years for Private Hire Operators. All licensing points will remain on a license from the date of issue, and will transfer to any license renewed during the points allocation time period. When a license is issued 12 points or more that license may be suspended for a period not exceeding 28 consecutive days in the first instance, thereafter that license may be suspended for a period not exceeding 3 months.
4. Where a license holder accumulates the trigger level of penalty points (namely 12 points) more than once in any Five year period, the Council will decide whether a license should be suspended or revoked if it is considered that the accumulation of points indicates that the license holder is no longer a 'fit and proper person' to hold a license. 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 license 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 license holder and take more

formal enforcement action if additional information becomes available subsequent to the issuing of points which the Council considers increases 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	Driver not holding a current Hackney Carriage/Private Hire driver licence	12*	✓	✓	15	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*	✓	✓	16	Failure to provide information on vehicle garaging arrangements	3	✓	✓
4	Touting/illegally plying for hire	12*	✓	✓	17	Using a non-approved taximeter	6	✓	✓
5	Using unlicensed vehicle or vehicle without insurance	12*	✓	✓	18	Unsatisfactory behaviour or conduct of driver	3-12	✓	
6	Failure to produce documents within timescale, when requested to do so	4*	✓	✓	19	Failure to display "taxi" or 'Hire' signs, on a Hackney Carriage roof or windscreen, and/or faults preventing illumination of such signs	4*	✓	
7	Vehicle in unsatisfactory condition inside or out	4	✓	✓	20	Driver not holding a current DVLA licence	12	✓	✓
8	Failure to produce vehicle for a compliance inspection when required	4*	✓	✓	21	Failure to wear/display a driver's badge.	4*	✓	
9	Using a vehicle subject to a prohibition/suspension order	12	✓	✓	22	Failing to notify change of medical circumstances	6	✓	
10	Using a vehicle for which the licence has been suspended or revoked	12*	✓	✓	23	Failure to return driver's badge within 7 days of being requested to do so	4*	✓	✓
11	Failure to report within 72 hours an accident or damage to a licensed Vehicle	3	✓	✓	24	Failure to return vehicle licence plate within 7 days of being requested to do so	4*	✓	
12	Overloading of licensed vehicle (including exceeding the licensed number of passengers)	6*	✓		25	Failure to notify the Council of any motoring or criminal convictions, interactions with authorities, cautions etc during period of current licence (Appendix A, 4.3.4)	6-12	✓	✓
13	Failure to display external or internal licence plate or door sign as required (including not attaching plate in suitable manner)	4*	✓		26	Providing false/misleading information on application form, or failing to provide relevant information	6-12*	✓	✓
14	Carrying an offensive weapon in the vehicle	4-12	✓		27	Any other offence or breach not outlined above namely	3-12	✓	✓

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 an Authorised Licensing Officer has the discretion to award the number of points according to the severity of the breach.
- Points generally remain on the license file for a period of up to 5 years from the date of issue.
- Any licensee or operator awarded points resulting in a licences suspension or revocation has a right to appeal to the Magistrates Court within 21 days.

Drivers/Licensee

- On accumulation of 12 or more points, at any time, a driver or vehicle license will be subject of a recommendation to suspend that licence.
- For drivers/vehicle licences on the first occasion of an accumulation of 12 points, the recommendation would be a license suspension for 28 consecutive days.
- For drivers/licensee on the second occasion of an accumulation of 12 points, the recommendation would be for a licences suspension period not exceeding 3 months or the revocation of licence.
- License holders reaching the 12 point threshold twice or more in a 5 year period may be re- assessed under the Fit and Proper requirements of that license. Such an assessment may result in the revocation or refusal of a license. Each case would be assessed on its own merits.

Operators

- On accumulation of 24 or more points in a 3 year 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 for a licence suspension period not exceeding 3 months or the revocation of licence.
- Operators reaching the 24 point threshold twice or more in a 5 year period may be re-assessed under the 'Fit and Proper' requirements of that license. Such an assessment may result in the revocation or refusal of a license. Each case would be assessed on its own merits

Guidance

- Once a suspension period has been completed in full, all points will be removed from the license.
- Any driver, licensee, 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, suspensions on public safety grounds will take immediate effect.

The National Register of Refusals and Revocations and Suspensions (NR3S)

Requests for information, disclosure of information, and use of information as a result of an entry on National Register of Refusals, Revocations and Suspensions* (NR3S)

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations and Suspensions; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

I. Overarching principles

This policy covers the use that Cherwell District Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3S). The NR3S contains information relating to any refusal to grant, revocation or suspension of, a taxi drivers' licence¹. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked or suspended in the past.

Cherwell District Council has signed up to the NR3S. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Cherwell District Council will make a search of the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application².

¹ Throughout this policy reference is made to 'taxi drivers' licence.' This generic term covers a hackney carriage drivers' licence, a private hire drivers' licence and a combined/dual licence.

² The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

* The 'Suspension' (NR3'S) element of the national register comes into force from the 27th of April 2023.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated³. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined⁴.

The data will be held securely in accordance with Cherwell District Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with Cherwell District Council's general policy on the erasure and destruction of personal data.

II. Making a request for further information regarding an entry on NR3S⁵

When an application is made to Cherwell District Council for the grant of a new, or renewal of, a taxi driver's licence, Cherwell District Council will check the NR3S.

Cherwell District Council will make and then retain a clear written record⁶ of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

³ Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

⁴ Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally, any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

⁵ This section of the template policy relates to the submission of a request by the second authority.

⁶ This can be electronic, rather than "pen and paper" hard copy.

This record will not be combined with any other records (i.e. combined with a register of licenses granted) and will be retained for the retention period of 25 years.

If Cherwell District Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Cherwell District Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at Appendix F(a) of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

III. Responding to a request made for further information regarding an entry on NR3S⁷

When Cherwell District Council receives a request for further information from another authority a clear written record will be made of the request having been received.

This record will not be combined with any other records (i.e. combined with a register of licenses granted) and will be retained for the retention period of 25 years⁸.

Cherwell District Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

Cherwell District Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

Cherwell District Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed⁹. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Cherwell District Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

⁷ This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

⁸ This record can be combined with the written record of the action taken as a result of the request.

⁹ If the 1st authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1st authority and the 2nd authority.

Cherwell District Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the 'Cherwell District Council guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'.

Where the reason for a refusal to grant or a revocation relates to a conviction which is within the timescales determined in those guidelines, there is a presumption that the information will be disclosed. Where the reason for a refusal to grant or a revocation relates to a conviction which is outside the timescales determined in those guidelines, there is a presumption against disclosure of the information. However, in every case consideration will be given to the full circumstances of the decision and there may be occasions where information is provided or withheld otherwise than in accordance with the presumptions above.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. Cherwell District Council will make and then retain a clear written record¹¹ of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority. This record will not be combined with any other records (i.e. combined with a register of licenses granted) and will be retained for the retention period of 25 years

IV. Using any information obtained as a result of a request to another authority

When Cherwell District Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications contained in the Cherwell District Council Taxi and Private Vehicle Licensing Policy.

¹¹ This can be electronic, rather than "pen and paper" hard copy.

Cherwell District Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that Cherwell District Council will make in relation to the application.



Requestor NR3S Information Disclosure Form (Fa)

This form is submitted following a search of the National Register of Refusals and Revocations and suspensions (NR3S).

(For completion by requestor authority)

Name of licensing authority requesting information:

Cherwell District Council

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / Revocation / Suspension

Other details for this record:

Address:

Driving licence:.....

NI :

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licenses, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be obtained at Licensing@Cherwell-DC.gov.uk

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, You may contact our data protection and information security officer by emailing informationgovernance@cherwell-dc.gov.uk

or by post.

The Information Governance Team

Cherwell District Council, Bodicote House, Bodicote, Banbury, Oxfordshire. OX15 4AA

Signed:

Name:

Position:

Date:

Requestor NR3S information disclosure form

(For completion by providing authority)

Further information to support the decision recorded on NR3S in respect of the
above- named individual

Declaration by providing authority

*The authority hereby confirms that it has conducted a data protection impact
assessment.*

*It also confirms that the information above is accurate and has been provided after
thorough consideration by the authority as to the proportionality and lawfulness of
making this disclosure. The information reflects the basis on which the decision
recorded in the National Register of Refusals and Revocations and Suspensions
was made. In the event that the authority becomes aware that this information is
no longer accurate, we will advise the above-named authority accordingly.*

*The authority also confirms that, as part of the basis for securing, retaining, or
applying for a taxi / PHV licence, the above-named individual has been made aware
of to the fact that this information will be shared, in accordance with all relevant data
and privacy requirements*

Signed:

Name:

Position:

Date:

Vehicle Emission Standards

Cherwell District Council has previously declared a climate emergency and is now working to support the district to become a carbon net zero area. Over the life of this policy, we will work in partnership with neighbouring authorities and other partners to improve the infrastructure for both electric and hydrogen vehicles. The Euro emissions standards aim to reduce the levels of harmful exhaust emissions, these include: Nitrogen oxides (NOx), Carbon monoxide (CO), Hydrocarbons (HC), Particulate matter (PM).

As well as damaging our climate these pollutants can harm our lungs and worsen chronic illnesses, such as asthma, lung and heart disease. Therefore, our proposals are as follows:

	Hackney Carriage and Private Hire Vehicles	
	Renewal	New Grants
Date Policy Adopted	All HCV must meet minimum Euro 4 emission standard	Ultra Low Emission Vehicles including Hydrogen Vehicles, Petrol Hybrid Euro 5+,
1st March 2024	Ultra Low Emission Vehicles including Hydrogen Vehicles, Petrol Hybrid Euro 5+, Petrol Euro 6 (Any vehicle registered from 1st Sept 2014 onwards), Diesel Euro 6 (Any vehicle registered from 1st Sept 2014 onwards), Please note the above category vehicles will only have licenses renewed until the 28th February 2033 without exception.	Petrol Euro 6 (Any vehicle registered from 1st Sept 2014 onwards), Diesel Euro 6 (Any vehicle registered from 1st Sept 2014 onwards) <i>*Any replacement vehicle whether temporary or permanent must meet ULEV standards or meet the same level of vehicle emission standards or better than the vehicle that is being replaced.</i>
1st March 2030	Ultra Low Emission Vehicles including Hydrogen Vehicles, Petrol Hybrid Euro 5+, Petrol Euro 6 (Any vehicle registered from 1st Sept 2014 onwards), Diesel Euro 6 (Any vehicle registered from 1st Sept 2014 onwards), Please note the above category vehicles will only have licenses renewed until the 28th February 2033 without exception.	Must meet Ultra-Low Emission (ULEV) standard i.e. Electric Vehicles; Hydrogen vehicles etc <i>*Any replacement vehicle whether temporary or permanent must meet ULEV standards or meet the same level of vehicle emission standards or better than the vehicle that is being replaced.</i>
1st March 2033	Must meet Ultra-Low Emission (ULEV) standard, i.e. Electric Vehicles; Hydrogen vehicles etc The three-year extension on renewals is to allow new vehicles licensed now or within the last three year to run their course.	

Standards guidance	
Euro Emission Standards (e.g. EURO 4)	Euro Standards are exhaust pollution limits for new car models, introduced by the European Union in the early 1990s, starting with Euro 1. The current Euro Standard is Euro 6. Euro 4 was introduced in 2006
Euro 6	The Euro 6 standard imposes a further, significant reduction in NOx emissions from diesel engines (a 67% reduction compared to Euro 5) and establishes similar standards for petrol and diesel.
Ultra-Low Emission Vehicles (ULEVs)	ULEV'S, are vehicles meeting the UK government's definition (as of November 2018) These vehicles have CO2 emissions of less than 75 grams of CO2 per kilometre (g/km) Recognising advances in technology from 2021 it is expected to define an ULEV as a car or van that emits less than 50g/km CO2.

The above vehicle emissions standards have been carefully considered and have been phased in taking into account we issue licenses for vehicle up to 10 years old if the licence has continually been renewed and the vehicle maintained in accordance with the Policy. Therefore, this policy on vehicle emissions did not want to unfairly impact financially the taxi trade.

From 2030 all vehicles at the time of first licensing must be propelled by either electric or hydrogen. Please note, this clause will be reviewed again at the time of the next Policy review in 2029 which occurs before the above clause comes into force. That Policy review will consider the availability of sufficient infrastructure to support electric and hydrogen vehicles, the availability of such vehicles and suitability of models available whilst also considering the affordability of those vehicles.

* When a vehicle has been replaced following a vehicle accident or damage, the replacement vehicle may be like for like with regards to emissions and euro categorisations up to the accident vehicle age reaching 10 years old. After the 10-year age threshold has been met, or exceeded, the existing licensed vehicle will not be renewed, and any replacement vehicle must meet the relevant policy euro category.

* Exemptions apply to wheelchair accessible licensed vehicles.



Cherwell District Council Licensing Vehicle Assessment.

Contact The Licensing Team at Cherwell District Council, Bodicote House, Bodicote, Banbury, Oxfordshire, OX15 4AA.

Telephone on 01295 753744, or Email: licensing@cherwell-dc.gov.uk

PLATE NUMBER: HCV OR PHV:

VEHICLE REGISTRATION NUMBER:

VEHICLE MAKE & MODEL:

COLOUR OF VEHICLE:

VEHICLE FUELED/POWERED:

NAME OF LICENCE HOLDER:

Appointments for this assessment can be booked:

By Telephone: 01295 221916

Or online:

<https://motbookings.cherwell.gov.uk/MOT/>

All assessments will be carried out at:

Cherwell District Council, Thorpe Lane Depot, Banbury, Oxfordshire. OX16 4UT

All appointments are non-transferable, and missed or late attended appointments will not be subject to a refund. Appointments may be subject to cancellation by the inspector.

NOTE FOR LICENCE HOLDER (PROPRIETOR):

This assessment will only be valid for a period of 28 days from the date of issue.

Appointments are limited, please ensure you allow enough time to complete this inspection before the specified date conditioned on your license.

You must send a copy of this report to Cherwell Council Licensing within 28 days of your vehicle assessment date.

The assessment must be completed on the sixth month from the date of your license issue, as required by your conditions of license.

INSTRUCTIONS TO VEHICLE EXAMINER:

Please ensure that this form is completed in full and endorsed (signed) by the assessing officer.

This document is a legal document and may be used in a court of law.

The vehicle presented is being assessed under the Taxi Licensing Policy, and the requirements of that policy, and as such this assessment differs to any MOT test.

Private Hire and Hackney Carriages are required to meet higher standards than an average vehicle. This assessment is designed to ensure public safety, passenger comfort, and a vehicles suitability to hold a license. Any faults must be noted, and recorded along with any further comments the assessing officer may deem as relevant to the assessment.

HACKNEY VEHICLES ONLY.	YES / PASS	NO / FAIL	REMARKS
Functioning illuminating roof light displaying the word 'Taxi'.			
'Taxi' door signs wording black lettering is at least 150mm in height, on both sides of the vehicle.			
'For Hire' illuminated windscreen sign displayed and functioning.			
Taxi meter has an intact and unbroken meter seal.			
Meter displays the correct tariff when turned on. (Tariff 1 at £3.00).			
Hackney Tariff card is displayed within the vehicle.			
PRIVATE HIRE VEHICLES ONLY.			
Two door signs attached and displayed both sides of the vehicle, and states "This vehicle must be pre-booked" with the council logo.			
Door signs are at least 40cm in length and 20cm.			
WHEELCHAIR ACCESSABLE VEHICLES ONLY.			
Wheelchair access doors are functional and allow easy wheelchair access. Width 740mm x height 1230mm minimum.			
Ramps are functional, will carry necessary weights, anchor to the vehicle, and do not move or bend/bow when being used, and covered in a non-slip coating.			
Vehicle has functioning internal wheelchair front and rear anchoring, harnesses, and wheelchair user safety belts.			
Vehicle has a functioning step.			
Vehicle has functioning handrail.			
Vehicles with partitions have audio assistance, such as a hearing loop, or similar.			
ALL VEHICLES INTERIOR.			
All seats are front, or rear facing.			
Number of passenger seats are the same number as listed on the external/internal license plate.			
Seat covering is not thread bare, dirty, stained, has no tears, or damaged.			

Seat coverings DO NOT cover air bag deployment zones.			
Seats are well sprung, and intact, and properly anchored.			
Internal floor covering is clean, in good order, and would not create a trip hazard.			
ALL SEAT BELTS.			
Secure belt Mountings.			
Condition of Belts has, no cuts, fraying, repairs, or is taped up.			
Seat belt mechanisms is working.			
SIGNAGE.			
At least one no smoking sign is clearly displayed inside the vehicle.			
Internal license plate displayed and fixed to the top left of the windscreen (passenger side).			
External vehicle HCV/PHV license plate fixed and displayed on rear <u>exterior</u> of vehicle.			
GLASS ALL VEHICLES.			
Windows do not have additional tint films added (all tints must be manufactured within the glass).			
ANY part of the Windscreen is free from damage, cracks and chips which have not been filled.			
ALL VEHICLE EXTERIORS.			
All doors open and close properly, with no excessive erosion or sharp edges.			
Exhaust is not excessively smoking, leaking, or excessively noisy.			
Vehicle registration plates are legally compliant.			
Near/offside wing mirror glass is damage free, unobscured, and functionable.			
Exterior has no extensive damage, dents, paint chips, or scratches.			
Bumpers have no damage or cracks effecting the integrity of the bumper.			
ALL Tyres tread is a minimum of 2mm, have even wear, with no cuts, bulges, punctures, missing wheel nuts, and are correctly inflated.			

ALL Tyres are the same size, and the correct size for the vehicle.			
Vehicle has a correct size spare tyre, emergency puncture kit, or has run flat tyres.			
MECHANICAL SAFETY ON ALL VEHICLES.			
Headlights, side lights, brake lights, hazard lights and indicators in working order.			
All lights lenses are present, clean, in good condition and are the correct colour.			
There are No visible Oil or other liquid leaks.			
Battery is secure, and not leaking.			
Horn works.			
There are No Engine faults lights displayed. If so, please list fault lights.			
Steering does not have excessive play.			
Wiper blades and washers in good working order.			
Washer fluid is topped up.			
There is a jack, gas, foam, or/and wheel brace present.			
GENERAL INTERNAL ITEMS ALL VEHICLES.			
Internal CCTV present.			
CCTV has an indicator to warn customers audio is being recorded.			
Where CCTV is present, there are CCTV signs within the vehicle.			
Internal dash cam present.			

I hereby certify that I am an authorised officer at Cherwell District Council and have today examined and assessed the said vehicle against the Council's Taxi Licensing Policy requirements.

NAME OF VEHICLE ASSESSING OFFICER.....

SIGNATURE OF ASSESSING OFFICER

DATE:



Daily 'Driver Vehicle Condition Checklist

Completed by Name:

Date:

Time:

Vehicle Registration Mark:

Vehicle License Number:

Driver License Number:

Vehicle Mileage:

Area	Requirement	Faulty	Correct
Brakes	Foot/service brake works correctly and does not have any excess travel		
	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		

Area	Requirement	Faulty	Correct
	Stop lamps come on when the service brake is applied and go out when released. All dashboard warning lamps work correctly, including (if fitted) automatic braking system (ABS) airbags - (SRS) main beam headlamp warning lamp parking brake warning lamp		

Mirrors and glass	<p>All required mirrors are fitted and should be properly aligned and secure</p> <p>Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e., stickers, advertisements</p> <p>All windows operational</p>		
Seats and seat belts	<p>All seats are secure</p> <p>All seat belts must operate correctly and must be free from cuts and any damage</p>		
Washers and wipers	<p>Wipers move as per manufacturer design when switched on</p> <p>Wiper blades must clear the windscreen effectively</p> <p>Washers point at the windscreen and are operational</p> <p>Washer fluid is topped up</p>		
Battery	<p>Battery is held securely in place by the correct means</p> <p>Battery is not leaking</p>		

Area	Requirement	Faulty	Correct
	Battery terminals are secure and free from corrosion		
Fluids, fuel and oil	<p>The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level and without leaks.</p> <p>The fuel filler cap must be securely fitted and the seal is not torn, perished or missing</p> <p>There must not be any brake fluid, power steering fluid or water leaks</p> <p>With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle</p> <p>With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.</p>		

Bodywork and doors	<p>All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit</p> <p>There must not be any sharp edges or excess corrosion</p> <p>All body panels and sills must not be loose or in danger of falling off and free from excessive damage</p>		
Exhaust (if applicable)	The exhaust be secure, free from leaks and must not emit excessive amounts of smoke..		
Tyres and wheels	<p>Check as much of your tyres and wheels as you can see. There must be:</p> <p>a minimum tread depth of 1.6mm across the centre 75% of the tread</p>		

Area	Requirement	Faulty	Correct
	<p>correctly inflated</p> <p>no deep cuts in any tyre sidewall</p> <p>no cord visible anywhere on any tyre</p> <p>no missing or insecure wheel nuts</p> <p>Space saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.</p>		
Licence Plates Discs and other identifiers	<p>Drivers must ensure:</p> <p>all required plates and mandatory signs must be in place on the vehicle before use.</p> <p>when displayed the licence plate must not obstruct/ obscure the vehicle registration plate in such a way as to hide the name of the issuing authority or other identifying details.</p> <p>taxi roof light is safe and operational (if fitted).</p> <p>Taxi meter (if fitted) seal is intact.</p>		

WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.

Taxi Licensing Policy 2025/26 – Summary of Changes 4.1
Changes made Post-Consultation are in Red

Section	Change	Notes
1.4	Addition of the December 2023 Department for Transport Taxi and Private Hire vehicle licensing best practice guidance	DFT additional Best practice guidance, licensing Authorities must give due regard to the best practice guidance.
4	Inclusive Service Plan (ISP) Accessibility	In line with the DFT Guidance, the ISP outlines the needs and approach to fulfil accessibility within the taxi licensing regime.
6.2	Include subject to complaints, subject of criminal behaviour or patterns of unacceptable behaviour. Include may result in license revocation, suspension or enforcement action of a license	Clarification of enforcement actions and criteria of enforcements scenarios.
6.5	Renewal applications should be made allowing sufficient time for processing prior to a license expiry.	Clarification of the requirement to renew a license in good time.
8.1	All new and license renewal applicants will be required to apply for a new DBS check via Taxi Plus (for now) or the Councils designated DBS check service provider. Once a DBS report is completed the applicant/licensee must ensure that their Taxi Plus / Councils designated DBS check service provider subscription is maintained throughout their license and application period. Where the identification checks of the applicant are required, the applicant must complete an in person identity check at a Post Office.	Sets a deadline for the introduction of the Taxi Plus / the Councils designated DBS check service provider enabling the authority to complete statutory checks throughout the licensed periods. Outlines when identification of applicants cannot be completed through the Councils designated DBS check service provider, the applicant must complete an identification process via the Post Office (Following statutory changes of the DBS identification guidelines effective November 2025)
8.4	Inclusive of the Councils designated DBS check service provider references. Addition of regular checks- replace 6 monthly checks for regular.	As above

	<p>All DBS and identification check costs are the responsibility of the applicant.</p> <p>failure to maintain that subscription would result in the suspension of a license until this requirement is resolved. The Councils designated DBS check service provider</p> <p>subscriptions will be used to monitor the criminal record of the licence holder throughout the term of the licence.</p>	
8.5	<p>In order to sign up to the online service DBS checking service the applicant, must create an account with the Councils designated DBS check service provider .</p> <p>Licensee's or applicants unable to access the internet, or requiring assistance, should make an appointment with licensing to facilitate their application.</p>	Requirement to create a Taxi Plus/ the Councils designated DBS check service provider account.
8.6	<p>DBS checks will only be accepted through the Councils designated DBS check service provider , all pre-existing licensee DBS subscriptions will no longer be valid once their exiting license has expired from implementation of this policy.</p>	Outlining time scales of the transition from DBS subscription to Taxi Plus/. the Councils designated DBS check service provider
8.7	<p>A Licence will not be issued without a current enhanced DBS certificate corresponding with the Councils designated DBS check service provider account subscription, associated to Cherwell District Council.</p>	Requirement for a valid DBS certificate corresponding with the Councils designated DBS check service provider subscription for a CDC license account.
8.8	DBS subscription through Taxi Plus	Addition of Taxi Plus as means of DBS checking.
11	<p>Taxi Knowledge test</p> <p>Removal of Topography and replaced with Taxi Licensing policy and legislation</p>	Removal of Topography in line with DFT best Practice guidance, and consultation feedback referring to satellite navigation availability.
14.4	<p>Only which meet the requirements of Appendix G will receive a new licence.</p>	Removal of the 6 year vehicle age limit on first licensing – in line with DFT

		Best Practice guidance and aiding the economics of the trade.
15.1	<p>15.1 Vehicle licences are for a period of 1 year and will be subject to MOT testing upon grant or renewal applications. Additionally, all licensed vehicles must be inspected, or MOT tested, after an initial 6-month license period, and before the start of the 7 month of a license.</p> <p>The 6-month (mid license) vehicle inspection will remain a standard MOT test until 01/04/2026. Prior to that mid license vehicle assessment changing from an MOT to a Council vehicle inspection all vehicle licensee's will be notified.</p> <p>Following notification all mid license vehicle inspections will be conducted by Authorised Officers at a Council designated vehicle inspection facility. The applicant/Licensee must submit that mid license report to the licensing department within 5 days of that assessment, failure to submit within the specified time may result in the suspension of a license until such requirements are met.</p> <p>All MOT and Council vehicle inspection reports must show that the vehicle has no faults, or advisories, has passed the stated inspection/test, and meets Licensing Policy minimum standards. Where advisories or faults have been reported, the license or application may be suspended or refused until the applicant/Licensee have documented the completion of any remedial works required to correct the advisory fault/s; the vehicle passed a new inspection or MOT.</p> <p>Vehicle MOT and inspection appointments, and all associated additional fees which are solely the applicant or licensee responsibility.</p>	<p>The introduction of a mid-license inspection includes safety features not included in a standard MOT test, and meets the DFT best practice guidance.</p> <p>Addition of implementation date, allowing for testing capacity and functionality assessments prior to implementation.</p>

15.2	<p>Non-Wheelchair accessible vehicles grant applications may only be licensed as a Private Hire vehicle, in accordance with the Private Hire vehicle license requirements. Such vehicles 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. All new grant applications for a Hackney license must be wheelchair accessible. Non-Wheelchair accessible vehicles propelled by petrol or diesel, or are Hybrid vehicles, will be licensed until the vehicle is 12 years old from the date of first registration. Wheelchair accessible vehicles, propelled by petrol or diesel will be licensed until the vehicle is 15 years old from the date of first registration. Wheelchair accessible vehicles propelled by electric hybrid engines will be licensed until the vehicle is 20 years age limit from first registration. Wheelchair, and non-wheelchair accessible vehicles propelled solely by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions.</p>	<p>In line with the DFT best practice guidance and ISP to encourage wheelchair accessible vehicle licensing.</p> <p>Remove 6 year maximum grant age limits, and increase of vehicle age limits from 10 year old vehicles to:</p> <p>Petrol/Diesel, Hybrid non wheelchairs vehicles maximum licensing period to 12 years old vehicles.</p> <p>Petrol/Diesel Wheelchair accessible Vehicles to 15 years old</p> <p>Wheelchair accessible hybrid vehicles 20 years</p> <p>Zero emissions vehicles no licensing age limits.</p> <p>Age limits are to aid the trade economically, and to facilitate and encourage wheelchair accessible and zero emissions vehicle licensing</p>
15.3	<p>There is an expectation that from 2030 all vehicles at the time of first licensing must be propelled by either electric or hydrogen. Please note, this clause will be reviewed again at the time of the next Policy review in 2029 which occurs before the above clause comes into force. That Policy review will consider the availability of sufficient infrastructure to support electric and hydrogen vehicles, the availability of such vehicles and suitability of models available whilst also considering the affordability of those vehicles.</p> <p>Implementation of any policy requiring all licensed vehicle to meet zero emission will be notified to</p>	<p>Addition of clarification of assessing functionality, infrastructure, and suitability of Zero emissions vehicle prior to implementation.</p> <p>Addition of notification time period prior to policy implementation</p>

	existing license holders at least 12 months in advance of any implementation date.	
15.4	15.4 Once a vehicle is licensed, that licence cannot be transferred to another vehicle, whether temporary or otherwise, which has been categorised by the DVLA as emitting levels of pollution higher than the current licensed vehicle. When a vehicle has been replaced following a vehicle accident/damage, the replacement vehicle may be like for like with regards to emissions, wheelchair accessibility, and euro categorisations up to the accident vehicle age limits listed. Any vehicle exceeding the age limit thresholds will not be renewed, and any replacement vehicle must meet the relevant policy requirements	Includes clarification that wheelchair accessible and low or zero emissions vehicles cannot be replaced with vehicles of a different standard.
15.25	15.25 First Aid kits All licensed vehicles are required to carry a British Standards BS 8599-1:2019 and contains HSE approved first aid kit. That kit should be replenished as needed, and out of date supplies replaced. The kit should be regularly inspected to ensure it complies with the stated standards. All kit must be permanently marked with the vehicles license plate number.	Addition to meet legislative guidance
15.11	Licensees, and drivers should complete a daily vehicle check before starting hire and reward work. The driver daily vehicle check list (Appendix I) indicates all areas where the driver/licensee should check prior to any Hire and Reward work. The Driver/Licensee should document that they had completed those checks. Such documentation may be via digital spread sheet, diary or notebook, and that documentation must be made available to both Private Hire	In line with the DFT Guidance – driver/licensee daily vehicle checks. Changed and clarified to make the recording of the checks less onerous for the driver/licensee.

	<p>Operators, Licensing and authorised Officers.</p> <p>All such documented checks should be retained for one year from the date of that check.</p>	
15.17	Add 'associated licensing age limit.	Clarification to changes to vehicle age limits
16.1	Addition of 'will be subject to a charge' to plate exemption applications	Addition to fees to facilitate cost recovery.
16.3	Vehicles with discreet plates may not be used for any day to day Private Hire work which is not associated with the companies listed on the discreet plate authorisation, inclusive of fulfilling contracts for school transportation on behalf of an Authority.	Preventative conditioning where vehicles with discreet plate authorities from completing any other hire work and schools transport contracts, to ensure safeguarding of vulnerable passengers
16.4	Addition 'will be subject to an administration fee'	Addition to fees to facilitate cost recovery.
16.4	<p>Addition of:</p> <p>Following the issuing of a Plate Exemption, the authorised vehicle cannot be used for any other hire and reward journeys other than those listed on the plate exemption authorisation.</p> <p>Failure to comply with the stated requirements of the plate exemption will result in the immediate removal of that authorisation.</p> <p>The duration of the discrete plate exemption will not exceed the vehicle licensed expiry date.</p> <p>Variations to an existing plate exemption authorisation will be subject to an administration fee</p>	Plate exemption requirement clarification and conditions and requirements
17.7	<p>Addition:</p> <p>Licensed Operators should ensure that they are aware of their legal responsibilities under employments laws, inclusive of "Reporting Rules for Digital Platforms" legislation. The legislation mandates that all taxi and private hire digital platforms gather and submit earnings data from their drivers to HMRC, and will include</p>	In line with the DFT Guidance

	reporting personal details from their drivers, such as National Insurance numbers. This data should be annually reported directly by the Operator to HMRC.	
17.14.1	Addition of 'Accessibility'	In line with the DFT Guidance
17.15.1	<p>Addition:</p> <p>From 01/01/2028 Licensed Operators with the following number of vehicles registered as working under their license (fleet) will be required to have the following number of wheelchair accessible vehicles as part of that fleet:</p> <ul style="list-style-type: none"> Operators with up to 20 vehicle or less are not required to have wheelchair accessible vehicles within that fleet Operators with 21 to 40 vehicles are required to have at least 1 wheelchair accessible vehicle as part of that fleet. Operators with 41 to 60 vehicles are required to have at least 2 wheelchair accessible vehicle as part of that fleet. Operators with 61 to 100 vehicles are required to have at least 3 wheelchair accessible vehicle as part of that fleet. Operators with over 100 vehicles are required to have at least 4 wheelchair accessible vehicle as part of that fleet, and an additional one extra wheelchair accessible vehicle for every additional 50 vehicles thereafter. <p>Wheelchair accessible Hackneys registered as working under an Operator's license will count as part of that operator's fleet, providing the Operator has registered that Hackney as part of their fleet on application or license variation.</p>	<p>In line with the DFT Guidance and ISP, promote wheelchair accessibility in the Private Hire Trade.</p> <p>Clarification of the number of wheelchair accessible vehicles required under an Operator's license.</p> <p>Clarification that Hackneys working as private hire vehicles, registered to the operators would be included in that operators fleet.</p>
17.15.2	<p>Addition :</p> <p>The Licensing Authority may request documentation of the licensed operators' vehicles and wheelchair</p>	In line with the DFT Guidance and ISP, promote wheelchair accessibility in the Private Hire Trade.

	accessibility vehicles at any time during their licensed period.	
17.15.3	<p>Addition:</p> <p>Licensed Operators must ensure that their booking systems are accessible and comply with WCAG2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content: https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag</p>	In line with the DFT Guidance and ISP, ensuring on-line accessibility is compliant.
17.15.4	<p>Addition:</p> <p>Licensed Operators must ensure that all bookings allow the hirer to identify and record any disabilities, or additional needs of the customer at the time of booking. The Operator must allocate an appropriate vehicle and driver to fulfil the needs of their customer. Where such additional needs are identified and associated with a disability or registered assistance animal, the Operator cannot add additional fees.</p>	<p>In line with the DFT Guidance and ISP, promote wheelchair accessibility, and disability need are met by the Private Hire Trade.</p> <p>Clarification of requirements at point of booking</p>
17.15.5	<p>Addition:</p> <p>Licensed Operators should ensure that all vehicles working under their license have been inspected by the driver before any jobs are allocated to that vehicle. Daily 'Driver Vehicle Condition Checks should be inspected by the operator. Any vehicle checks held/stored by the operator must be retained for a period no less than 12 months. Vehicle condition checks may be stored digitally but must be accessible for inspection by an authorised officer upon request</p>	<p>In line with the DFT Guidance</p> <p>Clarification of daily vehicle check being completed by drivers, and available to operators prior to hire and reward commencing.</p>
20.3	When a license is renewed existing penalty points will carry over to the renewed license until the points specified period has expired	Addition of clarification of licensing points carrying over to renewed licences

	APPENDICIES A to I	
	Appendix H Vehicle Inspection	Addition -Council Vehicle inspection document
	Appendix I Drivers vehicle condition checklist	Addition of document In line with the DFT Guidance
4.3.5	4.3.5 All drivers will have an enhanced Disclosure Barring Service (DBS) check undertaken at the time of application, and a minimum of every six months during their licensed period. All new and renewal applicants must complete a DBS application via the Taxi Plus portal from the implementation of this policy. During the DBS application, or once the certificate has been received by the applicant, the applicant/licensee must sign up to the DBS Online Update Service via Taxi Plus. Costs associated with the DBS checks are the responsibility of the applicant. The DBS update service is a less expensive service than a single Enhanced DBS check every six months and should prevent license renewal delays.	Addition of Taxi Plus requirements for DBS checks, and clarification of existing statutory licensing requirements.
4.3.6	4.3.6 Applicants and licensees must sign up to, and maintain, subscription to the Council chosen designated DBS update service. This is required before licencing, and throughout the licensed period. Failure to subscribe and maintain subscription to the nominated DBS update service will result in the suspension, revocation, or refusal of a license.	Clarification of requirements for DBS checks, and clarification of existing statutory licensing requirements.
4.3.7	Addition of: 4.3.7 Any changes to the councils designated DBS service provider will be notified to the applicant/licensee.	Allowing a change of DBS check provider is required by the authority.
10.1	However, if an applicant has more than 6 DVLA penalty points or 6 DVLA penalty points for a singular offence the application will be refused	Insert -DVLA to clarify which points system is being referenced.
10.2	Using a hand-held/digital device whilst driving. Where an applicant/licensee has a conviction	Clarification of offence as outlined in law

	for using a held-hand mobile telephone or a device capable of transmitting and receiving data whilst driving, a licence will be refused/revoked and will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.	
11.1	11.1 If an applicant or license holder is the subject of a Authority investigation, or an outstanding charge or summons his/ her application may be suspended, refused, or revoked until the matter is resolved. Such a decision will be made on a case-by-case basis.	Insert- Authority investigation
12.1	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, repetitive behaviours (alleged or otherwise), and complaints from the public.	Insert – repetitive behaviours (alleged or otherwise)
12.2	An existing licence holder in the same situation is subject to the same. His/ her licence may be revoked dependant on the information available. Such offences may include violent and/ or sexual offences, offences of dishonesty and drug related offences, or other.	Removed – suspended – inline with DFT best practice advising that serious offences should not be dealt with through a license suspension.
Appendix B	Change wording to- applying to renew your license. From -booking your appointment,	Change or wording removing – booking an appointment Change from holding a UK DVLA full license for 3 consecutive years to 12 consecutive months.
HCD application	All applicants must have held a UK issued DVLA full driving licence for at least 12 consecutive months at point of application. If a driving	Remove reference to an appointment to review documents. Add reference to DVLA check codes, and Taxi plus/ Councils

<p>processes</p>	<p>licence was issued outside the UK it must be converted to a UK DVLA license 12 months prior to applying for a Private Hire/Hackney Carriage Drivers licence.</p> <p>During your application supporting documentation will be reviewed. Your DVLA record will be checked online and you must create a DVLA sharing code to allow this check. Your Disclosure Barring Service (DBS) application must be completed by creating your own Taxi Plus account (for now) /Councils designated DBS check service provider</p> <p>For licence renewals a check of the DBS Online Update Service will be undertaken through your subscribed via the Councils designated DBS check service provider account. If renewal or grant applicants do not undertake a DBS check through the Councils designated DBS check service provider and maintain their DBS update subscriptions throughout their licensed period, their application delayed, refused, or existing licences suspended.</p> <p>It is the applicant/license holder's responsibility to pay any costs associated with their DBS check and update subscriptions</p> <p>Application for new Grants must be completed within eight months from the application date. Applications not completed within eight months will be deemed as withdrawn.</p>	<p>designated DBS check service provider for DBS checks.</p> <p>Addition of an 8 month time limit on new grant applications.</p>
<p>Appendix B</p>	<p>Addition and clarification of existing requirements:</p> <p>All grant and license renewal applications must complete a new DBS application by creating you their own Councils designated DBS check account.</p>	<p>Clarification of existing requirements for DBS checks, and clarification of existing statutory licensing requirements</p>

	<p>Once a DBS certificate/report is issued by the DBS via the Councils designated DBS check service provider that full certificate/report must be made available to the Licensing authority.</p> <p>Once the DBS application is completed through the Councils designated DBS check service provider the licensee must maintain their DBS subscription throughout their licensed period. If renewal or grant applicants do not undertake a DBS check through Taxi Plus/ the Councils designated DBS check service provider and maintain their DBS update subscriptions throughout their licensed period, their application delayed, refused, or existing licences suspended.</p> <p>It is the applicant/license holder's responsibility to pay any costs associated with their DBS check and update subscriptions.</p>	
Appendix B	<p>Application requirement:</p> <ul style="list-style-type: none"> • The Disclosure Barring Service application has been completed via the Councils designated DBS check service provider * • When assessed as required - A Council approved Spoken English assessment has been completed • A Council approve Taxi Knowledge Test has been passed <p>The council will not issue licences to cover unlicensed periods while an applicant is waiting for documentation, or has been unable to incomplete the application requirements</p>	<p>Addition of 'the Councils designated DBS check service provider</p> <p>Change spoken English assessment to 'when assessed as required'</p> <p>Removal of 'Topographical test to 'Taxi Knowledge test'</p> <p>Clarification of wording.</p>
12.1	<p>Wording clarification: Licensed Drivers must continually subscribe to the Councils designated</p>	<p>Clarification of existing requirements for DBS checks, and clarification of</p>

	Disclosure and Barring Service (DBS) Online Update Service. Any costs associated with maintaining this subscription must be met by the licensed driver.	existing statutory licensing requirements
12.2	Add – Taxi Plus	Added Taxi Plus as the DBS nominated DBS update service.
Appendix B License d driver conditio ns	<p>2.9 Licensees, and drivers should complete a daily vehicle check before starting hire and reward work. The driver daily vehicle check list (Appendix I) indicates all areas where the driver/licensee should check prior to any Hire and Reward work.</p> <p>The Driver/Licensee should document that they had completed those checks. Such documentation may be via digital spread sheet, diary or notebook, and that documentation must be made available to both Private Hire Operators, Licensing and authorised Officers.</p> <p>All such documented checks should be retained for one year from the date of that check.</p> <p>3.1 add - Notification must be through a license variation application on the councils website</p> <p>5.1 – add ‘incident’</p> <p>10.1 add on their medical status or condition</p> <p>12.1 - Licensed Drivers must continually subscribe to the Councils designated Disclosure and Barring Service (DBS) Online Update Service. Any costs associated with maintaining this subscription must be met by the licensed driver.</p> <p>15 - Daily Drivers Vehicle Condition Checks</p> <p>15.1 Licensed Drivers must inspect their licensed vehicle daily before commencing hire and reward work. They must complete a ‘Driver Vehicle Condition Check as outlined in the Vehicle check documentation</p>	<p>Daily vehicle check inserted - In line with the DFT Guidance</p> <p>Add application guidance for change of address.</p> <p>Addition to ensure classification of an occurrence involving a licensed vehicle is reported.</p> <p>Wording clarification.</p> <p>Addition of DBS update service requirement</p>

	<p>(appendix I) and must document that completed check. All such vehicle check documentation must be retained for period no less than 12 months</p> <p>15.2 When a driver is working for a Private Hire Operator, they must provide that operator with the Daily Vehicle Check documentation before commencing work for that operator. This is required daily before accepting any hire and reward jobs. The vehicle check documentation may be stored digitally, or via a notebook, and must be accessible for inspection by an authorised officer.</p>	<p>Insert guidance for daily vehicle checks in line with DFT guidance.</p>
Appendix C	<p>Private Hire Vehicle condition of license</p> <p>Please note that new license applications age limits and wheelchair accessibility requirements will apply.</p> <p>Please note that new license applications age limits and wheelchair accessibility requirements will apply. New MOT testing certificate are required upon license application. Once licensed, vehicles must complete a MOT or Council vehicle Inspection at a designated vehicle inspection facility on the sixth month after that license is issued. The relevant date and type of inspection will be printed on the vehicle license, you will not receive a separate reminder</p>	<p>Change wording to cover changes in maximum age limits of a vehicle on grant application.</p> <p>Change from MOT after 6 months licensed to MOT or council vehicle inspection.</p> <p>Change from booking an appointment to applying to renew a license.</p>
1.1	<p>Addition of vehicle age restrictions:</p> <p>A. The council will only continue to licence non wheelchair accessible vehicles propelled by petrol, diesel or Hybrid up to the vehicle being 12 years old from first date of registration.</p> <p>B. Wheelchair accessible vehicles propelled by petrol, diesel</p>	<p>In line with the DFT best practice guidance and ISP to encourage wheelchair accessible vehicle licensing, and encourage low or zero emission vehicle licensing.</p> <p>Removal of maximum vehicle age on first licensing, and increases to vehicle licensing age limits.</p>

	<p>will be licensed until they reach 15 years old from first registration.</p> <p>C. Wheelchair accessible vehicles propelled by electric hybrid engines will be licensed until they reach 20 years old from first registration.</p> <p>D. Vehicles solely propelled by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions.</p> <p>F. Wheelchair accessible licensed vehicles cannot have a license transferred to non-wheelchair accessible vehicles.</p>	<p>Addition explaining non transferable licences</p>
Q	<p>Addition:</p> <p>P. Drivers must complete a daily vehicle check before starting hire and reward work, and document that check in writing or digitally. All such documented checks should be retained and supplied to their Operator, or any Authorised Officer.</p>	<p>In line with the DFT Guidance</p> <p>Clarification of daily vehicle check and documentation requirements</p>
4	Mechanical Testing	
4.2	<p>Addition/change:</p> <p>a) Vehicle licences are for a period of 1 year and will be subject to MOT testing upon grant or renewal applications. Following the grant of a license all licensed vehicle must be inspected after the initial 6 months, and before the 7th month of license.</p> <p>The 6-month (mid license) vehicle inspection will be via an MOT test, or a vehicle inspection conducted by Authorised Officers at a Council designated vehicle inspection facility (The type of mid license testing/inspections will be notified by the licensing authority)</p> <p>b) All mid license MOT/vehicle inspection documentation must be submitted to the licensing Authority within 7 days of the vehicle test/inspection.</p> <p>c) All MOT and Council vehicle inspection reports must show that the vehicle has no faults, or</p>	<p>The introduction of a mid-license inspection includes safety features not included in a standard MOT test, and meets the DFT best practice guidance.</p> <p>Change of wording allowing for future implementation of the vehicle inspection process.</p>

	<p>advisories, has passed the stated inspection/test, and meets Licensing Policy minimum standards. Where advisories or faults have been reported, the license or application may be suspended/revoked or refused a license until the applicant/Licensee have documented the completion of any remedial works required to correct the advisory fault/s.</p> <p>Where any additional vehicle checks are required by Cherwell District Council, vehicles must be taken to an appointed vehicle testing station within 7 days of such a request. The appointed MOT or vehicle inspecting station used for additional checks will be detailed by Cherwell District Council at the time of such request. Vehicle MOT and inspection appointments, together with all associated fees, are solely the applicant or licensee responsibility.</p>	
4.3	<p>Advertising approvals-</p> <p>a) The vehicle may be any single colour except white, and MUST NOT resemble a Hackney Carriage. Signs showing the words TAXI or CAB must not be displayed on a Private Hire licensed vehicle. Paintwork must be factory standard – no 'crackle' or 'custom' paint.</p> <p>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. Such approval applications may be subject to a fee.</p>	<p>Addition of possible administration charge, clarification private hire vehicles cannot be white in colour</p>
4.4	<p>Equipment Addition:</p> <p>g) Vehicles with driver/passengers' partitions must have a hearing loop or similar audio assistance installed.</p>	<p>In line with the DFT Guidance</p>

	h) All licensed vehicles are required to carry a British Standards BS 8599-1:2019 and contains HSE approved first aid kit. That kit should be replenished as needed, and out of date supplies replaced. The kit should be regularly inspected to ensure it complies with the stated standards.	
4.6	Door sign - Applications for door sign approvals may be subject to a fee.	Addition of a possible administration charge.
1.1	Hackney Carriage Vehicle conditions iii. Once a license is issued to a wheelchair accessible vehicle, that license cannot be transferred to a non-wheelchair accessible vehicle.	Addition clarifying wheelchair accessible licences are nontransferable to non-wheelchair accessible
j	Addition: Drivers must complete a daily vehicle check before starting hire and reward work, and document that check in writing or digitally. All such documented checks should be retained and supplied to their Operator, or any Authorised Officer.	In line with the DFT Guidance Change in wording/clarification of requirements
3.2	Vehicle age and mechanical testing d) Vehicle licences are for a period of 1 year and will be subject to MOT testing upon grant or renewal applications. Following the grant of a license all licensed vehicle must be inspected after the initial 6 months, and before the 7th month. The 6-month (mid license) vehicle inspection will be via an MOT test, or a vehicle inspection conducted by Authorised Officers at a Council designated vehicle inspection facility (The type of mid license testing/inspections will be notified by the licensing authority) e) All mid license MOT/vehicle inspection documentation must be submitted to the licensing Authority within 7 days of the vehicle test/inspection. f) All MOT and Council vehicle inspection reports must show that	In line with the DFT best practice guidance and ISP to encourage wheelchair accessible vehicle licensing, and encourage low or zero emission vehicle licensing. The introduction of a mid-license inspection includes safety features not included in a standard MOT test, and meets the DFT best practice guidance. Increase in vehicle licensing age limits, clarification of future introduction of mid license vehicle testing

	<p>the vehicle has no faults, or advisories, has passed the stated inspection/test, and meets Licensing Policy minimum standards. Where advisories or faults have been reported, the license or application may be suspended/revoked or refused a license until the applicant/Licensee have documented the completion of any remedial works required to correct the advisory fault/s.</p> <p>g) Where any additional vehicle checks are required by Cherwell District Council, vehicles must be taken to an appointed vehicle testing station within 7 days of such a request. The appointed MOT or vehicle inspecting station used for additional checks will be detailed by Cherwell District Council at the time of such request. Vehicle MOT and inspection appointments, together with all associated fees, are solely the applicant or licensee responsibility.</p> <p>h) The council will only continue to licence non wheelchair accessible vehicles propelled by petrol, diesel or Hybrid up to the vehicle being 12 years old from first date of registration. Wheelchair accessible vehicles propelled by petrol, diesel will be licensed until they reach 15 years old from first registration. Wheelchair accessible vehicles propelled by electric hybrid engines will be licensed until they reach 20 years old from first registration. Vehicles solely propelled by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions. Wheelchair accessible licensed vehicles cannot have a licensed transferred to non-wheelchair accessible vehicles.</p> <p>i) On initial grant of a new license non wheelchair accessible vehicles will be refused.</p>	
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3.5	<p>Equipment</p> <p>Addition:</p> <p>g) Vehicles with driver/passengers' partitions must have a hearing loop or similar audio assistance installed.</p> <p>h) All licensed vehicles are required to carry a British Standards BS 8599-1:2019 and contains HSE approved first aid kit. That kit should be replenished as needed, and out of date supplies replaced. The kit should be regularly inspected to ensure it complies with the stated standards. All first aid kits must be permanently marked with the vehicles license number.</p> <p>Display of Information</p> <p>e) The current Cherwell District Council Hackney Carriage Tariff charge card.</p>	In line with the DFT Guidance
3.7		Addition
	Appendix D – Private Hire Operators	
2	<p>Bookings</p> <p>Addition:</p> <p>At the time of booking and accepting a hire and reward booking the Operator must ensure that the customers have been asked or have an option to request and outline additional needs or assistance. This may include a Wheelchair accessible vehicle, assistance for a disability, having a registered assistance dog, or similar. The operator must then accommodate the customers' requirements at no extra charge. Operators will be required keep records of the said customer requirements as evidence of their compliance with their license.</p> <ul style="list-style-type: none"> any additional customer requirements 	In line with the DFT Guidance
	<p>Addition:</p> <p>Licensed Operators must ensure that their booking systems are</p>	In line with the DFT Guidance

	<p>accessible and comply with WCAG2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content: https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag</p>	
3	<p>Insurance Addition: (e) Licensed operators must have public liability Insurance and maintain that insurance throughout their license period.</p>	<p>Clarification of exiting licensing requirements under policy and legislation.</p>
	<p>All vehicles operated by the operator shall be maintained in a satisfactory and road worthy condition Addition: a) Licensed Operators should ensure that all vehicles working under their license have been inspected by the driver before any jobs are allocated to that vehicle/driver. All drivers are required to confirm to the Operator that they have completed their Daily Driver Vehicle Check, and the driver should outline any faults to their operator prior to hire and reward journeys. b) When Operators have their own licensed vehicles, the operator is responsible for completing the daily vehicles checks outlined in appendix I. All operators check must be documented/noted and made available to Authorised Officer in request.</p>	<p>In line with the DFT Guidance</p> <p>Changed to ensure drivers daily vehicle checks are available to operators, and the responsibility of the driver unless the vehicle is licensed by the operator</p>
6.	<p>Driver / vehicle licenses It is the operator's responsibility to ensure licenses for all drivers and vehicles working for and being used by the operator are valid, legally permitted to work in the district and current.</p>	<p>New guidance for Operators to encourage availability of accessible vehicles in the Private Hire sector. In line with the DFT Guidance</p>
9.	<p>Accessibility Addition:</p>	<p>Addition of wording to aid legal compliance</p>

	<p>a) From 01/01/2028 Licensed Operators with the following number of vehicles registered as working under their license (fleet) will be required to have the following number of wheelchair accessible vehicles as part of that fleet:</p> <p>(I) Operators with 20 vehicle or less are not required to have wheelchair accessible vehicles within that fleet</p> <p>(II) Operators with 21 to 40 vehicles are required to have at least 1 wheelchair accessible vehicle as part of that fleet.</p> <p>(III) Operators with 41 to 60 vehicles are required to have at least 2 wheelchair accessible vehicle as part of that fleet.</p> <p>(IV) Operators with 61 to 100 vehicles are required to have at least 3 wheelchair accessible vehicle as part of that fleet.</p> <p>(V) Operators with over 100 vehicles are required to have at least 4 wheelchair accessible vehicle as part of that fleet, and an additional one extra wheelchair accessible vehicle for every additional 50 vehicles thereafter.</p> <p>Wheelchair accessible Hackneys registered as working under an Operator's license will count as part of that operator's fleet, providing the Operator has registered that Hackney as part of their fleet on application or license variation.</p> <p>(b) The Licensing Authority may request documentation of the licensed operators' vehicles and wheelchair accessibility vehicles at any time.</p>	<p>Clarification of wheelchair accessible fleet numbers required under an operators license</p>
13	<p>Contracts</p> <p>All journeys facilitated or booked by the licensed operator are considered as a contractual obligation between the customer and that operator. All licensed Operators must comply with</p>	

	all legislative, HMRC, Employment law, and all other associated Government requirements associated with each such contract	
	Appendix E Hackney Carriage and Private Hire Driver Penalty Points Scheme	
3	Change: 3. Points will remain on a license for 3 years for licensed drivers and vehicle licensee's and for 5 years for Private Hire Operators. All licensing points will remain on a license from the date of issue, and will transfer to any license renewed during the points allocation time period	Increase of time period where points may stay on a license – In line with the DFT Guidance, and clarification of points carrying over to renewed licences, and time period points will remain relevant and on file.
4	4. Where a license holder accumulates the trigger level of penalty points (namely 12 points) more than once in any Five year period the Council will decide whether a license should be suspended or revoked if it is considered that the accumulation of points indicates that the license holder is no longer a 'fit and proper person' to hold a license. Each case will be considered on its own merits Note: General- <ul style="list-style-type: none"> Points generally remain on the license file for a period of up to 5 years from the date of issue. Driver/Licensee- <ul style="list-style-type: none"> License holders reaching the 12 point threshold twice or more in a 5 year period may be re- assessed under the Fit and Proper requirements of that license. Such an assessment may result in the revocation or refusal of a license. Each case would be assessed on its own merits. Operators- <ul style="list-style-type: none"> Operators reaching the 24 point threshold twice or more in a 5 year period may be re- assessed under the 'Fit and Proper' requirements of that license. Such 	

	an assessment may result in the revocation or refusal of a license. Each case would be assessed on its own merits	
	Appendix G Vehicle Emission Standards	
	<p>Addition:</p> <p>The above vehicle emissions standards have been carefully considered and have been phased in taking into account we issue licenses for vehicles based on their emissions and accessibility. The Policy on vehicle emissions is designed to prevent any unfair financial impact on the taxi trade.</p> <p>From 2030 all vehicles at the time of first licensing should be propelled by either electric or hydrogen. Please note, this clause will be reviewed again at the time of the next Policy review in 2029 which occurs before the above clause comes into force. That Policy review will consider the availability of sufficient infrastructure to support electric and hydrogen vehicles, the availability of such vehicles and suitability of models available whilst also considering the affordability of those vehicles.</p> <p>* Vehicle age limits outlined in the Taxi Licensing Policy apply.</p>	Clarification of implementation of compulsory zero emission vehicle licensing deadline, subject to assessment in 2029.
Addition	Appendix H Cherwell District Council Licensing Vehicle Assessment.	Vehicle assessment document, outlines all aspects of the 6 month mid license vehicle assessment.
Addition	Appendix I Daily 'Driver Vehicle Condition Checklist	In line with the DFT Guidance, all aspects of the driver's vehicle check outlined by the DFT guidance.

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2025 Consultation Question	2025 Raw Consultation Responses Data	Licensing Team Response
Does the drivers' policy cover all obligations and requirements? - Reason:	Current Dbs process has issues what guarantees that moving to new system it will be more efficient and easier for drivers. Current applications asks if you are subscribed to update service, but if policy is you must be subscribed why have a question regarding it and be clear of process.	TaxiPlus system is Tried and Tested by a large number of Local Authorities. It allows Drivers to self complete their Enhanced DBS application on-line themselves, the previous arrangement required drivers to make an appointment to attend the Council to complete their Enhanced DBS application, which was a slower process. Drivers have to sign up for the on-line DBS service themselves, the Council is not able to do this for Drivers.
Does the drivers' policy cover all obligations and requirements? - Reason:	Dbs issuestaking too long for applications to get outcome	How long Enhanced DBS applications take once applied for are a matter for the DBS service. The Council have no ability to influence this process while with the DBS service.

<p>Does the drivers' policy cover all obligations and requirements? - Reason:</p>	<p>Statement Regarding In-Taxi Policy Changes In response to the recent taxi policy changes, I would like to express my concerns as a driver. Removing the six-month MOT requirement and instead directing drivers to the depot for inspections may lead to significant challenges in securing timely appointments, given the council's limited infrastructure. This could result in drivers missing school runs and fixed contractual commitments. We respectfully request that the council retain the current system. If inspections are deemed necessary, they could instead be carried out as a 20-minute visual check during each licensing plate renewal. Additionally, the council should provide a clear checklist for visual inspections so drivers can maintain their vehicles accordingly and avoid unnecessary delays during the process. With thousands of vehicles affected, the risk of delays and drivers being taken off the road due to missed or unavailable appointments is high. We further recommend that the depot department introduce an online booking system, enabling drivers to schedule inspections quickly and conveniently, rather than relying solely on phone lines.</p> <p>3. Introduction of Formal Vehicle Check Documentation Requirements Unnecessary Burden: The new requirement for drivers to formally document vehicle safety check is viewed as an unnecessary administrative burden. Existing Safety Culture: Taxi drivers already take responsibility for ensuring their vehicles are safe. There have been no significant issues in the past under the current informal system. Lack of Clear Benefit & Oversight: Introducing new documentation adds administrative hassle without a clear, demonstrable added benefit. Furthermore, drivers need training on a formal standard sheet, and we believe the Council should be responsible for cross-checking and policing these new requirements. There needs to be clarity on "who polices and checks." An increase in fares would be necessary to cover the time and administrative costs associated with completing these checks. Driver Request: We request the Council remove or significantly reconsider this requirement, recognising the existing safety culture and vigilance among drivers.</p> <p>4. Age Limits for Wheelchair Accessible Vehicles (WAVs) WAV Entry Age: We are content with retaining the current policy of allowing WAVs up to 6 years old to enter service. Extended Maximum Age Limit: We respectfully request that the maximum age limit for WAVs be extended from 10 years to 12 years, counted from the date of first registration.</p> <p>4 Investment & Sustainability: This adjustment would allow drivers to make a more substantial investment in a decent, well-maintained WAV and keep it in service for up to 8 years, rather than being limited by the current 10-year cap. Under the current policy, drivers often struggle to find suitable vehicles that meet the 10-year requirement, leading to higher costs (e.g., respraying to meet licensing colour standards, addressing other compliance issues). Benefits: Extending the</p>	<p>We have moved the implementation date for the Council led inspections from the 1st January 2026 to the 1st April 2026, to allow for testing capacity and functionality assessments prior to implementation. Drivers will also be able to book slots on-line themselves and pay in advance. We have amended the document requirement for the driver vehicle daily checks, these are now only required to be noted as completed and report by exception. What is required to be checked daily is contained in the policy appendices. The age limit for all types of WAV have been increased post-consultation, WAV ICE vehicles 15 years, WAV Hybrid 20 years and Electric/Hydrogen unlimited. We are unable to stop any vehicle licenced in another district from operating legally in our district. We would ask that where these vehicles are operating illegally this is reported to us. We are not able to insist on taxi ranks on private land, however, we would not be against supporting any of these where they are safe to position and there is a need.</p>
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<p>Page 143</p>	<p>upper age limit to 12 years will provide drivers with more flexibility to find cost-effective and roadworthy vehicles without compromising on quality or compliance, benefiting both drivers and the communities they serve.</p> <p>Additional Concerns from GMB Union Taxi Members Cross-Border Private Hire Vehicles (Specifically but not limited to Wolverhampton Licensed Drivers) Unfair Competition & Illegal Plying for Hire: We are deeply concerned about the increasing presence of Wolverhampton-licensed private hire vehicles operating in our area, particularly in the town centre (High Street, Caltrop Street, and George Street). These drivers are actively offering rides to customers directly from these locations, which is a clear breach of private hire regulations as they are effectively plying for hire without a pre-booking. This severely impacts the business of our locally licensed members. Safety & Enforcement Issues: As these drivers are not licensed by our local authority, they are not subject to the same regular checks or monitoring, raising serious issues around enforcement, public safety, and fairness. Driver Request: We respectfully request the Council take urgent action to address this matter. Specifically, we suggest the implementation of a geofence for private hire vehicles that restricts them from parking or operating near these key areas unless they have a legitimate, pre-booked job. This will help maintain fair competition, protect local businesses, and ensure compliance with taxi and private hire legislation. Greater parking enforcement is also required in these areas. 5 Request for Additional Taxi Ranks We urgently need more taxi ranks to support our work. Specifically, we request a new rank at Banbury Gateway Retail Shopping Centre with at least four spaces, and another at Bicester Village with several spaces. As many businesses have relocated to retail parks, these locations are key for generating more business. It is recognised that these are private establishments, but council support would be welcomed.</p>	
<p>Does the drivers' policy cover all obligations and requirements? - Reason:</p>	<p>Some requirements, including DBS checks and certain licensing processes, can take time to be completed, which may delay full compliance with all obligations.</p>	<p>It is unclear from the comment what "processes" are being referred to, other than DBS checks. With regard to enhanced DBS checks, as outlined in the response in row 2, the process has been improved by allowing Drivers to apply themselves on-line, rather than waiting for an appointment and having to attend the Council offices to complete the application in paper form.</p>

<p>Does the drivers' policy cover all obligations and requirements? - Reason:</p>	<p>Currently we struggle to get a response from licensing on several issues, issuing of badges and plates is left last minute a majority of the time regardless of how early you apply, , vehicle age limits are a hindrance, 3 year safeguarding tests are unnecessary, daily vehicle checks are unrealistic, 6 month checks are not required</p>	<p>The response is broken down below to the various parts as follows: • Currently we struggle to get a response from licensing on several issues: – It is not clear what “issues” this refers to. • Issuing of badges and plates is left last minute a majority of the time regardless of how early you apply: – Badges and Plates are issued by Licensing when all of the required documents and checks are completed. • Vehicle age limits are a hindrance:- The post consultation policy includes increasing the age limits of vehicles. • 3 year safeguarding tests are unnecessary:- We consider that regular Safeguarding training is vital—it helps equip Drivers with the confidence and tools to spot risks, act promptly, and protect people. • daily vehicle checks are unrealistic:- Daily vehicle checks are important to ensure vehicles remain safe and compliant; however, we recognise that filling in a checklist daily may be onerous. We have amended the Policy to make clear checks need to be made but only documented as completed in a diary or electronically, and any defects reported by exception only. • 6 month checks are not required:- We consider that the 6 month check is necessary to ensure vehicles remain complaint.</p>
<p>Does the drivers' policy cover all obligations and requirements? - Reason:</p>	<p>1. Currently we struggle to get a response from licensing on several issues, issuing of badges and plates is left last minute a majority of the time regardless of how early you apply, DBS applications are constantly delayed, vehicle age limits are a hindrance, 3 year safeguarding tests are unnecessary, daily vehicle checks are unrealistic, 6 month checks are not required</p>	<p>Repeat comment see line 6 for response</p>
<p>Does the drivers' policy cover all obligations and requirements? - Reason:</p>	<p>what guarantees that moving to new system it will be more efficient and easier for drivers.</p>	<p>It is not clear from the comment what is being referred to.</p>
<p>Does the drivers' policy cover all obligations and</p>	<p>We think the policy is very unfair on the drivers in question, it seems like this policy has been designed so that operators and drivers can police themselves and licensing can be made redundant. At a time when the trader is already feeling the</p>	<p>There are no changes in the new policy with regard to the requirements to be licenced.</p>

requirements? - Reason:	pinch rather than relaxing rules and following suite in line with other councils why recommend a policy which makes it difficult to be a licensed driver in Cherwell.	
Does the drivers' policy cover all obligations and requirements? - Reason:	Currently we struggle to get a response from licensing on several issues, issuing of badges and plates is left last minute a majority of the time regardless of how early you apply, DBS applications are constantly delayed, vehicle age limits are a hindrance, 3 year safeguarding tests are unnecessary, daily vehicle checks are unrealistic, 6 month checks are not required	Repeat comment see line 6 for response
Does the drivers' policy cover all obligations and requirements? - Reason:	Currently we struggle to get a response from licensing on several issues, issuing of badges and plates is left last minute a majority of the time regardless of how early you apply, DBS applications are constantly delayed, vehicle age limits are a hindrance, 3 year safeguarding tests are unnecessary, daily vehicle checks are unrealistic, 6 month checks are not required	Repeat comment see line 6 for response
Does the drivers' policy cover all obligations and requirements? - Reason:	Currently we struggle to get a response from licensing on several issues, issuing of badges and plates is left last minute a majority of the time regardless of how early you apply, DBS applications are constantly delayed, vehicle age limits are a hindrance, 3 year safeguarding tests are unnecessary, daily vehicle checks are unrealistic, 6 month checks are not required	Repeat comment see line 6 for response
Does the drivers' policy cover all obligations and requirements? - Reason:	The policy does not outline the cost of this service for a yearly subscription fee. It would benefit the license holder to be made aware of this cost. Yearly subscription fee for enhance DBS is £16.00 this new recommendation of Taxiplus should be the same price, additional cost will not benefit the licence holder as an enhance DBS check is equally as good as the Taxiplus check. Breakdown of the cost should be given to all licence holders.	The £16 cost is the yearly charge for the DBS update service, which all licenced drivers are required to subscribe to. This is an existing requirement and the fee for this is set by the DBS service not the Council or TaxiPlus. The cost of apply for an enhanced DBS check through TaxiPlus is less than the cost Cherwell DC charged to complete these. The cost is clearly displayed on the TaxiPlus page before making the application.
Does the drivers' policy cover all obligations and requirements? - Reason:	Currently we struggle to get a response from licensing on several issues, issuing of badges and plates is left last minute a majority of the time regardless of how early you apply, DBS applications are constantly delayed, vehicle age limits are a hindrance, 3 year safeguarding tests are unnecessary, daily vehicle checks are unrealistic, 6 month checks are not required	Repeat comment see line 6 for response
Does the drivers' policy cover all obligations and requirements? - Reason:	Current DBS has issues what guarantees going forward it will better it. Seems likes CDC are just pawning it of so they don't have to do the leg work as they massively understaffed	The Council have no control on how long Enhanced DBS check take once the application is made, this is a matter for the DBS service.

Does the drivers' policy cover all obligations and requirements? - Reason:	The policy omits a fair and transparent appeals process for false allegations or suspensions and fails to assess the economic impact of changes. Some measures such as depot-only testing, extended penalty points retention, and unrealistic vehicle age limits go beyond DfT guidance and create unnecessary burdens that will push drivers to licence elsewhere.	The appeal process when enforcement action is taken is always outlined, where these are available. Retaining penalty points for 3 years is in line with DfT guidance. Vehicle age limits have been increased in the post consultation policy, they have not been removed so we retain the incentives to adopt greener vehicles.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Knowledge and Safeguarding should only apply on new applications, for renewals a refresher on Safeguarding workshop	Knowledge test is only required for new driver applicants, not required at renewal. We believe Safeguarding training is a very important course for Taxi Drivers and up to date training is necessary. No refresher type course is currently offered by the provider all Oxfordshire authorities use.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Safeguarding test should only be done once and there after we should have refresher training	We believe Safeguarding training is a very important course for Taxi Drivers and up to date training is necessary. No refresher type course is currently offered by the provider all Oxfordshire authorities use.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Safeguarding should be for new drivers and renewals should have refresher courses or free of charge sessions to courses	We believe Safeguarding training is a very important course for Taxi Drivers and up to date training is necessary. No refresher type course is currently offered by the provider all Oxfordshire authorities use. Cherwell DC do not currently have the necessary trainers or resource to provide in house free refereshers courses.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Knowledge and safe guarding should be for new application and after should just be update	Knowledge test is only required for new driver applicants, not required at renewal. We believe Safeguarding training is a very important course for Taxi Drivers and up to date training is necessary. No refresher type course is currently offered by the provider all Oxfordshire authorities use.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Knowledge and Safeguarding should only apply on new applications, for renewals a refresher on Safeguarding workshop	Repeat comment, see line 17 for response
Are the assessments,	Knowledge and safeguarding requirements should apply to new applications only. For renewals, a safeguarding refresher workshop would be more proportionate.	We believe Safeguarding training is a very important course for Taxi Drivers and up to date training is

tests/specifications proportionate and relevant? - Reason:		necessary. No refresher type course is currently offered by the provider all Oxfordshire authorities use.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	who will check we have done daily checks, where will we keep these records?, who will pay for me to keep these records and who will train me as to what records i should keep and how, why do we need safeguarding tests every 3 years?, why can these not be refresher courses?, why are they paid separately to my licensing fee?	Following consultation feedback, daily checks will still need to be completed, but only recorded as being completed in a diary or electronically. Only issues found will need to be recorded and corrective actions against these recorded, a full recorded list of the checks will not be required. Up to date safeguarding training is very important for Licensed Taxi drivers, no refresher course is offered by the current provider. The Safeguarding course is provided by an external supplier and paid for on booking by drivers, therefore, CDC can't take the payment.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Who will check we have done daily checks, where will we keep these records?, who will pay for me to keep these records and who will train me as to what records i should keep and how, why do we need safeguarding tests every 3 years?, why can these not be refresher courses?, why are they paid separately to my licensing fee?	Repeat comment see line 23 for response
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Knowledge and Safeguarding should only apply on new applications	Knowledge test is only required for new driver applicants, not required at renewal. We believe Safeguarding training is a very important course for Taxi Drivers and up to date training is necessary.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	There is no need for daily checks and then document them, drivers shouldnt have to take mandatory safeguarding courses every three years, topography test is old and dated as every driver has access to digital maps and navigation.	Daily checks are required, and drivers should already be doing these. We have amended the requirement to fully document these checks following the consultation. We believe Safeguarding training is a very important course for Taxi Drivers and up to date training is necessary. The knowledge test is being amended to take account of the widespread use and availability of digital map services.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	who will check we have done daily checks, where will we keep these records?, who will pay for me to keep these records and who will train me as to what records i should keep and how, why do we need safeguarding tests every 3 years?, why can these not be refresher courses?, why are they paid separately to my licensing fee?	Repeat comment see line 23 for response

Are the assessments, tests/specifications proportionate and relevant? - Reason:	who will check we have done daily checks, where will we keep these records?, who will pay for me to keep these records and who will train me as to what records i should keep and how, why do we need safeguarding tests every 3 years?, why can these not be refresher courses?, why are they paid separately to my licensing fee?	Repeat comment see line 23 for response
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Who will check we have done daily checks, where will we keep these records?, who will pay for me to keep these records and who will train me as to what records i should keep and how, why do we need safeguarding tests every 3 years?, why can these not be refresher courses?, why are they paid separately to my licensing fee?	Repeat comment see line 23 for response
Are the assessments, tests/specifications proportionate and relevant? - Reason:	It is ludicrous to propose points and then keep them on my record for over a year, i think when it comes to enforcement it should be proportionate to the crime	Taxi driver licenses run for a maximum of 3 years, it is sensible that points remain on licenses for 3 years, this is also in line with current Dft guidance. What points are issued for and how many points should be issued are already contained in the appendices for the policy.
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Knowledge and safeguarding test should only apply to new applicants. Renewal applicants should only do safeguarding refresher.	Repeat comment, see line 17 for response
Are the assessments, tests/specifications proportionate and relevant? - Reason:	Nonetheless	No comment, can't provide response
Are the assessments, tests/specifications proportionate and relevant? - Reason:	I think the policies that are proposed seem to be getting more difficult rather than being relaxed. No wonder there's an influx of local drivers using other council licenses for work around CDC.	We are committed to having fair and robust checks for drivers who apply for licences. We do not see that "relaxing" requirements can in any way ensure we as a Licensing Authority discharge our duty to protect the public. We can't comment on the policies of other Local Authorities with regard to Taxi Drivers licences.

Are the assessments, tests/specifications proportionate and relevant? - Reason:	Several proposals are disproportionate and not evidence-based. Re-testing safeguarding for renewals is unnecessary refresher workshops would achieve the same result without cost or stress. Depot-only inspections will cause downtime, extra costs, and economic harm to local garages without proven safety gains. Stricter vehicle age and type rules are unrealistic given costs, supply, and local demand, and risk reducing fleet numbers. These measures go beyond DfT guidance and will raise costs for drivers and passengers without improving safety or service.	We maintain that regular up to date Safeguarding training is essential for licenced Taxi drivers, the Council do not have the necessary resouces and expertise to provide "workshops". We would also have concerns of the checks that the atendees have absorbed the information required. The current course with an test provides assurance the necessary learning has been achieved. The Council led inspections will take no longer than the current standard MOT, the cost will be no more than the govenment issued price for MOT's. Only the current mid-term 6 month MOT will be replaced by the Council led check. Annual MOT's can be done at any MOT providing garage, which is for the driver to decide where they go. Age limits for vehicles are being increased following the consultation, not reduced.
Are the policies' requirements and licenses options and tests relevant and proportionate? Reason:	Safeguarding workshop as a refresher rather than being a test	We maintain that regular up to date Safeguarding training is essential for licenced Taxi drivers, the Council do not have the necessary resouces and expertise to provide "workshops". We would also have concerns of the checks that the atendees have absorbed the information required. The current course with an test provides assurance the necessary learning has been achieved.
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Renewals shouldn't be tests but refresher rather	Unclear which part of the renewal process this comment is referring to.
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Should be workshop refresher not test	We maintain that regular up to date Safeguarding training is essential for licenced Taxi drivers. We would have concerns of the checks that the atendees to "workshops" have absorbed the information required. The current course with an test provides assurance the necessary learning has been achieved.

Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Safeguarding workshop as a refresher rather than being a test	Repeat comment see line 35 for response
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	ull knowledge and safeguarding tests should be for new applications; renewals should have a safeguarding refresher instead.	Knowledge test is only required for new driver applicants, not required at renewal. We believe Safeguarding training is a very important course for Taxi Drivers and up to date training is necessary. No refresher type course is currently offered by the provider all Oxfordshire authorities use.
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Please answer to previous questions, i think the council needs to bring itself up to speed with other councils rather than trying to stand out by being over demanding, all changes are to ease licensing teams work and increase cost and consume more time of drivers	The policy changes bring the Council more in-line with the current DFT guidance, we do not see the requirements in the policy as overdemanding. We are not sure what is being suggested by easing the work of CDC Licensing, general requirements for applications are not changing.
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Plases see answer to previous questions, i think the council needs to bring itself up to speed with other councils rather than trying to stand out by being over demanding, all changes are to ease licensing teams work and increase cost and consume more time of drivers	Repeat comment see line 40 for response
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Refresher course rather than another test	No refresher course is offered by the supplier, we are also of the view that the full course provides the right level of training given the importance of the subject.
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	I think licensing needs to relax their rules in order to attract more drivers, knowledge tests should be scrapped or should allow licensees access to digital maps when taking these tests, drivers shouldn't need 3 years driving experience, 1 year should be sufficient	Changes have been made to the policy to remove Topographical questions from the knowledge test. The time a driver needs to have held a driving licence has been amended from 3 years to 12 consecutive months.

Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals, drivers should be able to make an informed choice.	We always provide details of the offences to drivers where enforcement is taken, details of any appeal available is also given when taking enforcement action.
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Plases see answer to previous questions, i think the council needs to bring itself up to speed with other councils rather than trying to stand out by being over demanding, all changes are to ease licensing teams work and increase cost and consume more time of drivers	General comment, no specific response.
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	I think licensing needs to relax their rules in order to attract more drivers, knowledge tests should be scrapped or should allow licensees access to digital maps when taking these tests, drivers shouldn't need 3 years driving experience, 1 year should be sufficient	Repeat comment, see line 43 for response
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals	We always provide details of the offences to drivers where enforcement is taken, details of any appeal available is also given when taking enforcement action.
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Safeguarding workshop only no test	Repeat comment see line 37 for response
Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	I think the current 2 MOTs system has been working ok, not sure about the new idea of depot inspection!	Mid term license MOT is being replaced witt Council led check, this is being introduced so the check can be Taxi Licence specific.

Are the policies' requirements and licenses options and tests relevant and proportionate? - Reason:	Some requirements duplicate existing systems, such as DVLA penalty points, without added value. Licence options are restricted by unrealistic vehicle specifications and limited testing locations. Several proposals exceed DfT guidance, increasing costs for drivers and passengers without measurable public benefit	DVLA penalty points are driving offence specific only, taxi license points go beyond these and include taxi licensing requirements. The Council led mid-term vehicle check is the only check required to be at the Council depot, normal annual MOT's can be done at any MOT authorised garage.
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	Age limit to vehicles requirements are outdated and electric vehicles are not viable at all even the 2030 target is not feasible	The age limit for all vehicles has been increased following the consultation.
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	6 month mot test should not be limited to just one workshop will be impossible to gwt appointments should not be discrimination against other garages need to be able to go to anyone rather than just one place for the 6 month test	We have moved the implimentation date for the Council led inspections from the 1st January 2026 to the 1st April 2026, to allow for testing capacity and functionality assessments prior to implementation. Drivers will also be able to book slots online and pay online.
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	Age limit to vehicles requirements are outdated and electric vehicles are not viable at all even the 2030 target not feasible Would require that new policy is included in application that 6 month inspections isn't a mot test but also visual inspection	The age limits for all vehicles is being increased following the consultation, incentives to adopt cleaner or zero emission vehicles remain. The Council is still committed to net zero by 2030 at this time.
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	he licensing conditions and application process are not fully comprehensive or inclusive, as outdated vehicle age limits and unrealistic electric vehicle expectations create unnecessary barriers for many operators. The 6-month inspection process also needs clearer wording to confirm it is a visual check rather than an MOT-equivalent to avoid extra costs and confusion.	Comment is not clear on where they feel the conditions and application are not comperhensive or inclusive, we believe the conditions and application are comprehensive. We are unsure why the commenter feels it is not inclusive, as we see no barriers to anyone in the process. The age limitis for all vehicles has been increased post consultation. The Council led 6 month checks will not be an MOT equivelent, and taxi specific. The implimentation date has been moved from the 1st January 2026 to

		the 1st April 2026, to allow for testing capacity and functionality assessments prior to implementation.
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	I think we dont need safeguarding testing every 3 years, why are we limited to 1 supplier who then makes us travel as far as Didcot if Banbury is booked up, who benefits from this? 6 month checks are expensive and unrealistic, why will we need to keep a record of daily vehicle checks is our word not good enough anymore?, age limits on grants of new license need to be relaxed as cost of new car has increased over the years	We believe regular robust safeguarding training is important and not an area we would look to relax any current requirements. The cost of the Council led mid-term license 6 month check will not exceed the government set cost of an MOT. The age limits have been increased for all vehicles post consultation.
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	I think we don't need safeguarding testing every 3 years, why are we limited to 1 supplier who then makes us travel as far as Didcot if Banbury is booked up, who benefits from this? 6 month checks are expensive and unrealistic, why will we need to keep a record of daily vehicle checks is our word not good enough anymore?, age limits on grants of new license need to be relaxed as cost of new car has increased over the years	Repeat comment see line 55 for response
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	Age limit to vehicles requirements are outdated and electric vehicles are not viable at all even the 2030 target not feasible Would require that new policy is included in application that 6 month inspections isn't a mot test but also visual inspection	Repeat comment, see line 53 for response
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	Things need to be made easier so that drivers are willing to take up the trade, licensing need to take down the red tape not add more to it	The policy changes does not in our opinion add any additional requirements to drivers being licenced.
Are the conditions to acquire a license and application process	I think we don't need safeguarding testing every 3 years, why are we limited to 1 supplier who then makes us travel as far as Didcot if Banbury is booked up, who benefits from this? 6 month checks are expensive and unrealistic, why will we need to keep a record of daily vehicle checks is our word not good enough anymore?, age	Repeat comment see line 55 for response

comprehensive and inclusive? - Reason:	limits on grants of new license need to be relaxed as cost of new car has increased over the years	
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	I think we don't need safeguarding testing every 3 years, why are we limited to 1 supplier who then makes us travel as far as Didcot if Banbury is booked up, who benefits from this? 6 month checks are expensive and unrealistic, why will we need to keep a record of daily vehicle checks is our word not good enough anymore?, age limits on grants of new license need to be relaxed as cost of new car has increased over the years	Repeat comment see line 55 for response
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	I think we dont need safeguarding testing every 3 years, why are we limited to 1 supplier who then makes us travel as far as Didcot if Banbury is booked up, who benefits from this? 6 month checks are expensive and unrealistic, why will we need to keep a record of daily vehicle checks is our word not good enough anymore?, age limits on grants of new license need to be relaxed as cost of new car has increased over the years	Repeat comment see line 55 for response
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	I think we don't need safeguarding testing every 3 years, why are we limited to 1 supplier who then makes us travel as far as Didcot if Banbury is booked up, who benefits from this? 6 month checks are expensive and unrealistic, why will we need to keep a record of daily vehicle checks is our word not good enough anymore?, age limits on grants of new license need to be relaxed as cost of new car has increased over the years	Repeat comment see line 55 for response
Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	Age limits are outdated and should be moved to 15 years with a 6 year minimum. Many councils have done this or stripped the age barrier all together and this is not DFT guidance! And electrics are not viable for 2030 at all. 6 month check not viable as public hours and cannot choose our garage in Cherwell. Have to come to Banbury when people are in kidlington, bicester	Age limits have been increased for all vehicles, and the 6 year requirement at first vehicle licence has been removed. We have moved the implimentation date for the Council led inspections from the 1st January 2026 to the 1st April 2026, to allow for testing capacity and functionality assessments prior to implementation. Drivers will also be able to book slots online and pay online. Only the mid-term 6 month council led check will have to be done at the Council depot, annual MOT's can be done at any garage authorised to carry out MOT's.

Are the conditions to acquire a license and application process comprehensive and inclusive? - Reason:	While core checks are covered, the process is not inclusive or proportionate. The knowledge test should be removed it is outdated in the modern world where satnavs, journey planners, and even AI tools like ChatGPT can provide accurate routing information instantly. Requiring it offers no additional public safety benefit. The policy also mandates a full safeguarding session for renewals, when a shorter refresher would be sufficient. In addition, the requirement to have held a full UK driving licence for three years is unnecessarily restrictive; many other councils accept one year of safe, roadworthy driving experience. These measures exclude competent drivers and create unnecessary barriers to entering and remaining in the trade	Changes have been made to the policy to remove Topographical questions from the knowledge test. We believe regular robust safeguarding training is important and not an area we would look to relax any current requirements. The time a driver needs to have held a driving licence has been amended from 3 years to 12 consecutive months.
Do the applications cover all options of license? - Reason:	Application options are narrowed by restrictive vehicle age limits, narrow WAV/EV specifications, and reduced testing flexibility. The process should reflect all legally available licence categories and remain practical, proportionate, and economically viable.	The age limits for all vehicles has been increased.
Is the enforcement policy transparent and proportionate? - Reason:	No proper investigation and Lack of Transparency as currently no way of knowing what is happening with issue and the time in responding accordingly. Loss of trust.	Unclear what is being referred to, so can't provide a response.
Is the enforcement policy transparent and proportionate? - Reason:	Drivers need to be more involved and aware of all the developments.	Consultations are carried out with the trade and public for all policy changes.
Is the enforcement policy transparent and proportionate? - Reason:	No proper investigation	Unclear what is being referred to, so can't provide a response.
Is the enforcement policy transparent and proportionate? - Reason:	No proper investigation and Lack of Transparency as currently no way of knowing what is happening with issue and the time in responding accordingly. Loss of trust.	Repeat comment, see line 66 for response
Is the enforcement policy transparent and proportionate? - Reason:	The enforcement policy lacks transparency and proportionality, with delays in communication, no clear updates during investigations, and frequent failure to answer phone calls. These issues leave licence holders uncertain about progress and outcomes, causing frustration and a loss of trust in the process.	Drivers are always notified of the outcome of investigations.
Is the enforcement policy transparent and proportionate? - Reason:	it is ludicrous to propose points and then keep them on my record for over a year, i think when it comes to enforcement it should be proportionate to the crime	Taxi driver licenses run for a maximum of 3 years, it is sensible that points remain on licenses for 3 years, this is also in line with current Dft guidance. What points are issued for and how many points should be

		issued are already contained in the appendices for the policy. We consider that any points issued are in-line with the offence.
Is the enforcement policy transparent and proportionate? - Reason:	It is ludicrous to propose points and then keep them on my record for over a year, i think when it comes to enforcement it should be proportionate to the crime	Repeat comment see line 71 for response
Is the enforcement policy transparent and proportionate? - Reason:	Enforcement is too stringent and needs to be relaxed in line with other councils,	We consider our enforcement to be measured and proportionate, we do not see relaxing enforcement is in the interest of protecting the public.
Is the enforcement policy transparent and proportionate? - Reason:	It is ludicrous to propose points and then keep them on my record for over a year, i think when it comes to enforcement it should be proportionate to the crime	Repeat comment see line 71 for response
Is the enforcement policy transparent and proportionate? - Reason:	it is ludicrous to propose points and then keep them on my record for over a year, i think when it comes to enforcement it should be proportionate to the crime	Repeat comment see line 71 for response
Is the enforcement policy transparent and proportionate? - Reason:	It is ludicrous to propose points and then keep them on my record for over a year, i think when it comes to enforcement it should be proportionate to the crime	Repeat comment see line 71 for response
Is the enforcement policy transparent and proportionate? - Reason:	No proper investigation and Lack of Transparency as currently no way of knowing what is happening with issue and the time in responding accordingly. Loss of trust.	Drivers are always notified of the outcome of investigations.
Is the enforcement policy transparent and proportionate? - Reason:	It is ludicrous to propose points and then keep them on my record for over a year, i think when it comes to enforcement it should be proportionate to the crime	Repeat comment see line 71 for response
Is the enforcement policy transparent and proportionate? - Reason:	No proper investigations and fabrications of evidence or pushing outside party's to provide evidence so they can take a driver off the road rather than work with the driver. Guilty before innocent! No proper investigation or transparency. Loss of trust	We believe all investigations are conducted fairly and outcomes based on the evidence and directed by policy.
Is the enforcement policy transparent	Suspension on allegation without due process is neither fair nor proportionate. Retaining penalty points for three to five years is excessive and duplicates DVLA	Council penalty points remaining for 3 years is in line with the current DfT guidance.

and proportionate? - Reason:	sanctions. Enforcement should be evidence-based, follow due process, and align with DfT guidance.	
Are actions and appeals comprehensive and inclusive? - Reason:	Drivers are being penalised without thorough investigation and don't get any information on how to appeal or how it is progressing	Where an appeal to a decision is available drivers are advised of this.
Are actions and appeals comprehensive and inclusive? - Reason:	I have not been told off by the council as of yet so can't answer yes	No response necessary
Are actions and appeals comprehensive and inclusive? - Reason:	Guilty before any investigation drivers get suspended on complaints so presumed guilty has big affect on mental wellbeing and financially due to being suspended	All complaints are investigated and enforcement taken when evidence suggests it is necessary.
Are actions and appeals comprehensive and inclusive? - Reason:	Driver bean penalised with out being guilty	All complaints are investigated and enforcement taken when evidence suggests it is necessary.
Are actions and appeals comprehensive and inclusive? - Reason:	Drivers are being penalised without thorough investigation and aren't get any update information on how to appeal or how it is progressing. Driver is presumed guilty without being proven guilty	Repeat of above comments.
Are actions and appeals comprehensive and inclusive? - Reason:	Statement Regarding Complaints and Disciplinary Actions for Drivers In relation to complaints about drivers, I believe the council should conduct a formal interview process to establish the facts and ensure valid evidence before taking any action that could result in a driver being taken off the road. Some complaints may be unfounded, and without proper investigation, such actions could severely impact a driver's livelihood. We recommend that, before issuing penalty points, the council adopt a fair, step-by-step disciplinary process: 1. Verbal Warning – Drivers should first receive a verbal warning for a first-time or minor mistake. 2. Written Warning – If the same issue is repeated, a written warning should be issued. 3. Penalty Points – Only if the driver repeats the offence after the above steps should penalty points be applied. This approach would help create a fair and transparent system for	Where it is deemed by the investigating officer to do so interviews are conducted. We already have a graduated approach to enforcement. However, the enforcement action is based on policy and serverity so it is not always appropriate to pass through steps as outlined in the comment.

	maintaining professional standards while safeguarding drivers from unjust penalties.	
Are actions and appeals comprehensive and inclusive? - Reason:	he actions and appeals process is not fully comprehensive or inclusive, as the policy does not clearly outline step-by-step procedures, expected response times, or how licence holders will be kept informed during investigations and appeals. This lack of transparency, combined with delays in communication and difficulty reaching officers by phone, limits fairness and undermines confidence in the system.	We will look into the communication aspect of this comment.
Are actions and appeals comprehensive and inclusive? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals	We always provide details of the offences to drivers where enforcement is taken, details of any appeal available is also given when taking enforcement action.
Are actions and appeals comprehensive and inclusive? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals	Repeat comment see line 88 for response
Are actions and appeals comprehensive and inclusive? - Reason:	No consistency	No context, can't provide a response.
Are actions and appeals comprehensive and inclusive? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals, drivers should be able to make an informed choice.	Repeat comment, see line 44 for response
Are actions and appeals comprehensive and inclusive? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals	Repeat comment see line 88 for response

Are actions and appeals comprehensive and inclusive? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals	Repeat comment see line 88 for response
Are actions and appeals comprehensive and inclusive? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals	Repeat comment see line 88 for response
Are actions and appeals comprehensive and inclusive? - Reason:	Drivers are being penalised without thorough investigation and aren't get any update information on how to appeal or how it is progressing. Driver is presumed guilty without being proven guilty	See comments 79-83.
Are actions and appeals comprehensive and inclusive? - Reason:	I think licensing should be more informative when it comes to certain actions and appeals	Repeat comment see line 88 for response
Are actions and appeals comprehensive and inclusive? - Reason:	Drivers are being penalised without proper investigations. Guilty before innocent & will take you off the road and move back court dates over and over	We believe investigations are conducted and appropriate enforcement action taken where required. The Council have no control of Court dates, this is a matter for the Courts Service.
Are actions and appeals comprehensive and inclusive? - Reason:	The appeals process is unclear, lacks defined timelines, and does not guarantee a fair hearing before suspension or penalty. This risks excluding and unjustly penalising drivers. Appeals must be transparent, timely, and accessible to all.	Appeals relating to a licensing determination are listed within the Policy and remain unchanged from the existing policy. All such appeals are via an appeal application to the Magistrates courts in the first instance. As appeals are administered through the courts the Council is unable to indicate such appeal timescales. All such appeals are subject to full transparency of any legal procedural hearing. Appeals are open to all via the courts application processes.
Vehicle carbon emissions and	Too soon and we can't afford electric cars	At this time the Council remains committed to the 2030 zero emission target, however, we have

carbon reduction policies.		comitted to review the Policy in 2029 to take account of any changes.
Vehicle carbon emissions and carbon reduction policies.	Current target not feasible No suitable vehicles for saloon cars that give adequate range and are very costly the used EV market is unknown. plus driving condition always changing ie weather and roads No suitable WAVs at all in the current market that are cost appropriate	At this time the Council remains committed to the 2030 zero emission target, however, we have comitted to review the Policy in 2029 to take account of any changes. The age limit for ICE and hybrid WAV have been increased following driver feedback regarding the lack of availability of electric WAV.
Vehicle carbon emissions and carbon reduction policies.	We need better infrastructure	At this time the Council remains committed to the 2030 zero emission target, however, we have comitted to review the Policy in 2029 to take account of any changes.
Vehicle carbon emissions and carbon reduction policies.	Such as many other councils in the UK these should be postolponed or given longer dates for deadline as 2030 is not accurate or realistically possible	At this time the Council remains committed to the 2030 zero emission target, however, we have comitted to review the Policy in 2029 to take account of any changes.
Vehicle carbon emissions and carbon reduction policies.	Not ready for that no feslity	At this time the Council remains committed to the 2030 zero emission target, however, we have comitted to review the Policy in 2029 to take account of any changes.
Vehicle carbon emissions and carbon reduction policies.	Current target not feasible No suitable vehicles for saloon cars that give adequate range and are very costly the used EV market is unknown. plus driving condition always changing ie weather and roads No suitable WAVs at all in the current market that are cost appropriate	Repeat comment see line 100 for response.
Vehicle carbon emissions and carbon reduction policies.	Feasibility & Cost: The push towards electric or hydrogen vehicles, especially for wheelchair-accessible taxis (WAVs), is currently not feasible. Such vehicles are either not readily available in the market or are prohibitively expensive. Even conventional petrol and diesel WAVs are difficult to source. Lack of Infrastructure: There is a severe lack of adequate local infrastructure, including charging points for electric vehicles and, critically, hydrogen refuelling stations. Without this essential infrastructure, such a mandate is premature and impractical. Range anxiety is a significant concern for drivers. Driver Request: We strongly urge the Council to defer the implementation of this policy until at least 2030. This will allow sufficient time for affordable 3 vehicle options to become available and for the necessary charging/refuelling infrastructure to be established locally. A fare increase specifically for 5+ ecological vehicles would be a reasonable consideration once this becomes viable.	Following the consultation we have increased the age limit for WAV from 10 to 15 years for ICE vehicles 20 years for Hybrid and Electric and Hydrogen remain unlimited.

Vehicle carbon emissions and carbon reduction policies.	the 2030 zero-emission target is unrealistic, as current EV technology does not meet the operational needs of taxi work in terms of range, charging times, and performance in varying weather and road conditions. Affordable long-range saloon models are not available, the used EV market is unproven, and there are no cost-appropriate electric wheelchair-accessible vehicles, making the target impractical without a phased transition supported by suitable vehicles, infrastructure, and funding.	The Council is still committed at this time to net zero by 2030. However, following the consultation the age limits for all vehicles has been increased. Electric and Hydrogen vehicles age limits remain unlimited to encourage drivers to move to these types of vehicle.
Vehicle carbon emissions and carbon reduction policies.	I think these targets are unrealistic and can not be achieved, vehicles are much too expensive and the range they offer are just impractical for the trade, they can potentially work in cities but not here	See comment above.
Vehicle carbon emissions and carbon reduction policies.	I think these targets are unrealistic and can not be achieved, vehicles are much too expensive and the range they offer are just impractical for the trade, they can potentially work in cities but not here	Repeat comment see line 107 for response
Vehicle carbon emissions and carbon reduction policies.	Not feasible	No relevant response can be provided.
Vehicle carbon emissions and carbon reduction policies.	Setting targets which can not be achieved makes no sense	The Council remains at this time committed to its 2030 zero emission target. However, we have increased the age of all vehicles post consultation.
Vehicle carbon emissions and carbon reduction policies.	I think these targets are unrealistic and can not be achieved, vehicles are much too expensive and the range they offer are just impractical for the trade, they can potentially work in cities but not here	We have increased the age of all vehicles post consultation, incentives for adoption of cleaner vehicles remain as the Council see has a net zero target for 2030.
Vehicle carbon emissions and carbon reduction policies.	I think these targets are unrealistic and can not be achieved, vehicles are much too expensive and the range they offer are just impractical for the trade, they can potentially work in cities but not here	Repeat comment see line 111 for response
Vehicle carbon emissions and carbon reduction policies.	I think these targets are unrealistic and can not be achieved, vehicles are much too expensive and the range they offer are just impractical for the trade, they can potentially work in cities but not here	Repeat comment see line 111 for response
Vehicle carbon emissions and	Current target not feasible No suitable vehicles for saloon cars that give adequate range and are very costly the used EV market is unknown. plus driving condition	The age limit for Saloon ICE vehicles has been increased from 10 to 12 years and ICE WAV have been increased from 10 to 15 years.

carbon reduction policies.	always changing ie weather and roads No suitable WAVs at all in the current market that are cost appropriate	
Vehicle carbon emissions and carbon reduction policies.	I think these targets are unrealistic and can not be achieved, vehicles are much too expensive and the range they offer are just impractical for the trade, they can potentially work in cities but not here	Repeat comment see line 111 for response
Vehicle carbon emissions and carbon reduction policies.	Net 2030 not feasible nothing on the current market out there and no help or funds from council just want more money of us. Ev range is a lie. More costly & life on cars is around 5 years and can't do the same Milage across the board	The Council remains at this time committed to its 2030 zero emission target. We have increased the age of all vehicles post consultation. We cannot comment on manufacturers claimed EV ranges.
Vehicle carbon emissions and carbon reduction policies.	The infrastructure for electric only vehicles is 30 years behind in my opinion. The council should encourage petrol hybrid vehicles for taxis.	The age limit for all vehicles has been increased.
Vehicle carbon emissions and carbon reduction policies.	The target is unrealistic without affordable EV/hydrogen vehicles, adequate charging points, and viable WAV options. Forcing early adoption risks reducing fleet size, increasing costs, and harming service availability. Targets should be phased and supported by infrastructure and funding	We appreciate the feedback we have received regarding this, and we have increased the age limit of all vehicles.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	Increase in age would assist drivers	Following feedback from the consultation and in person events, the age limits for vehicles has been increased.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	New cars are expensive	To address this the age limit of vehicles has been increased.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	It should not be exclusively for just electric, hybrid or hydrogen It should be for all type as not easy to acquire even in current climate	The age limits for vehicles has been increased post consultation.

Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	There are only licensing authorities within Cherwell that operate and have different vehicle age which should be equal to all council policies and regulations	We have increased the age limit for all vehicles post consultation. However, we see the incentives to change to cleaner vehicles as important, so we continue to reserve the unlimited age limit to zero emission vehicles.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	Not able to afford the electric vehicles so feel more time is needed for the change to take place.	We have increased the age limit of ICE vehicles, and have committed to reviewing the zero emission requirement before 2030.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	Should be for all	We have increased the age limit for all vehicles post consultation. However, we see the incentives to change to cleaner vehicles as important, so we continue to reserve the unlimited age limit to zero emission vehicles.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	It should not be exclusively for just electric, hybrid or hydrogen It should be for all type as not easy to acquire even in current climate	We have increased the age limit for all vehicles post consultation. However, we see the incentives to change to cleaner vehicles as important, so we continue to reserve the unlimited age limit to zero emission vehicles.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	Statement Regarding Age Limits for Wheelchair Accessible Vehicles (WAVs) We support keeping the current rule that wheelchair accessible vehicles (WAVs) must be no more than 6 years old when entering service. However, we propose extending the upper age limit for WAVs in service to 12 years. This change would allow drivers to operate safe, reliable, and affordable vehicles for longer, while still ensuring that vehicles entering the fleet meet modern safety and accessibility standards. In my opinion, the entry age limit should remain the same, but the maximum age should be increased to 12 years to give drivers more flexibility and reduce financial pressure.	The age limit for ICE WAV has been increased from 10 to 15 years.
Do you agree with the changes to the age of vehicle licensing changes?	The proposed changes in Appendices C are too restrictive. Limiting non-wheelchair-accessible private hire vehicles to a maximum of 6 years old at first registration and licensing them only until 10 years from first registration disregards the fact that many modern vehicles remain safe and efficient well beyond this period. While exemptions for electric, hybrid, or hydrogen-powered wheelchair-	Age limits have been increased for all vehicles, and the 6 year requirement at first vehicle licence has been removed.

(Appendices C). - Reason:	accessible vehicles are noted, the lack of affordable and suitable models in the current market makes these provisions impractical for many operators.	
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	vehcile ages is not the problem, my problem is purchase of a car to meet this criteria, why cant i purchase a car that is 8 years old and drive it for 2 years? other councils are definitely more lenient on this and enjoying the benefits of it.	The requirement to be a maximum of 6 years old at first vehicle licence has been removed.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	vehicle ages is not the problem, my problem is purchase of a car to meet this criteria, why cant i purchase a car that is 8 years old and drive it for 2 years? other councils are definitely more lenient on this and enjoying the benefits of it.	Repeat comment see line 128 for response.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	It should not be exclusively for just electric, hybrid or hydrogen It should be for all type as not easy to acquire even in current climate	We believe the incentive of unlimited age limit for zero emissions vehicles is important in meeting the Council's 2030 zero emission target. However, we have increased the age limit for all vehicles.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	These changes need to be made to all cars, majority of drivers will not buy electric or hydrogen so who will these changes benefit exactly?	We believe the incentive of unlimited age limit for zero emissions vehicles is important in meeting the Council's 2030 zero emission target. However, we have increased the age limit for all vehicles.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	These changes need to be made to all cars, majority of drivers will not buy electric or hydrogen so who will these changes benefit exactly?	Repeat comment see line 131 for response.
Do you agree with the changes to the age of vehicle licensing changes?	vehicle ages is not the problem, my problem is purchase of a car to meet this criteria, why cant i purchase a car that is 8 years old and drive it for 2 years? other councils are definitely more lenient on this and enjoying the benefits of it.	Repeat comment see line 128 for response.

(Appendices C). - Reason:		
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	vehicle ages is not the problem, my problem is purchase of a car to meet this criteria, why cant i purchase a car that is 8 years old and drive it for 2 years? other councils are definitely more lenient on this and enjoying the benefits of it.	Repeat comment see line 128 for response.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	These changes need to be made to all cars, majority of drivers will not buy electric or hydrogen so who will these changes benefit exactly?	The age limits for vehicles have been increased post consultation.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	It should not be exclusively for wavs all cars across board,	The age limits for vehicles have been increased post consultation.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	I think vehicles should be run for 12 years and waves for 15 years! A 10year old taxi is not old.. other council vehicles are 15-20 years old and still licensed, I've seen a few myself over the years	The age limits for vehicles have been increased post consultation.
Do you agree with the changes to the age of vehicle licensing changes? (Appendices C). - Reason:	The proposed limits are too restrictive, stricter than neighbouring councils, and ignore that many older vehicles are kept in excellent condition. A condition-based approach would meet safety needs without unnecessary financial pressure or encouraging drivers to licence elsewhere	The age limits for all vehicles have been increased post consultation.
Do you agree with the changes to wheelchair accessible vehicle licensing?	I'm a chauffeur so w scant have wheel chair access	N/A

(Appendices C). - Reason:		
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	WAVs are being favoured over saloon cars Even when there's not enough requirements for them and are incentivized	N/A
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	There are enough already available so change needed	We want to ensure there remains enough WAV for the deamand and so the incentives of increaed age is important.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	Not enough demand	I believe this comment is in relation to the 20% WAV for Operators in the policy that was consulted on. The Operator requirement for 20% of vehicles to be WAV, has been amended, the requirement will now be 1 WAV for each 20 vehicles registered with each Operator.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	WAVs are being favoured over saloon cars Even when there's not enough requirements for them and are incentivized	N/A
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	Wwhile Appendices C proposes extended licensing for wheelchair-accessible vehicles (WAVs) — including exemptions from the 6-year first registration rule for petrol/diesel WAVs, a 15-year limit for electric hybrid WAVs, and no age limit for fully electric or hydrogen WAVs — these changes are not practical in the current market. There are no cost-appropriate fully electric WAVs available, hybrid and hydrogen models are extremely limited, and infrastructure for alternative fuels is insufficient. In addition, the requirement for operators with 10 or more licensed	We have introduced changes to the policy post consultation, which are in line with this comment.

	vehicles to have at least 20% of their fleet as WAVs by 2028 is unrealistic given the lack of affordable and suitable WAV options, and such a requirement should only apply to larger fleets, such as those with 20 or more vehicles, to avoid placing excessive financial and operational strain on smaller operators	
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	I believe if we want more wheelchair access vehicles then the new changes should apply to combustion engine vehicles as well as electric and hydrogen	We have listened to the comments and input at the drop in sessions, and we have increased the age limit of WAV.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	I believe if we want more wheelchair access vehicles then the new changes should apply to combustion engine vehicles as well as electric and hydrogen	Repeat comment see line 145 for response.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	WAVs are being favoured over saloon cars Even when there's not enough requirements for them and are incentivized	The age limit for WAV has been increased beyond Saloon cars as an incentive.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	If the aim is to encourage drivers to invest in WAV then setup grants or amend the policy to affect already licensed vehicles. Setting unrealistic targets on operators is unfair and unrealistic.	We are incentivising WAV by increasing the age limit. The Operator requirement for 20% of vehicles to be WAV, has been amended, the requirement will now be 1 WAV for each 20 vehicles registered with each Operator.
Do you agree with the changes to wheelchair accessible vehicle licensing?	I believe if we want more wheelchair access vehicles then the new changes should apply to combustion engine vehicles as well as electric and hydrogen	Repeat comment see line 145 for response.

(Appendices C). - Reason:		
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	I believe if we want more wheelchair access vehicles then the new changes should apply to combustion engine vehicles as well as electric and hydrogen	Repeat comment see line 145 for response.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	I believe if we want more wheelchair access vehicles then the new changes should apply to combustion engine vehicles as well as electric and hydrogen	Repeat comment see line 145 for response.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	If the aim is to encourage drivers to invest in WAV then setup grants or amend the policy to affect already licensed vehicles. Setting unrealistic targets on operators is unfair and unrealistic.	The age limits for all WAV has been increased post consultation.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	WAVS always being favoured over everything else when there is no demand for it	Due to the cost of WAV we consider that incentives encourage up take of these vehicles. Demand for WAV does exist and it is important these are available for those who need them.
Do you agree with the changes to wheelchair accessible vehicle licensing? (Appendices C). - Reason:	WAV targets are not backed by local demand data and risk reducing standard vehicle numbers. WAVs are costly, less fuel-efficient, and lack adequate rank facilities. Accessibility policy should be evidence-led and supported by incentives	WAV targets for Operators have been reduced following the consultation.

Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	improvement are required for all parties	Context unclear so can't provide a response.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	improvement are required for all parties	Context unclear so can't provide a response.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	The entire policy needs to be reviewed and rewritten in consultation with current drivers to create a new, balanced approach that is practical, reasonable, and fair for all parties involved.	The Council's policy is largely in line with the DfT guidance, we believe it is balanced and following the consultation we have made amendments after listening to Drivers, who have been properly consulted through the process.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	i believe licensing needs to do more in order to attract drivers to purchase wheelchair access vehicles	To add an incentive for investing in WAV, we are increasing the age limits for WAV.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	i believe licensing needs to do more in order to attract drivers to purchase wheelchair access vehicles	Repeat comment see line 158 for response.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	Improvements needed	Unsure of context of response, therefore, can't provide a response.

Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	As mentioned above, licensing needs an approach where by drivers feel rewarded for investing in WAVs and the current policy simply doesn't address the issues at hand.	To add an incentive for investing in WAV, we are increasing the age limits for WAV.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	As mentioned above, licensing needs an approach where by drivers feel rewarded for investing in WAVs and the current policy simply doesn't address the issues at hand.	Repeat comment see line 161 for response.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	i believe licensing needs to do more in order to attract drivers to purchase wheelchair access vehciles	The age limit for all WAV has been increased, as an incentive this has been increased beyond the increase in age liimit for other ICE vehicles.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	i believe licensing needs to do more in order to attract drivers to purchase wheelchair access vehciles	Repeat comment see line 163 for response.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	As mentioned above, licensing needs an approach where by drivers feel rewarded for investing in WAVs and the current policy simply doesn't address the issues at hand.	As an incentive we have increased the age limit of WAV ICE vehicles to 15 years, for other ICE vehicles it has been increased but to 12 years.
Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	Improvement required for all parties	Unsure of exact centext of response, therefore, can't provide a response.

Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). - Reason:	The approach overemphasises WAV targets without balancing the needs of all passengers. Accessibility should be based on demand evidence, maintain a mix of vehicle types, and be supported by infrastructure and funding	The target for Operators for WAV has been amended following the consultation.
Any further details to add to appendices A to I? - Reason:	Cross-Border Private Hire Vehicles (Specifically but not limited to Wolverhampton Licensed Drivers) Unfair Competition & Illegal Plying for Hire: We are deeply concerned about the increasing presence of Wolverhampton-licensed private hire vehicles operating in our area, particularly in the town centre (High Street, Caltrop Street, and George Street). These drivers are actively offering rides to customers directly from these locations, which is a clear breach of private hire regulations as they are effectively plying for hire without a pre-booking. This severely impacts the business of our locally licensed members. Safety & Enforcement Issues: As these drivers are not licensed by our local authority, they are not subject to the same regular checks or monitoring, raising serious issues around enforcement, public safety, and fairness. Driver Request: We respectfully request the Council take urgent action to address this matter. Specifically, we suggest the implementation of a geofence for private hire vehicles that restricts them from parking or operating near these key areas unless they have a legitimate, pre-booked job. This will help maintain fair competition, protect local businesses, and ensure compliance with taxi and private hire legislation. Greater parking enforcement is also required in these areas.	The existing Taxi licensing policy requires all licensed operators ensure that vehicles and drivers used for their hire and reward bookings are suitably licensed and safe and suitable. A driver and vehicle which has been licensed by another authority as a Hackney Carriage driver and vehicle has been assessed as both meeting the legal requirements of that license, and being safe and suitable to hold or retain such a license. The law allows a Hackney carriage driver/vehicle to work as a Private hire vehicle/driver outside of their licensed area, and as such the Authority are unable to prevent such legal activities. Cherwell Licensing have no reported incidents or evidence of Hackney vehicle/drivers licensed by another authority plying for hire within Cherwell, and would take appropriate and proportionate enforcement action in such circumstances. All licensed operators are licensed with conditions which manages licensed vehicle parking within the vicinity of an operator.
Any further details to add to appendices A to I? - Reason:	The current plate exemption process is unnecessarily burdensome, requiring yearly renewals that create excessive administrative work for operators and unnecessary disruption to business operations. This repeated process also inconveniences clients, who may feel harassed by ongoing checks and restrictions, despite no changes in their service needs or compliance record. A more reasonable approach would be to grant plate exemptions for a longer term, such as 5 years, which would reduce bureaucracy, provide stability for operators, and maintain customer confidence, while still allowing the council to conduct compliance checks or revoke exemptions in cases of genuine breaches. We would introduce an alternative identification method, for example, a discreet window sticker similar to those used by London private hire vehicles, instead of the bulky plates and door signs. Additionally, the requirement for both drivers and licensed	Discreet license plate are only issued to a vehicle. Vehicles are only licensed for a maximum of one year under legislative requirements. A plate exemption can only be issued for the licensed period, and are reliant on evidence of current contractual requirements needing a plate exemption, as such the authority is unable to issue a plate exemption which would exceed the license of a vehicle, or which does not have contractual requirements of a plate exemption. Displaying a vehicle license plate is not only a requirement of the legislation, it also acts as a

	operators to complete, document, and retain a daily vehicle check is unrealistic to maintain in practice, and should be changed to a weekly or monthly check to ensure compliance without placing an excessive and impractical burden on operators and drivers	safeguarding tool for the public, allowing them to clearly identify safe licensed vehicles as taxis.
Any further details to add to appendices A to I? - Reason:	Why are the trade not consulted when these changes are being proposed, even at the consultation meetings a lot of valid points were made however we are told every driver needs to complete this survey independently, it just seems a complete waste of everyone's time	The consultation is so the public and trade can put their views on the changes across. Those who attended the drop in events were encouraged to also fill in the on-line survey, so their view could be put on record. This does not mean the points and areas raised in the drop in events were ignored and only the survey results taken into account, all views have been taken into account.
Any further details to add to appendices A to I? - Reason:	Why are the trade not consulted when these changes are being proposed, even at the consultation meetings a lot of valid points were made however we are told every driver needs to complete this survey independently, it just seems a complete waste of everyone's time	Repeat comment, see line 170 for response
Any further details to add to appendices A to I? - Reason:		N/A
Any further details to add to appendices A to I? - Reason:	Why are the trade not consulted when these changes are being proposed, even at the consultation meetings a lot of valid points were made however we are told every driver needs to complete this survey independently, it just seems a complete waste of everyone's time. If this policy is pushed through operators will be forced to employ more staff in order to be compliant, drivers will be forced off the road, eventually drivers will turn to other councils or stop driving altogether and this will affect both the public and companies like us who will not be able to meet the demand.	The consultation is so the public and trade can put their views on the changes across. Those who attended the drop in events were encouraged to also fill in the on-line survey, so their view could be put on record. This does not mean the points and areas raised in the drop in events were ignored and only the survey results taken into account, all views have been taken into account. Following the consultation changes have been made, the WAV requirement has been relaxed to reflect the feedback given. The requirement for Operators to collect the daily checks from drivers has also been changed, so now the records need to be available to them on request.

<p>Any further details to add to appendices A to I? - Reason:</p>	<p>I am writing on behalf of myself and several other licensed operators to formally oppose the proposed changes outlined in the Taxi Licensing Policy Consultation 2025. While we understand the need to update policies to meet legislative requirements and improve safety, we strongly believe that the current proposals are unrealistic, financially burdensome, and logistically unfeasible for many operators in Cherwell. The taxi trade in our area is already suffering, with many drivers forced to seek alternative employment in sectors such as food and parcel deliveries just to make ends meet. The introduction of the mandatory 6-month vehicle inspections, significant fee increases, and stringent vehicle and driver requirements is placing additional financial strain on an industry already in decline. These new measures could push even more operators and drivers to leave the trade, exacerbating the issue of driver shortages and potentially leading to fewer options for local residents in need of transport. Many drivers are already struggling to recover from the financial challenges posed by the pandemic, the cost-of-living crisis, and the ongoing economic pressures. We fear that these proposed changes will accelerate the decline of the taxi industry in Cherwell, making it even harder for operators to remain competitive and profitable. We respectfully urge the Council to reconsider these proposals, as they risk pushing the industry into further decline rather than fostering growth and improving services. In this response, we outline specific aspects of the policy that we believe are unrealistic, unfair, and unsustainable and ask that the Council collaborate with operators to create a policy that balances public safety, driver welfare, and the viability of the local taxi trade.</p> <p>1. 6-Month Vehicle Inspections at Council Depot The proposal to replace the current mid-license MOT test with mandatory vehicle inspections at the council-owned depot every six months is, in our view, unrealistic and excessively expensive for many operators. While vehicle safety is paramount, this change presents several challenges:</p> <ul style="list-style-type: none"> • Logistical Challenges: The requirement for vehicles to be inspected at the council depot every six months will cause significant disruption to our day-to-day operations. For smaller operators who rely on flexible working hours, scheduling inspections at a centralised location during business hours is impractical and time-consuming. • Financial Burden: The cost of these inspections, including potential downtime and travel expenses, will place a significant financial strain on operators. Unlike the current system, where inspections can be arranged locally, operators will now be forced to pay higher costs and manage additional travel time. • Impact on Small Operators: Many of our vehicles are in good working condition but may not require council-led inspections every six months. The added expense and administrative burden could drive smaller operators out of business, particularly those already struggling with rising 	<p>The Council led inspections are not every 6 months, they will be mid license term so 6 months into each 12 month vehicle license. With a normal MOT every 12months, which can be done at any MOT garage of the drivers choosing. The cost of the Council led inspections will not exceed the government published cost for MOT's. We have moved the implementation date for the Council led inspections from the 1st January 2026 to the 1st April 2026, to allow for testing capacity and functionality assessments prior to implementation. Applications for DBS checks via TaxiPlus are priced lower than Cherwell's cost for completing these in person and in paper form. TaxiPlus allows for drivers to complete an online application, which is quicker than the Council's old paper based method, which required drivers to visit the Council Officers by appointment. The TaxiPlus system is used by many other Council's and has become a trusted system for completeing DBS applications, we are not aware of any other similar provider for this service. Vehicle ages have been increased for all vehicles post consultation. We have reduced the WAV requirement for Operators following the consultation and changed the requirement for Operators to get the documented safety checks from drivers. With regard to fees, the taxi license fees charged by Cherwell District Council are in line or less than other Oxfordshire Authorities, which we consider to be the closest comparison. Also note the fees quoted for authorities in Northamptonshire are 24/25 fees. The change to the duration of penalty points remaining is in line with DfT guidance. We do not accept the suggestion that drivers will be penalised by totting up points as they remain on their license for longer. Points are designed not just as punishment but also as a deterrent to future non-compliances. The policy has been amended to require drivers to have held a</p>
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<p>Page 174</p>	<p>costs. We urge the Council to reconsider this requirement and instead allow inspections to be carried out by approved third-party garages or continue with the current MOT system. If the Council insists on depot inspections, we ask for a subsidized cost to ensure smaller operators can comply without undue financial hardship. 2. DBS Checks via Taxi Plus Only The mandatory requirement to process DBS checks exclusively through Taxi Plus is another point of concern. Restricting this to a single provider could lead to:</p> <ul style="list-style-type: none"> • Increased costs due to lack of competition. • Delays in processing, which could disrupt business operations. <p>We recommend allowing flexibility for operators to choose from a list of approved providers, ensuring faster processing and maintaining competitive pricing. 3. Vehicle Age Restrictions (Non-WAV Vehicles) The proposed restrictions on vehicle age, particularly for non-wheelchair accessible vehicles (WAVs), are too restrictive and do not account for the financial realities of small operators. The cost of purchasing new vehicles is increasingly prohibitive, and we recommend relaxing these age limits or providing financial support for operators transitioning to newer vehicles. 4. 20% WAV Fleet by 2028 The proposed requirement that operators with 10 or more licensed vehicles must ensure 20% of their fleet is wheelchair accessible by 2028 is, in our view, completely unrealistic under current market conditions. At present, there are no WAVs within the licensed private hire fleet in Cherwell. Expecting operators to go from 0% to 20% WAVs in under three years is not only unrealistic but financially and logistically impossible for most operators without substantial support.</p> <ul style="list-style-type: none"> • Cost Barrier: WAVs are significantly more expensive to purchase, insure, and maintain than standard vehicles. Without grants or financial assistance, few private hire operators will be able to afford to transition even one vehicle—let alone meet a 20% threshold. • Lack of Demand & Use Cases: In the private hire sector, WAV usage is low due to limited demand from customers booking via apps or phone. It is unclear how this policy aligns with actual passenger needs in the area. • Unclear Enforcement: It is not clear how this percentage will be enforced, or what the consequences will be if an operator cannot meet it. Operators need this information well in advance to make long-term fleet decisions. We are asking the Council to explain: • Why this 20% requirement was chosen, given the starting point is 0%. • Whether financial support will be available to assist operators in acquiring WAVs. • What alternatives are available if the target cannot be met. <p>Without further consultation, this requirement is unachievable and risks penalising operators for circumstances beyond their control. 5. Reporting Driver Income and Self-Employed Status One specific concern we would like clarification on is the requirement for reporting drivers' income, as outlined in the consultation. As self-employed individuals, drivers do not work under an employment contract, and</p>	<p>driving licence for 12 consecutive months rather than 3 years.</p>
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therefore, we are unsure about our responsibility to track and report their earnings to HMRC. The Council has mentioned that operators must comply with the "Reporting Rules for Digital Platforms", which would require us to report driver income annually. • Clarification Needed: How are we, as operators, supposed to track and report income for self-employed drivers, especially when drivers are responsible for their own tax filings and National Insurance contributions? Should we be collecting income data from drivers directly, and if so, how will this process be administratively managed? This aspect of the policy needs further explanation and guidance to ensure operators can comply without excessive administrative burden.

6. Financial Impacts and General Feasibility The combined effect of these proposals—especially the 6-month inspections, vehicle age restrictions, and reporting requirements—will place an enormous financial burden on operators. Many are already struggling with rising operational costs and the aftermath of the pandemic, and these changes will only exacerbate the situation. We strongly believe that these regulations are unrealistic for the majority of operators and urge the Council to revisit them with a view toward practicality and fairness.

7. 5-Year Penalty Points System for Drivers and Operators We also wish to challenge the proposal that licensing penalty points will remain attached to a driver's license for up to 3 years and to a licensed operator's record for up to 5 years, even if those points are still valid at the time of license renewal. This extended period for penalty points is overly harsh and unfairly penalises operators and drivers, particularly given the nature of the taxi industry. • Unfair Impact on Renewals: Operators and drivers rely on renewal opportunities to continue earning a living. The fact that penalty points will remain on the record for up to five years means that even minor infractions could affect future earnings, potentially limiting business opportunities and even making some drivers and operators ineligible for future licensing. • Lack of Proportionality: Not all penalty points reflect serious or ongoing issues with an individual's conduct. For example, a driver may have accumulated points for a small, isolated incident, yet the policy would treat this the same as more serious or repeated violations. A proportional approach is needed to ensure that points reflect the seriousness of the offence, with a reasonable timeframe for rehabilitation. • Failure to Consider Changing Circumstances: People change, and businesses evolve. A policy that enforces long-term penalties for offences that may have occurred under different circumstances or when individuals were new to the industry does not allow for rehabilitation. It penalises growth and improvement, making it more difficult for individuals to rebuild their careers or businesses after a mistake or a minor violation.

8. Increasing Licensing Costs and Declining Service Quality Another point we would like to raise concerns the annual increase in the

cost of driver badges and vehicle licenses. Over the years, we have seen an annual increase in fees, yet the quality of service from the licensing team appears to be deteriorating, rather than improving. Drivers and operators now face significant challenges, including:

- Lack of Access to Licensing Staff: Drivers and operators are unable to contact or speak directly with licensing officers. This lack of communication is frustrating, especially when operators are attempting to resolve urgent licensing issues or need clarification on policy changes.
- Limited In-Person Service: There is a lack of in-person services available for those who need to visit the office for assistance or to submit documentation. This situation has worsened over the past few years and is affecting the operational efficiency of many businesses. Given these service issues, we question why the Council continues to raise licensing fees without showing any improvement in the services provided. It seems disproportionate that operators are expected to pay more for services that are becoming less accessible and less responsive. We urge the Council to reconsider the annual fee increases and ensure that the licensing team can meet their service level agreements (SLAs) and offer a better standard of service to operators.

9. Cost of Taxi Licenses – Comparison with Other Local Councils

Another key issue is the ongoing increase in licensing costs in Cherwell, particularly in comparison to neighbouring local councils. The rise in fees for driver badges and vehicle licenses has already placed a significant burden on operators, and many are questioning the value they receive in return for these rising costs. Here's a comparison of the license fees across several neighbouring councils:

- Cherwell District Council: o Private Hire Driver Badge Renewal: £284.74 o Private Hire Vehicle License Renewal: £306.80
- Daventry Borough Council: o Private Hire Driver Badge Renewal: £187 o Private Hire Vehicle License Renewal: £161
- South Northants Council: o Private Hire Driver Badge Renewal: £200 o Private Hire Vehicle License Renewal: £250
- Wolverhampton City Council: o Private Hire Driver Badge Renewal: £98 o Private Hire Vehicle License Renewal: £125

As shown above, Cherwell's fees are significantly higher than those of Wolverhampton—a council that has become a preferred choice for many drivers and operators due to its lower fees, simpler application processes, and flexible requirements. Wolverhampton, for example, only requires 1 year of driving experience, does not require a knowledge test, and the costs for driver badges and vehicle plates are far more affordable than those in Cherwell. Moreover, Daventry Borough Council and South Northants Council offer comparable services but at much lower prices, making it evident that Cherwell's licensing fees are out of line with its neighbours. The rising costs in Cherwell, combined with the proposed policy changes, may encourage more drivers and operators to look outside the district for better conditions, which

could have long-term detrimental effects on the local taxi trade. 10. 3 Years Driver Experience Requirement – Comparison with Wolverhampton We also have concerns regarding the minimum 3-year driving experience requirement that Cherwell District Council have in place. This is significantly higher than what is required by other councils, such as Wolverhampton, which only mandates 1 year of driving experience for taxi and private hire drivers. The more stringent 3-year requirement in Cherwell could lead to a loss of drivers to neighbouring councils like Wolverhampton, where the entry requirements are less restrictive and the cost of operating a taxi is considerably lower. In Wolverhampton, drivers can enter the industry with just 1 year of driving experience, and the associated costs for driver badges and taxi plates are notably cheaper than those in Cherwell. Additionally, Wolverhampton does not require a knowledge test, which further eases the entry process for drivers. As a result, Cherwell risks losing a significant number of experienced drivers who may choose to relocate to Wolverhampton, where the process is more accessible and financially viable. This could result in a reduced pool of available drivers within Cherwell, affecting the overall supply and demand balance, potentially leading to longer wait times for passengers and reduced competition within the local market. We ask the Council to justify the need for a 3-year driving experience requirement when Wolverhampton has shown that a 1-year experience is sufficient to maintain high standards and ensure public safety. Furthermore, we would like to know what steps the Council plans to take to prevent the outflow of drivers to more flexible, competitive councils like Wolverhampton. It is crucial that any new policy implemented is not only feasible but fair to the people it affects—taxi operators, drivers, and local communities. The taxi trade plays a vital role in providing essential transport services, and Cherwell's local economy depends on a viable and sustainable industry. By imposing overly stringent regulations, high fees, and excessive vehicle requirements, the proposed policy may inadvertently harm the very people the Council seeks to protect, leading to greater unemployment, higher fares, and reduced service availability. We call on the Council to re-evaluate the proposed changes with a focus on ensuring that they are both realistic and balanced, particularly in light of the current challenges facing the taxi trade. Rather than adopting a one-size-fits-all approach, we urge the Council to work collaboratively with operators to find pragmatic solutions that can improve public safety while preserving the livelihoods of those who serve the local community. The local taxi industry is at a critical crossroads, and the Council has an opportunity to support and sustain it through a more thoughtful, flexible policy—one that allows the trade to thrive rather than diminish. We ask that you reconsider the most harmful elements of this proposal,

take our concerns seriously, and work with the community to build a policy that is fair, practical, and achievable for all stakeholders. We appreciate your time in considering this response and respectfully ask that the Council address the points we've raised in a manner that ensures fairness, practicality, and the continued viability of taxi and private hire businesses in Cherwell.

<p>Any further details to add to appendices A to I? - Reason:</p>	<p>I am writing on behalf of myself and several other licensed operators to formally oppose the proposed changes outlined in the Taxi Licensing Policy Consultation 2025. While we understand the need to update policies to meet legislative requirements and improve safety, we strongly believe that the current proposals are unrealistic, financially burdensome, and logistically unfeasible for many operators in Cherwell. The taxi trade in our area is already suffering, with many drivers forced to seek alternative employment in sectors such as food and parcel deliveries just to make ends meet. The introduction of the mandatory 6-month vehicle inspections, significant fee increases, and stringent vehicle and driver requirements is placing additional financial strain on an industry already in decline. These new measures could push even more operators and drivers to leave the trade, exacerbating the issue of driver shortages and potentially leading to fewer options for local residents in need of transport. Many drivers are already struggling to recover from the financial challenges posed by the pandemic, the cost-of-living crisis, and the ongoing economic pressures. We fear that these proposed changes will accelerate the decline of the taxi industry in Cherwell, making it even harder for operators to remain competitive and profitable. We respectfully urge the Council to reconsider these proposals, as they risk pushing the industry into further decline rather than fostering growth and improving services. In this response, we outline specific aspects of the policy that we believe are unrealistic, unfair, and unsustainable and ask that the Council collaborate with operators to create a policy that balances public safety, driver welfare, and the viability of the local taxi trade.</p> <p>1. 6-Month Vehicle Inspections at Council Depot The proposal to replace the current mid-license MOT test with mandatory vehicle inspections at the council-owned depot every six months is, in our view, unrealistic and excessively expensive for many operators. While vehicle safety is paramount, this change presents several challenges:</p> <ul style="list-style-type: none"> • Logistical Challenges: The requirement for vehicles to be inspected at the council depot every six months will cause significant disruption to our day-to-day operations. For smaller operators who rely on flexible working hours, scheduling inspections at a centralised location during business hours is impractical and time-consuming. • Financial Burden: The cost of these inspections, including potential downtime and travel expenses, will place a significant financial strain on operators. Unlike the current system, where inspections can be arranged locally, operators will now be forced to pay higher costs and manage additional travel time. • Impact on Small Operators: Many of our vehicles are in good working condition but may not require council-led inspections every six months. The added expense and administrative burden could drive smaller operators out of business, particularly those already struggling with rising 	<p>Repeat comment see line 174 for response</p>
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costs. We urge the Council to reconsider this requirement and instead allow inspections to be carried out by approved third-party garages or continue with the current MOT system. If the Council insists on depot inspections, we ask for a subsidized cost to ensure smaller operators can comply without undue financial hardship.

2. DBS Checks via Taxi Plus Only The mandatory requirement to process DBS checks exclusively through Taxi Plus is another point of concern. Restricting this to a single provider could lead to:

- Increased costs due to lack of competition.
- Delays in processing, which could disrupt business operations.

We recommend allowing flexibility for operators to choose from a list of approved providers, ensuring faster processing and maintaining competitive pricing.

3. Vehicle Age Restrictions (Non-WAV Vehicles) The proposed restrictions on vehicle age, particularly for non-wheelchair accessible vehicles (WAVs), are too restrictive and do not account for the financial realities of small operators. The cost of purchasing new vehicles is increasingly prohibitive, and we recommend relaxing these age limits or providing financial support for operators transitioning to newer vehicles.

4. 20% WAV Fleet by 2028 The proposed requirement that operators with 10 or more licensed vehicles must ensure 20% of their fleet is wheelchair accessible by 2028 is, in our view, completely unrealistic under current market conditions. At present, there are no WAVs within the licensed private hire fleet in Cherwell. Expecting operators to go from 0% to 20% WAVs in under three years is not only unrealistic but financially and logistically impossible for most operators without substantial support.

- Cost Barrier: WAVs are significantly more expensive to purchase, insure, and maintain than standard vehicles. Without grants or financial assistance, few private hire operators will be able to afford to transition even one vehicle—let alone meet a 20% threshold.
- Lack of Demand & Use Cases: In the private hire sector, WAV usage is low due to limited demand from customers booking via apps or phone. It is unclear how this policy aligns with actual passenger needs in the area.
- Unclear Enforcement: It is not clear how this percentage will be enforced, or what the consequences will be if an operator cannot meet it. Operators need this information well in advance to make long-term fleet decisions. We are asking the Council to explain:
- Why this 20% requirement was chosen, given the starting point is 0%.
- Whether financial support will be available to assist operators in acquiring WAVs.
- What alternatives are available if the target cannot be met.

Without further consultation, this requirement is unachievable and risks penalising operators for circumstances beyond their control.

5. Reporting Driver Income and Self-Employed Status One specific concern we would like clarification on is the requirement for reporting drivers' income, as outlined in the consultation. As self-employed individuals, drivers do not work under an employment contract, and

therefore, we are unsure about our responsibility to track and report their earnings to HMRC. The Council has mentioned that operators must comply with the "Reporting Rules for Digital Platforms", which would require us to report driver income annually. • Clarification Needed: How are we, as operators, supposed to track and report income for self-employed drivers, especially when drivers are responsible for their own tax filings and National Insurance contributions? Should we be collecting income data from drivers directly, and if so, how will this process be administratively managed? This aspect of the policy needs further explanation and guidance to ensure operators can comply without excessive administrative burden.

6. Financial Impacts and General Feasibility The combined effect of these proposals—especially the 6-month inspections, vehicle age restrictions, and reporting requirements—will place an enormous financial burden on operators. Many are already struggling with rising operational costs and the aftermath of the pandemic, and these changes will only exacerbate the situation. We strongly believe that these regulations are unrealistic for the majority of operators and urge the Council to revisit them with a view toward practicality and fairness.

7. 5-Year Penalty Points System for Drivers and Operators We also wish to challenge the proposal that licensing penalty points will remain attached to a driver's license for up to 3 years and to a licensed operator's record for up to 5 years, even if those points are still valid at the time of license renewal. This extended period for penalty points is overly harsh and unfairly penalises operators and drivers, particularly given the nature of the taxi industry. • Unfair Impact on Renewals: Operators and drivers rely on renewal opportunities to continue earning a living. The fact that penalty points will remain on the record for up to five years means that even minor infractions could affect future earnings, potentially limiting business opportunities and even making some drivers and operators ineligible for future licensing. • Lack of Proportionality: Not all penalty points reflect serious or ongoing issues with an individual's conduct. For example, a driver may have accumulated points for a small, isolated incident, yet the policy would treat this the same as more serious or repeated violations. A proportional approach is needed to ensure that points reflect the seriousness of the offence, with a reasonable timeframe for rehabilitation. • Failure to Consider Changing Circumstances: People change, and businesses evolve. A policy that enforces long-term penalties for offences that may have occurred under different circumstances or when individuals were new to the industry does not allow for rehabilitation. It penalises growth and improvement, making it more difficult for individuals to rebuild their careers or businesses after a mistake or a minor violation.

8. Increasing Licensing Costs and Declining Service Quality Another point we would like to raise concerns the annual increase in the

cost of driver badges and vehicle licenses. Over the years, we have seen an annual increase in fees, yet the quality of service from the licensing team appears to be deteriorating, rather than improving. Drivers and operators now face significant challenges, including:

- Lack of Access to Licensing Staff: Drivers and operators are unable to contact or speak directly with licensing officers. This lack of communication is frustrating, especially when operators are attempting to resolve urgent licensing issues or need clarification on policy changes.
- Limited In-Person Service: There is a lack of in-person services available for those who need to visit the office for assistance or to submit documentation. This situation has worsened over the past few years and is affecting the operational efficiency of many businesses. Given these service issues, we question why the Council continues to raise licensing fees without showing any improvement in the services provided. It seems disproportionate that operators are expected to pay more for services that are becoming less accessible and less responsive. We urge the Council to reconsider the annual fee increases and ensure that the licensing team can meet their service level agreements (SLAs) and offer a better standard of service to operators.

9. Cost of Taxi Licenses – Comparison with Other Local Councils

Another key issue is the ongoing increase in licensing costs in Cherwell, particularly in comparison to neighbouring local councils. The rise in fees for driver badges and vehicle licenses has already placed a significant burden on operators, and many are questioning the value they receive in return for these rising costs. Here's a comparison of the license fees across several neighbouring councils:

- Cherwell District Council: o Private Hire Driver Badge Renewal: £284.74 o Private Hire Vehicle License Renewal: £306.80
- Daventry Borough Council: o Private Hire Driver Badge Renewal: £187 o Private Hire Vehicle License Renewal: £161
- South Northants Council: o Private Hire Driver Badge Renewal: £200 o Private Hire Vehicle License Renewal: £250
- Wolverhampton City Council: o Private Hire Driver Badge Renewal: £98 o Private Hire Vehicle License Renewal: £125

As shown above, Cherwell's fees are significantly higher than those of Wolverhampton—a council that has become a preferred choice for many drivers and operators due to its lower fees, simpler application processes, and flexible requirements. Wolverhampton, for example, only requires 1 year of driving experience, does not require a knowledge test, and the costs for driver badges and vehicle plates are far more affordable than those in Cherwell. Moreover, Daventry Borough Council and South Northants Council offer comparable services but at much lower prices, making it evident that Cherwell's licensing fees are out of line with its neighbours. The rising costs in Cherwell, combined with the proposed policy changes, may encourage more drivers and operators to look outside the district for better conditions, which

could have long-term detrimental effects on the local taxi trade. 10. 3 Years Driver Experience Requirement – Comparison with Wolverhampton We also have concerns regarding the minimum 3-year driving experience requirement that Cherwell District Council have in place. This is significantly higher than what is required by other councils, such as Wolverhampton, which only mandates 1 year of driving experience for taxi and private hire drivers. The more stringent 3-year requirement in Cherwell could lead to a loss of drivers to neighbouring councils like Wolverhampton, where the entry requirements are less restrictive and the cost of operating a taxi is considerably lower. In Wolverhampton, drivers can enter the industry with just 1 year of driving experience, and the associated costs for driver badges and taxi plates are notably cheaper than those in Cherwell. Additionally, Wolverhampton does not require a knowledge test, which further eases the entry process for drivers. As a result, Cherwell risks losing a significant number of experienced drivers who may choose to relocate to Wolverhampton, where the process is more accessible and financially viable. This could result in a reduced pool of available drivers within Cherwell, affecting the overall supply and demand balance, potentially leading to longer wait times for passengers and reduced competition within the local market. We ask the Council to justify the need for a 3-year driving experience requirement when Wolverhampton has shown that a 1-year experience is sufficient to maintain high standards and ensure public safety. Furthermore, we would like to know what steps the Council plans to take to prevent the outflow of drivers to more flexible, competitive councils like Wolverhampton. It is crucial that any new policy implemented is not only feasible but fair to the people it affects—taxi operators, drivers, and local communities. The taxi trade plays a vital role in providing essential transport services, and Cherwell's local economy depends on a viable and sustainable industry. By imposing overly stringent regulations, high fees, and excessive vehicle requirements, the proposed policy may inadvertently harm the very people the Council seeks to protect, leading to greater unemployment, higher fares, and reduced service availability. We call on the Council to re-evaluate the proposed changes with a focus on ensuring that they are both realistic and balanced, particularly in light of the current challenges facing the taxi trade. Rather than adopting a one-size-fits-all approach, we urge the Council to work collaboratively with operators to find pragmatic solutions that can improve public safety while preserving the livelihoods of those who serve the local community. The local taxi industry is at a critical crossroads, and the Council has an opportunity to support and sustain it through a more thoughtful, flexible policy—one that allows the trade to thrive rather than diminish. We ask that you reconsider the most harmful elements of this proposal,

<p>Page 184</p>	<p>take our concerns seriously, and work with the community to build a policy that is fair, practical, and achievable for all stakeholders. We appreciate your time in considering this response and respectfully ask that the Council address the points we've raised in a manner that ensures fairness, practicality, and the continued viability of taxi and private hire businesses in Cherwell.</p>	
<p>Any further details to add to appendices A to I? - Reason:</p>	<p>I am writing on behalf of myself and several other license holders to formally oppose the proposed changes outlined in the Taxi Licensing Policy Consultation 2025. While we understand the need to update policies to meet legislative requirements and improve safety, we strongly believe that the current proposals are unrealistic, financially burdensome, and logistically unfeasible for many operators in Cherwell. The taxi trade in our area is already suffering, with many drivers forced to seek alternative employment in sectors such as food and parcel deliveries just to make ends meet. The introduction of the mandatory 6-month</p>	<p>Comment only makes direct reference to Council led mid-term licence inspections. We have moved the implementation date for the Council led inspections from the 1st January 2026 to the 1st April 2026, to allow for testing capacity and functionality assessments prior to implementation. The cost of these inspections will be below the Government published MOT cost.</p>

	vehicle inspections, significant fee increases, and stringent vehicle and driver requirements is placing additional financial strain on an industry already in decline. These new measures could push even more operators and drivers to leave the trade, exacerbating the issue of driver shortages and potentially leading to fewer options for local residents in need of transport. Many drivers a	
Any further details to add to appendices A to I? - Reason:	I am writing on behalf of myself and several other license holders to formally oppose the proposed changes outlined in the Taxi Licensing Policy Consultation 2025. While we understand the need to update policies to meet legislative requirements and improve safety, we strongly believe that the current proposals are unrealistic, financially burdensome, and logistically unfeasible for many operators in Cherwell. The taxi trade in our area is already suffering, with many drivers forced to seek alternative employment in sectors such as food and parcel deliveries just to make ends meet. The introduction of the mandatory 6-month vehicle inspections, significant fee increases, and stringent vehicle and driver requirements is placing additional financial strain on an industry already in decline. These new measures could push even more operators and drivers to leave the trade, exacerbating the issue of driver shortages and potentially leading to fewer options for local residents in need of transport. Many drivers a	Repeat comment see line 176 for response
Any further details to add to appendices A to I? - Reason:	Email	N/A
Any further details to add to appendices A to I? - Reason:	There is no downloadable version of the survey; we will follow up this online submission with an email.	N/A

<p>Any further details to add to appendices A to I? - Reason:</p>	<p>For the attention of all respected Councillors, members of the committee and Head of licensing. I am writing to express my concerns with the new Taxi license proposals based on the following grounds: Firstly the proposed changes ask us to go to the council approved test site. Thorpe Lane Depot is far from Bicester and Kidlington; it won't be able to cope with 2000 taxi and private hire vehicles. As drivers we have built up years of relationships with local garages and members of the public who own private garages, these changes would mean they lose out and feels wrong to unfairly monopolise on trade through back door legislation. Secondly there is an increasing number of drivers choosing to licence their vehicles in Wolverhampton, due to the restrictive policies being imposed already in comparison by Cherwell District Council. This raises safety and enforcement issues, with the council losing money and local taxpayers having to pay other councils whilst working in our district. The planned Penalty Points system is flawed and a waste of valuable resources are being poured into something that hasn't improved standards at all. Driving & Vehicle Agency point system is fair already gives a point system for drivers and adding another layer doesn't improve any standards. This has been evident since its introduction. It's a policy which might sound nice and something to keep people busy in the council offices but in practical terms there is no net benefit to the public since its inception. The DBS system won't cope with one CDC supplier. The current system addresses all concerns and ensures the public is safe. Adding another layer or further hindrances to a policy that's already working is pointless. We believe there should be a refresher course, not a repeat of the exam for safeguarding. If somebody has already passed all tests, a refresher is much better to address any future concerns rather than increasing anxiety amongst drivers who've already been trained and passed the exam. The Formal Vehicle Check Documentation reporting is impractical. The current system works well in terms of safety. CDC licensing department try their best but are already severely underfunded and overworked. It seems as though the heads believe increasing workload on an already stretched department will fix some imaginary issues which are not even here. The current vehicle checks are more than sufficient and there hasn't been any incidents whereby such a practice is needed. The plan for Cherwell District council to deliver training, and compliance checks won't work and is not possible with current levels of CDC Current Dbs process has issues what guarantees that moving to new system it will be more efficient and easier for drivers. Knowledge and Safeguarding should only apply on new applications, for renewals a refresher on Safeguarding workshop. Safeguarding workshop as a refresher rather than being a test The main point of contention is the Age limit to vehicles requirements are</p>	<p>We have moved the implimentation date for the Council led inspections from the 1st January 2026 to the 1st April 2026, to allow for testing capacity and functionality assessments prior to implementation. The actual number of licenced vehicles in Cherwell is around 1000, not 2000. Only the mid-term 6 month licence inspection is required to be done at the council depot, every 12 month MOT's can be done at a MOT garge of the drivers choosing. We can not control where drivers obtain licences from, however, those licenced by other Council's may only operate as the law allows in Cherwell. We see the penalty points system as a deterrent and alternative enforment tool, and extending the time points remain on licences will further deter non-compliances. The TaxiPlus platform has more than enough capacity for Cherwell DBS applications, it is cheaper for drivers than the paper based system we were using. It is also quicker and more convenient as drivers can also complete the DBS online, so no longer have to make an appointment to come to the Council to complete the paper DBS. The knowledge test already only applied to new driver applications, we believe for Safeguarding the full course every 3 years is necessary as this is a very important subject for licenced drivers. We have increased the age limit of all vehicles following the consultation. All allegations are properly investigated, the suggestion that any allegation against a driver will simply result in suspension is incorrect.</p>
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	<p>outdated. They are far too restrictive and cause many of the drivers to look elsewhere for their licensing. It is anti competitive. A cost of a car under 5 years old is expensive enough and with only a ten year period to cover those expenses it's already proving very difficult for most drivers to continue. Electric vehicles are not viable at all even the 2030 target not feasible The new policy would require that newpolicy 6 month inspections by the licensing authority rather than just a mot test. This is impractical. We still have major issues in relations drivers being penalised without thorough investigation. As it currently stands the drivers are not protected against any false accusations. It means if somebody disputes a fair and chooses not to pay- they can simply allege foul play by a driver and the driver is immediately suspended. There is no update information on how to appeal or how it is progressing. Driver is presumed guilty without being proven guilty. This results in a loss of income and the danger of persecution of character without any basis. Current target not feasible for electric or hydrogen vehicles; nothing on the market. No suitable vehicles for saloon cars that give adequate range and are very costly the used EV market is unknown. plus driving condition always changing ie weather and roads. No ;suitable WAVs at all in the current market that are cost or milage appropriate also no current facilities at the rank. The current age incentives should not be exclusively for just electric, hybrid or hydrogen. It should be for all types of private hire and Hackney carriages as not easy to acquire even in current climate and most vehicles are kept in immaculate condition mechanically and body wise. We do not agree with the wheelchair accessible changes due to the fact WAVs are being favoured over saloon cars Even when there's not enough requirements for them and they bring incentivised; please advise why? Do you agree with the policy approach to accessibility and inclusion? (Appendices A to D). (Required) No I don't agree with any! I also feel that our needs are always neglected and the council every year increase fees and the service and standards are dropping. We are one of few councils in the uk that did not get any support from the council in Covid. As a whole private hire and Hackney carriage make up of around 2000 drivers based on the £237.85 renewal fee of 3 years we contribute and pay the council around £475'000 divided by 3 is £158'333.33 1000 private hire renewals @ £306.80 = £306'800 200 HCV @ £317.50 = £63'500 So the drivers of Cherwell district council pump around £530'000 minimum into the council & Not only are these figures under inflated but we feel that we are mis treated and walked over especially how much money we push into the local economy. CDC Driver: Ansar Aslam Date:11/08/25</p>	
Any further details to add to	There is no downloadable version of the survey; we will follow up this online submission with an email.	N/A

appendices A to I? - Reason:		
Any further details to add to appendices A to I? - Reason:	<p>For the attention of Councillors, Licensing Committee, and Head of Licensing I strongly object to the proposed changes to Cherwell District Council's taxi licensing policy. These changes will damage drivers, harm small businesses, and reduce transport choice for the public. 1. Depot-Only Vehicle Testing Centralising six-month checks at Thorpe Lane Depot will create backlogs, take vehicles off the road, and strip work from trusted local garages across Banbury, Bicester, Kidlington, and surrounding areas. This is anti-competitive and will not improve safety compared to the current MOT system. 2. Unrealistic Vehicle Age Limits Strict age caps will push many drivers out of the trade or to licence elsewhere (e.g., Wolverhampton). Electric and hydrogen vehicles are not viable for most drivers due to cost, range, lack of charging points, and no affordable WAV options. Condition-based checks are fairer and in line with DfT guidance. 3. WAV Targets Without Evidence Increasing WAV numbers without proven demand will shrink the saloon fleet and raise passenger costs, with no guaranteed improvement in accessibility. 4. Penalty Points Overreach Extending point retention from 1 to 3 years (5 for operators) punishes the majority for the actions of a tiny minority. The DVLA already has a fair national points system. 5. DBS & Safeguarding The current DBS system works. For renewals, safeguarding refreshers should replace re-tests. Knowledge tests should apply only to new applicants. 6. Economic Damage to Cherwell Drivers contribute over £500k in licence fees to CDC each year. These proposals will cause downtime, higher costs, and fewer vehicles in service. Public transport gaps will widen, hitting shift workers, rural passengers, and vulnerable residents. In Summary DfT guidance requires policies to be proportionate and avoid unnecessary burdens. These proposals fail that test. Keep MOT flexibility, set realistic vehicle age policies, make WAV targets evidence-led, keep enforcement fair, and protect local business.</p>	<p>1: We have moved the implementation date for the Council led inspections from the 1st January 2026 to the 1st April 2026, to allow for testing capacity and functionality assessments prior to implementation. The Council led inspections will be taxi based to ensure compliance with taxi licensing requirements and general vehicle condition. 2: The age limit for all vehicles has been increased post consultation. 3: WAV numbers for Operators have been reduced following the consultation, we have also made it clear WAV Hackney vehicles can be included by Operators. 4: The change in penalty point duration on Taxi licences is in line with DfT guidance, the majority of drivers licenced with Cherwell DC don't have or have never had penalty points applied. We do not see how this change will affect any compliant drivers. 5: TaxiPlus is cheaper for drivers than the paper based system the Council was using. It is also quicker and more convenient as drivers can also complete the DBS online, so no longer have to make an appointment to come to the Council to complete the paper DBS. The knowledge test already only applied to new driver applications, we believe for Safeguarding the full course every 3 years is necessary as this is a very important subject for licenced drivers.</p>
Any further details to add to appendices A to I? - Reason:	There is no downloadable version of the survey; we will follow up this online submission with an email.	N/A
Any further details to add to appendices A to I? - Reason:	Across Appendices A to I, several proposals exceed DfT guidance and create unnecessary costs without clear public benefit. Depot-only testing will cause downtime and harm local garages. WAV targets must be evidence-led. Vehicle age policy should be condition-based. Enforcement must include a fair, timely appeals process. An economic impact assessment is essential before implementing changes that risk reducing fleet numbers or driver viability	Council only testing is only for mid-term 6 month license inspection, 12 month MOT's can be conducted at any MOT garage the driver chooses. We have moved the implementation date for the Council led inspections from the 1st January 2026 to the 1st April 2026, to allow for testing capacity and

		functionality assessments prior to implementation. WAV targets for Operators have been amended, reduced, following the consultation. All vehicle age limits have been increased.
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This report is public	
New Cherwell District Council Street Trading Policy	
Committee	General Licensing Committee
Date of Committee	22 October 2025
Portfolio Holder presenting the report	Portfolio Holder for Safer Communities, Councillor Robert Parkinson
Date Portfolio Holder agreed report	3 October 2025
Report of	Health Protection, Compliance and Licensing Manager, Jan Southgate

Purpose of report

To consider and agree a draft Street Trading Policy for consultation with Oxfordshire County Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. The current Policy is attached at Appendix 1. The proposed draft policy is attached at Appendix 2 together with proposed new standard conditions.

Following consultation and any changes deemed necessary, the Policy will be submitted to the Committee for approval.

1. Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the new draft Cherwell District Council Street Trading Policy for consultation with the trade and members of the public.

2. Executive Summary

- 2.1 Cherwell District Council Street Trading Policy was last reviewed in 2019.
- 2.2 The Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the districts economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.
- 2.3 This policy is intended to help prospective street traders to understand where trading might be encouraged. It is however important that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.

Implications & Impact Assessments

Implications		Commentary		
Finance		There are no financial implications arising directly from this report. Joanne Kaye, Head of Finance (D151), 3 October 2025		
Legal		The report cites the appropriate legislation and does not exceed the Council's powers. Appendix 2 cites applicable legislation. As the recommendation within the report is to approve the policy for public consultation there are no legal implications arising directly as a result of this report. The legal services department provide assistance with implementing and enforcing the existing policy and are able to continue to do so should the new policy be approved by the committee following the consultation exercise. Denzil – John Turbervill Head of Legal Services 9/10/2025		
Risk Management		The report is to seek approval to consult of a new draft policy. There are no risk implications arising as a direct consequence of this report. Celia Prado-Teeling, Performance Team Leader, 3 October 2025		
Impact Assessments		Positive	Neutral	Negative
Equality Impact			X	
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	
Climate & Environmental Impact				

ICT & Digital Impact				N/A
Data Impact				N/A
Procurement & subsidy				N/A
Council Priorities	Economic Prosperity Supporting businesses, skills development, and the local economy to create growth and vibrant town centres.			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	If agreed by the Committee, officers will consult on the new draft policy with Oxfordshire County Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. A 4-week consultation period is proposed.			

Supporting Information

3. Background

- 3.1 The council has designated all streets within the district as consent streets, this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtain a street trading consent from the council.
- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 (“the Act”) allows local authorities to adopt provisions concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a policy on how it proposes to control street trading under the Act, however it is considered best practice for a Council to adopt a policy to encourage consistency and transparency in the way that its functions are carried out. It is also considered best practice to review any such policy adopted from time to time. Cherwell’s current Street Trading Policy was last published in 2019.

4. Details

- 4.1 A copy of the Council’s current street trading policy and standard conditions can be seen at Appendix 1. The policy and standard conditions have been in place since 2019. It has therefore been more than five years since these have been formally reviewed. Officers believe the policy and conditions should now be subject to review.
- 4.2 A draft new street trading policy has been produced and is attached at Appendix 2. The new draft street trading policy is a more comprehensive and detailed document than the

current street trading policy and incorporates new standard conditions. The draft policy aims to provide as much information and guidance as possible to assist applicants, consent holders, officers and members with a view to achieving a transparent and consistent approach to how the Council's Street trading functions are carried out.

- 4.4 The draft policy begins by giving an introduction to the District. This is followed by a section explaining what the policy is and what objectives it seeks to achieve
- 4.5 The draft policy then sets out the legislative framework within which the Council controls street trading and explains that streets in the District have been designated as "consent streets" and those that are designated as "prohibited streets.
- 4.6 The draft policy goes on to explain the requirements involved in making an application for a street trading consent. This includes reference to the documentation that must be submitted with an application.
- 4.7 The draft policy sets out the way in which applications will be consulted upon and determined.
- 4.8 The application will be notified to a number of relevant stakeholders and other interested parties so that they have the opportunity to pass comment on the application and lodge any objections during a period of 28 days following on from the date that the application is made.
- 4.9 In addition however a further requirement is proposed in respect of applications for new and variation consents, where the trading is proposed to take place from a fixed location. The applicant in these circumstances would be expected to display a public notice at the site of the proposed trading and notify local residence by delivering notification of the application to properties and businesses within a minimum radius of 100m of the proposed site for at least 28 consecutive days from the date the application is made.
- 4.10 The draft policy explains that where representations or objections are received, officers will, in the first instance, explore the possibility that a compromise solution can be reached between the applicant and the person or persons making the objection or representation. If this is not possible, the draft policy explains that the applicant has the right for their application to be referred to a Licensing Sub-Committee for determination.
- 4.11 The draft policy also seeks to set out the Council's approach to enforcement and complaints in respect of street trading activity. This is done in the interests of fairness and transparency and with a view to promoting consistency.
- 4.12 This report has been submitted to seek approval of the draft policy so that it can be consulted upon with the public and relevant stakeholders.
- 4.13 The changes to the current policy are set out below:
 - Amendments to Contents Page - Page 1.
 - Addition of Definition Page – not provided in the current policy. Page 2.
 - Addition of Consultee on the policy section 3 - the current policy does not provide details of who is consulted regarding the adoption of the policy. Page 3.

- Addition of Legislation and Current Provision section 5 –to provide a more comprehensive section covering activities that are exempt from the need to hold a consent. Page 4.
- Addition of Delegation of functions section 6 –addition of this section to provide a clear and consistent licensing service for applicants and consent holders. This section is not contained with the current policy. Page 5.
- Addition of types of consent and definitions, together with the criteria required to make an application on each type of consent. Addition of section 7, 9,10,11. The current policy covers only Peripatetic Street Trading and Special Events. Pages 6-8.
- Mobile Street Trading Consent section 8 (d)– addition of trading restrictions relating to educational establishments without formal invitation from the establishment. Not currently contained within the current policy by approving this it would allow officers to undertake enforcement action if no formal agreement is in place. Page 7.
- Amendments to the application process section 12.1 – to increase the consultation period from 14 days to 28 days. Street Trading Consent applications typically have a 28-day consultation period not 14 days. The consultation period allows time for feedback from organisations like the police, highways and local ward members. Page 8.
- Amendments to the application process section 12.3 (c) - the applicant to include to include a Basic Disclosure & Barring check for new and renewal applications to assess suitability of the applicant. The council needs to be satisfied that the applicant is a suitable person to trade, the certificate would reveal any unspent convictions or cautions. This is not currently checked as not required under the current policy. Page 10.
- Amendments to the application process section 12.3 (d) Proof of Right to Work - the applicant would need to provide Proof of their Right to Work in the UK. This is currently not requested under the current policy. Page 10.
- Amendments to the application process section 12.3 (k) an increase of public liability and public indemnity insurance from £2 million to £5 million. This is the most common requirement for market organisers and local council to grant a licence. Most street traders are food vendors therefore due to the increased risks from food poisoning the higher cover should be required. Page 10.
- Amendment to the length of a Street Trading Consent section 12.4 – policy change required the current licensing system has been set up that no renewal application is required after 12 months. Consent have been issued with no expiry date and if the consent fee is paid then the consent holder can continue to trade. This practise is not in line with legislation - a street trading consent may be granted for any period not exceeding 12 months. Approval required to prevent consent being issue unlawfully. And leaving the council open to challenge. Page 10.
- Addition of renewal application sections 12.5 and 12.6 required as this is currently not being completed see 12.4 above - page 11.
- Addition of transfers section 12.8 and 12.9 addition as the current policy does not refer to transfers of street trading consent; they are only covered on a street trading consent - page 11.
- Proposed set of new Street Trading conditions for both static and mobile traders to replace the existing conditions contained with the current policy. The new conditions are enforceable and separate static and mobile traders each having specific set of conditions relevant to their activity. Appendix 1 – pages 14-15 and Mobile Street Traders Appendix 2 – pages 16 – 17.
- Addition of Guidelines on the suitability of applicants – Appendix 3 this is not provide in the current policy page 19.

5 Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below

Option 1. Leave the current policy in place. This is rejected as the Policy would be out of date; safeguarding and right to work checks would not be carried out on existing and new applicants and legislation would not be administered within the requirement set out in legislation.

6 Conclusion and Reasons for Recommendations

- 6.1 Officers believe that it is important that where a Council decides to exercise control over street trading, the Council should adopt a street trading policy, which sets out clearly how applications for street trading consents will be dealt with and what principles will be applied when determining the suitability of applicants. The policy should be reviewed every 5 years to ensure it is still appropriate and in line with the Council's aims and objectives and relevant legislation updates.
- 6.2 The General Licensing Committee is recommended to agree this Policy for public consultation to ensure that this policy remains fit for purpose, taking into account any legislative changes and guidance issued to local authorities.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Current Street Trading Policy 2019
Appendix 2	Draft Street Trading Policy 2025
Background Papers	None
Reference Papers	None
Report Author	Amanda Ward, Licensing Enforcement Officer
Report Author contact details	Amanda.ward@Cherwell-dc.gov.uk

Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Corporate Director for Communities, 4 October 2025
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CHERWELL DISTRICT COUNCIL STREET TRADING POLICY

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Introduction

Cherwell District Council aims to support business ventures and encourages the provision of street trading and cafés within the district. In towns and villages cafes in particular make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces and aid the local economy. In more rural areas, street trading outlets enable residents, visitors and travellers to obtain refreshments when there is nothing else immediately available. Both add to the facilities offered to people who visit, live and work in the district.

Purpose of the Policy

This policy sets out Cherwell District Council's (hereafter referred to as the Council) framework for the management of street trading and the issuing of pavement permits in the Cherwell district. Through this policy the Council aims to regulate the location and number of street traders and pavement permit holders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the districts economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.

This policy is intended to help prospective street traders and cafe proprietors to understand where trading might be encouraged. It is important however, that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.

Anyone wishing to apply for either a Street Trading Consent or Pavement (Tables and Chairs) Permit should read this policy, the associated guidance, and detailed conditions in order to check that their proposal meets all the criteria.

This policy will guide the Council when it considers applications for either Street Trading Consents or Pavement Permits. It will inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.

It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

Although each application will be considered on its own merits this policy contains key points that must be considered in every case. In order to ensure consistency of decision making, the Council will apply these guidelines to all street trading activities and pavement permits in its area.

Review of the Policy

This policy will be reviewed every 5 years. There will be an on-going evaluation of the policy which may result in updates before the 5 yearly reviews if deemed necessary.

Street Trading

Local Government (Miscellaneous Provisions) Act 1982.

General

Under the above legislation locations are designated as either consent, licence or prohibited streets.

As the Council has designated all streets within the district as consent streets, this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtaining a street trading consent from the council.

- In order to trade anywhere in Cherwell District Council area you must receive consent from the Council. In certain areas (Banbury, Bicester and Kidlington) the Council maintains a list of designated pitches; however, there is a waiting list, and you may have to wait some time before being considered for one of these.
- You may apply for street trading consent on any other street in the district.

Definitions of terms used

The following definitions apply:

‘Street trading’ means the selling of, or exposing or offering for sale any article (including a living thing) in any street. A Street includes:

- any road, footway, beach or other area to which the public have access without payment
- a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street

A ‘consent street’ is a street in which street trading is prohibited without a street trading consent.

‘Consent’ means consent to trade on a street within the Council’s area.

‘Consent holder’ means the person or company to whom the consent to trade has been granted by the Council.

‘Static street trader’ means a trader granted permission by the Council to trade from a specified position.

‘Peripatetic trader’ means a trader who moves from street to street but trades for less than 20 minutes at any one point and does not return to a similar trading position within 4 hours.

‘Authorised officer’ means an officer employed and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Peripatetic Street Trading

Street Traders that meet the criteria laid out below will be classed as peripatetic. Ice Cream Vans and similar would typically be deemed to be mobile traders.

The criteria are as follows;

- moves from location to location
- moves at least 100 metres from the last trading location and does not return within 4 hours
- does not wait in one location for more than 20 minutes
- does not trade within 100 metres of the boundary of any educational establishment without the permission of that educational establishment.

Due to the nature of peripatetic trading there will be limited impact on any one single location so consents will be automatically granted subject to the above criteria being met and a complete application being submitted.

Special Events

For one off events such as a continental street market or old town event the Council will accept one application from the event organiser. The application will require full details of each trader attending the event. A consent listing all traders will be issued to the event organiser; each attending trader will need to display a copy for the duration of the event. A fee will be applicable.

For charitable events the fee may be waived if it is clear the organiser and/or traders are linked to a registered charity and that all profits will be donated to that charity.

Exempted street trading activities

The following activities do not require street trading consent:

- pedlars authorised by a certificate granted under the Pedlars Act 1871 by the police force in which the trader resides.
- anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order
- trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- news vendors
- trading on/from the forecourt of a petrol filling station or at a shop premises
- a roundsman (a person who delivers orders to customers by prior arrangement)
- the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway
- operating facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- doing anything authorised by regulations made under section 5 of the Police, Factories, etc, (Miscellaneous Provisions) Act 1916

Pavement Permits (Tables & Chairs)

Highways Act 1980

General

If the area outside particular premises is owned by the town, district or county council, then it is likely that permission will have to be sought under the Highways Act 1980 for permission to place the tables and chairs outside.

As a general guide, a clearance of at least 1.8m is required from the kerb to the perimeter of where the tables and chairs are to be placed.

The area for which a pavement permit is sought must be highway as defined by S115A Highways Act 1980, namely:

- a highway in relation to which a pedestrian planning order is in force;
- a restricted byway;
- a bridleway;
- a footpath (including a walkway as defined in section 35(2) of the Highways Act 1980);
- a footway;
- a subway constructed under section 69 of the Highways Act 1980;
- a footbridge constructed under section 70 of the Highways Act 1980;
- a highway whose use by vehicular traffic is prohibited by a traffic order but whose use by
- other traffic is not prohibited or restricted or regulated by such an order; and
- to a local Act walkway.

Other Activities

General

There are a number of other activities that take place in the streets of the Cherwell district that are not governed by this policy. These include:

- Awareness – people, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets or undertaking promotional activities.
- Busking – street performance is the practice of performing in public places for gratuities.
- Market research – this type of activity includes mail order companies, insurance companies and national questionnaires.
- Markets – these are dealt with by separate policies.
- Pedlars – they are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.
- Petitions – people or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups.
- Street collections - Persons wishing to collect money on a street or public place must obtain a permit from the Council. Applications for Street collections must be applied

for at least one month in advance of the collection date, and would be subject to the conditions outlined in the Street Collections policy.

If you are unsure of any of the above please contact the Council.

Application Processes

Street Trading

When making an application you will need to provide the following:

a completed application form available on request from the Council;

- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position (for static street traders);
- specified areas of trade (for non-static traders);
- proposed trading times;
- photographs of the vehicle, stall, cart, etc, that will be used for the street trading activity (in the case of a vehicle, exterior and interior views are required);
- evidence of public liability insurance;
- other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Details of a commercial waste agreement (contact Environmental Services on 01295 221921 for further information).
- Proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area

For food outlets, the Council also requires:

- (if using gas) a gas safety certificate issued by a GAS SAFE registered engineer;
- (if using electricity) an electrical safety certificate issued by a NICEIC registered contractor or equivalent;
- copies of certificates to confirm all food handlers have undertaken a satisfactory level of food hygiene training;
if using a mobile unit, confirmation that it is registered under article 6, paragraph 2 of Regulation EC No 852/2004

Pavement Permits

The Council will not accept an application unless the following have been provided:

- a completed application form available on request from the Council;
- proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position
photographs of the type of furniture to be used;
- confirmation of the status of the site (i.e. highway or otherwise);
- evidence of public liability insurance;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area
- confirmation other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Site notice to be displayed on the premises for the duration of the consultation process.

Completed application forms, the fee and supporting documentation should be returned to; Licensing, Cherwell District Council, Bodicote House, Bodicote, OX15 4AA.

Consultations on applications made

Before a street trading consent or a pavement permit is granted for the first time, the council will carry out a consultation process over a period of 14 days for street trading consents and 28 days for Pavement permits with various persons and groups. Dependent on the type of application, we will consult with one or more the following:

- Thames Valley Police;
- Oxfordshire County Council Highways or Highways England (depending on the location);
- Cherwell District Council Development Control;
- Cherwell District Council Public Protection;
- Cherwell District Council Street Scene;
- the ward member;
- the appropriate parish or town council;
- neighbouring businesses or properties;
- all businesses or properties within a minimum radius of 100m of the proposed site (but this may vary on a case by case basis) *

**Note: It is the applicant's responsibility to notify these owners/occupiers by delivering the form (part B of the application) to the relevant property/business. If they fail to do so the application will be refused.*

Site assessment and inspections

The site will be assessed by an authorised officer of the Council. Consents or permits will not normally be granted where:

- a significant effect on road safety could arise, either from the siting of the trading activity, from customers visiting or leaving the site, or from inadequate light or visibility;
- there is a conflict with traffic orders such as waiting restrictions;
- there is already adequate provision of similar trading facilities in the vicinity;
- there would be a significant loss of amenity caused by traffic, noise, odour, etc.

Additionally in the case of street trading food or drink, the vehicle, trailer, stall or other device to be used for the proposed trading activity will be inspected by a Public Protection Officer prior to the issue of consent. It must comply with the legal requirements relating to type of trading proposed. Food hygiene standards must be broadly compliant.

Further advice can be obtained by telephoning Licensing on 01295 753744

Email; licensing@cherwell-dc.gov.uk

Website; <http://www.cherwell.gov.uk>

Decision Making

In considering applications for the grant or renewal of Street Trading Consents and Pavement Permits the following will be taken into consideration;

- Public Safety – whether the activity represents, or is likely to represent a substantial risk to the public. Factors taken into account will include; obstruction, fire hazard, unhygienic conditions or a danger that may occur when a trader is accessing the site.
- Public Order – whether the activity represents, or is likely to represent, a substantial risk to public order. All traders will conduct themselves in a professional manner.
- Public Nuisance – whether the activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour particularly in residential areas.
- Appearance – the stall / vehicle / tables and chairs must be maintained in good condition and be of smart appearance. The general appearance will be considered in order to determine that the business will not have a detrimental impact on the surrounding area.

If the application meets the Council's requirements and no representations are received the consent / permit will be granted as applied for.

If valid representation(s) are made during the consultation period, then the application will be considered at a hearing by the Council's Licensing Sub-Committee.

Applications will normally be determined within two months of receipt and may be either:

- granted, whereby the consent or permit will be issued with conditions attached, or
- refused, whereby the fee will be refunded (as appropriate) to the applicant.

The reasons for the decision will be communicated to the applicant, but it should be noted that the Act does not provide a right of appeal against any decision made in relation to the grant or refusal of a street trading consent.

Trading hours and staff requirements

The Council does not permit street trading before 6.00am. Provision of hot food and drink after 11.00pm requires a premises licence under the Licensing Act 2003

Trading consents are granted to individuals. The consent holder does not have to be present at the site during trading hours but must nominate a person aged 17 or over to cover in their absence, and if selling food must hold a Food Hygiene Certificate.

Pavement permits will only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises, employ sufficient staff to provide table service to the outside area and have sufficient provision of sanitary conveniences for use by the public.

In approving consents or permits, the Council will have regard to an applicant's previous record of compliance with the conditions attached to any previously held consents or permits.

Consent and Permit Details

Every consent or permit issued will show specific details and carry conditions which must be complied with. The consent or permit must be clearly displayed and/or produced for inspection by an authorised officer of the Council or a police officer.

Street trading consents will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location/s, days and times.

Pavement permits will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location, days and times;
- the number of tables and chairs allowed.

In addition, any conditions considered necessary to individual applications may also be attached. The Council retains the right to vary the conditions at any time.

Enforcement

General

This section of the policy details the Council's commitment to enforcing the provisions contained within the appropriate legislation. It also highlights the Council's commitment to work in partnership with other enforcement agencies, in order to provide consistent enforcement on licensing issues.

Licensing officers aim to work closely with other enforcement authorities when dealing with issues on the street. We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

Authorised officers from the Council will visit street traders and holders of pavement permits to assess compliance with the conditions or to undertake any other duty that the authority has, such as food hygiene inspections.

Where licensable activities are conducted without the benefit of a consent or permit, we will gather evidence and take enforcement action as appropriate in line with the Council's own Enforcement Policy and the Regulators Code. We may call for assistance from the Police when dealing with such issues.

If an officer is of the opinion that the holder of the trading consent has contravened any conditions, the consent or permit may be revoked.

Offences

Street trading

1. A person who -
 - (a) engages in street trading in a prohibited street; or
 - (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
 - (c) contravenes any of the principal terms of a street trading consent; or
 - (d) being authorised by a street trading consent to trade in a consent street, trades in that street -
 - (i) from a stationary van, cart, barrow or other vehicle; or
 - (ii) from a portable stall, without first having been granted permission to do so under paragraph 7(8) above; or
 - (e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
3. Any person who, in connection with an application for a street trading consent or licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Pavement permits

Section 115A of the Highways Act 1980 covers the placing of tables and chairs on the highway. Any person doing so without permission is obstructing the highway. No person may place tables and chairs on the highway without a valid pavement permit issued by Cherwell District Council, and if they do so they may be committing an offence.

Further Information

For further details of any of these consents or permits please contact:
Licensing, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA
Phone: 01295 753744
Email: licensing@cherwell-dc.gov.uk

Useful links

- [Street trading](#)
- [Pavement licences](#)

Appendices

Appendix A – Consent and Permit Conditions

The following conditions will be attached to relevant consents or permits:

Street trading

- This street trading consent does not convey any other approvals that may be necessary under the food hygiene regulations, planning legislation or other appropriate legislation.
- The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, whether to persons using the street or otherwise.
- The holder of a street trading consent, at his or her own expense, shall ensure that suitable arrangements are made for the disposal of waste and litter that may be caused in connection with the trading permitted under this consent.
- **Waste from the consent holder's operations must not be disposed of in the permanent litterbins provided by the Council.**
- The holder shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at the time be taken, made or incurred in consequence of trading. For this purpose they must take out at the consent holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- The holder of a street trading consent shall be required to seek the approval of the Council to any proposed change to the mode of trading permitted under the consent.
- The name of the holder of a street trading consent trading with a vehicle shall be displayed on the vehicle used in connection with the trading.
- This street trading consent does not convey any right to trade on privately owned property.
- The holder of the street trading consent shall ensure that no excessive noise emitting machinery is used in connection with the trading, inclusive of liquid fuelled generators.
- The Council reserves the right to add further conditions, or suspend and revoke a consent if the holder breaches any of the conditions
- Street trading consents are non-transferable.

Pavement (tables & chairs) permits

- This permission is not transferrable.
- The tables, chairs and umbrellas shall only be placed outside the premises between the hours of 10 am and 6 pm.
- The area so permitted to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in this area.
- The tables, chairs and umbrellas shall be of such a design as may be approved by the Council in writing and be kept in good repair and condition at the permit holder's expense.
- Nothing contained in this permit gives the holder permission to make fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
- The permit holder shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
- The permit holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the permit holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- No charge shall be made by the permit holder for the use of the chairs and tables and other objects.
- Waste from the permit holder's operations must not be disposed of in the permanent litterbins provided by the Council.
- Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the permit holder at their expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990.
- The permit holder shall remove the tables, chairs and windbreaks from the highway outside the hours permitted by Clause 2, and immediately if required to do so in order to permit works in or the use of the highway by:
the Council, the County Council, the police, fire and ambulance services, any utility operator or builders' vehicles, hearses and furniture removal vans.
- The permit holder shall be responsible for any rates, taxes and other outgoings which may be charged.
- Permissions run from the date of this permit, and would be subject to an annual renewal fee. Failure to pay any relevant fees would result in suspension or removal of permissions.
- The Council reserves the right to condition, suspend or revoke a permit if the permit holder breaches any of the conditions.
- Upon request permit holders will be required to clearly define the permitted area by the use of barriers of a type agreed with the Council

CHERWELL DISTRICT COUNCIL STREET TRADING POLICY

Contents

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Appendix 1	Standard Conditions for Annual Street Trading Consent
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Appendix 3	Guidelines on the suitability of applicants.

Activities not requiring consent	<p>Trading:</p> <ul style="list-style-type: none"> • as a pedlar under a pedlar's certificate • at an established market or fair • as a news vendor • at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop • as a roundsman (i.e. delivering pre-ordered goods to customers) • from a licensed highway area (as defined in Part VIIA of the Highways Act 1980) under a street collection permit for charitable purposes
Applicant	The individual who has submitted an application for a street trading consent
Consent holder	An individual that holds a street trading consent
Council	Cherwell District Council
Licensing officer	An officer employed by the councils and authorised by the councils to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982
Pedlar	<p>A pedlar is a trader who must:</p> <ul style="list-style-type: none"> • keep moving, stopping only to serve customers at their request • move from place to place and not circulate within the same area • carry all goods for sale and not use a trolley or stall <p>hold a valid pedlar's certificate, issued by a Chief Constable of Police</p>
Mobile trader	<p>A mobile street trader is one that:</p> <ul style="list-style-type: none"> • continually moves from location to location • moves at least 50 metres from the last trading location and does not return to that location within four hours • does not wait in one location for more than 20 minutes does not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)
Roundsman	An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice cream van is not classed as a roundsman.
Street trading consent	A permission to trade, which is granted by a council subject to conditions and the payment of a fee
Street trading	The selling, exposing or offering of articles for sale in a street
Street	Includes any road, footway, beach or other area - including privately owned land - to which the public have access without payment.
Town	A location that has a town council as opposed to a parish council

Cherwell District Council aims to support business ventures and encourages the provision of street trading within the district. In more rural areas, street trading outlets enable residents, visitors and travellers to obtain refreshments when there is nothing else immediately available.

2 Purpose of the Policy

- 2.1 This policy sets out the framework for the management of street trading in the Cherwell District Council (hereafter referred to as the Council). Through this policy the Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the district's economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.
- 2.2 The powers to control street trading within the Council's areas are conferred by Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the Council. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.
- 2.3 This policy is intended to help prospective street traders to understand where trading might be encouraged. It is important however, that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.
- 2.4 Issues can arise where street traders do not pay due regard to their location and operation or make it dangerous for people and road users to move around them. Street trading can also result in littering and other nuisance to persons in the vicinity
- 2.5 This policy will guide the Council when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.
- 2.6 Although each application will be considered on its own merits this policy contains key points that must be considered in every case. This document sets out the criteria the Council will use when they consider applications for street trading consents. It sets out the grounds upon which decisions are made about street trading applications and enforcement actions if required.

3 Consultation

- 3.1 In determining this policy, the Council have consulted:
- Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways or Highways England (depending on location)
 - Oxfordshire County Council Trading Standards
 - Parish and Town Councils
 - Current Street Traders
 - Local business organisations

- Residents

3.2 In addition the following teams within the Council has been consulted

- Develop Control
- Environmental Health
- Parks and Leisure
- Car Parks
- Economic Development

4 Review of the Policy

4.1 This policy will be reviewed every 5 years. When required, periodic reviews and updates may be undertaken.

5 Legislation and Current Provision

Local Government (Miscellaneous Provisions) Act 1982 Schedule 4

5.1 The Act sets out a number of definitions and provisions:

‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions:

- (a) Pedlars authorised by a certificate granted under the Pedlars Act 1871 by the police force in which the trader resides
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- (d) Trading as a news vendor
- (e) Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business of the shop
- (f) Offering or selling things as a roundsman. (a person who delivers orders to customers by prior arrangement)
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway
- (h) The operating of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- (i) The doing of anything authorised by regulations made under section 5 of the Police Factories etc. (Miscellaneous Provisions) Act 1916 for charitable purposes

5.2 Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment and a service area as defined in section 329 of the Highways Act 1980.

5.3 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

- 5.4 All streets within the Council's area are designated as consent streets this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtaining a street trading consent from the Council.
- 5.5 Prohibited streets are streets where no street trading may take place.
- 5.6 In order to trade anywhere in Cherwell District Council area you must receive consent from the Council. In certain areas (Banbury, Bicester and Kidlington) the Council maintains a list of designated pitches; however, there is a waiting list, and you may have to wait some time before being considered for one of these.
- 5.7 There are no prohibited streets within the councils' areas. The A34 and M40 are designated as a trunk road and motorway respectively. No street trading is permitted on motorways and Oxfordshire County Council Highways will not approve any street trading applications for lay-bys or slip roads along the A34.
- 5.8 A licence street is a street that requires a formal licence before any form of street trading can take place.
- 5.9 There are no licence streets in the Council's area.
- 5.10 Street traders that serve hot food or drink at any time between 23.00 and 05.00 the following day will also require a premises licence that authorises late night refreshment under the Licensing Act 2003.
- 5.11 All applications for street trading consents must include written permission from the landowner for the business to operate from that location.
- 5.12 All applications for street trading consents must include written confirmation that planning permission has been granted for the business or that planning permission is not required.
- 6 Delegation of functions**
- 6.1 The Council aim to provide a clear, consistent licensing service for applicants and consent holders.
- 6.2 The General Licensing Committee
- reviews and adopts the street trading policy
 - determines applications and reviews
- 6.3 The General Licensing Committee appoints a street trading panel to:
- determine the grant, variation, refusal or revocation of street trading consents when requested by the Head of Communities
- 6.4 The Head of Communities is authorised to:
- a) issue street trading consents and attach such conditions as are considered

reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982

- b) vary the conditions attached to an existing street trading consent when necessary to promote public safety and/or prevent nuisance or annoyance to affected parties.
- c) refuse any application for a consent that:
 - (i) in the opinion of the Head of Communities does not comply with the Council's policy or consent conditions,
 - (ii) has been subject to objections from Thames valley Police, or Oxfordshire Council highways on the grounds of public or highway safety.
- d) refer consents granted to existing street traders to the street trading panel when there has been a substantiated complaints about the trader or the trader has breached the conditions of his/her street trading consent.
- e) refer any applications for street trading consents to the street trading panel when valid objections have been received.
- f) revoke a consent if a site is no longer viable or consent holder is no longer able to comply with conditions.

7 Multiple Site Traders

- 7.1 Street trading on private land such as pub and social club car parks, village hall and community centre car parks is growing in popularity. This type of activity falls within the definition of street trading and needs to be suitably controlled.
- 7.2 Where there are multiple traders operating similar businesses from one site, where simultaneous applications are submitted, the consultation may be combined to reduce the consultation fee payable. In addition, further consultations to add or to change the traders at a site will not generally be required unless there has been a material change in the area, or complaints or concerns have been raised in respect of existing traders.
- 7.3 An agent or other nominated person will be responsible for coordinating the consultation process and be the point of contact for all matters relating to the application.
- 7.4 Applicants must follow the remainder of the application process as set out in this policy. Any site-specific conditions issued to other consents for the same site would apply to any consent granted.
- 7.5 Each trader must pay a consent fee before the consent is issued.

8 Mobile Street Trading Consents

- 8.1 Street traders that meet the conditions below will be classed as mobile. Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile street traders.
- 8.2 Mobile traders must:

- (a) move from location to location
- (b) move at least 50 metres from the last trading location and not return to that location within four hours
- (c) not wait in one location for more than 20 minutes
- (d) not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)

8.3 Due to the nature of a mobile trader, there will be limited impact on any one single location so consents will be automatically granted subject to the above criteria being met and a complete application being submitted. Mobile street traders will generally not be subject to the consultation process.

9 Special Temporary/Occasional Street Trading Consents

- 9.1 For special temporary/occasional events such as a continental street market, or Christmas fayre the Council may issue a special temporary/occasional consent at a reduced fee. It is not expected that such events would last longer than 72 hours or occur more frequently than once in any four week period.
- 9.2 All applications should be made at least 28 days prior to the special temporary event to ensure there is enough time for the application to be processed, and the standard application process will apply.
- 9.3 The consent will be issued for the duration of that special event only and will be to a named individual who will be responsible for compliance with the conditions of the consent.
- 9.4 The consent holder will be required to keep records of all traders that operate under their consent including the date, trading location, trader name and company name, address, vehicle registration, contact numbers and items being offered for sale.
- 9.5 Special temporary/occasional consents do not provide exclusive control over trading in the designated area.

10 Markets

- 10.1 A market or fair, the right to hold which has been obtained by a grant, enactment or order (charter markets) are exempt and do not require a street trading consent. For clarity, it will be expected that the market traders will trade during the course and hours of a regular market and it is not the case that the location is simply exempt from the requirement for street trading consents at all other times.

11 Community and charity events

- 11.1 Traders at an event organised and run by a registered charity or recognised community association or other not for profit organisation for public benefit will be exempt from the

requirement to obtain a street trading consent for that location, subject to the following restrictions:

- (a) traders (or a nominated point of contact on behalf of the traders) must notify the licensing team of the trading at the event in writing at least ten working days in advance
- (b) traders cannot remain at the location for more than 72 hours or return to the location more frequently than once in any four week period
- (c) traders must be invited to trade at the event by the organisers
- (d) hot food traders operating after 23:00 must submit a Temporary Event Notice, if required, prior to the event, to meet the requirements of the Licensing Act 2003

12 Application process and criteria

- 12.1 All new and variation street trading consent applications will be subject to a 28-day consultation period. Mobile street traders will generally not be subject to the consultation process as detailed in 8.3. The consultation will seek the views of local residents and businesses* with a minimum radius of 100m of the proposed site and statutory agencies whose responsibilities may be impacted by the proposed business, such as Oxfordshire County Council Highways, Thames Valley Police, Cherwell District Council Development Control, Cherwell District Council Public Protection, Cherwell District Council Street Scene, the Ward Member, the appropriate Parish or Town Council. Consideration will be given to all written objections, which are not irrelevant, frivolous, vexatious, or repetitive.

*Note: It is the applicant's responsibility to notify these owners/occupiers by delivering the site notice to the relevant property/business. If they fail to do so the application will be refused.

- 12.2 The following criteria will be considered in deciding whether or not a street trading consent should be granted and appropriate conditions to be attached:

a) Public Safety

Whether the street trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. Oxfordshire County Council Highways department will be consulted on all applications to ensure high standards of road safety for applicants, customers and other road users.

Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

b) Crime and disorder and safeguarding

Whether the street trading activity and/or applicant represents, or is likely to represent, a risk to the public in relation to crime and disorder or a safeguarding concern. Thames Valley Police will be consulted on all applications regarding the prevention of crime and disorder and safeguarding matters.

c) Preventing nuisance or annoyance

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter or the discharge of fluids, particularly in residential areas. The relevant council's environmental protection team will be consulted on all applications regarding the prevention of nuisance.

d) Written objections or support from local residents or their representatives

Residents will be alerted to street trading applications via a A4 notice erected by the applicant at the proposed consent location. The relevant town or parish council and district ward councillors will be consulted on applications for street trading consents in their area.

e) Proximity to schools and colleges

Street trading consents for businesses supplying hot or cold food or confectionery between 08:00 and 16:00 will not be granted for locations within 100 metres of the boundary of a school or college.

f) Planning permission

A street trading consent will only be issued where planning permission has been granted or there is written confirmation that permission is not required.

g) Appearance of the stall or vehicle

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet the criteria, including size, laid down in the standard consent conditions.

h) Food traders

Applicants for stalls or vehicles selling food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, The Royal Society of Health, or The Royal Institute of Public Health and Hygiene. All businesses must be registered with the Food and Safety team in the district within which the stall or vehicle is kept overnight. If this is not within the Vale of White Horse district or South Oxfordshire district the business should notify the Food and Safety team of the location from which they intend to trade. Any changes must be notified to the Food and Safety Team 28 days prior to the change.

i) Proximity of similar businesses

Objections based on the proximity of similar business will be considered but limited weight will be given to objections based solely on grounds of competition

Contents of a Street Trading Consent Application

12.3 All applications for the grant of a new street trading consent site shall include:

- a) completed application form downloaded from the council website
- b) street trading consent fee
- c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar month old)
- d) proof of right to work in the UK
- e) written consent of the landowner (unless the site is public highway)
- f) written confirmation or the existence of, or no requirement for planning permission
- g) a map showing all streets and other public areas within a radius of 100 metres from the proposed location of the street trading site. The map must clearly indicate the location of the proposed site in the centre of the map, and the locations of other street traders, and shops trading in similar commodities to those proposed
- h) current photographs of the vehicle/stall showing external condition and signage
- i) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
- j) food hygiene certificates (for food businesses only)
- k) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
- l) details of a commercial waste agreement.

Duration of Street Trading Consents

12.4 Street trading consents are generally issued for 12 months from the date of approval unless they are only required for a shorter period. Consents may be revoked at any time.

Renewals - Street Trading Consents/Mobile Street Trading Consents

- 12.5 Applications for renewal should be submitted no later than one month prior to the expiry date of the current consent, to allow the application to be processed and a new consent to be issued prior to the expiry date. If the consent expires and no new consent has been issued any street trading beyond the expiry date is an offence and may lead to refusal of further applications.
- 12.6 All renewal application will be consulted on with Thames Valley Police, Oxfordshire County Council Highways, Cherwell District Council Public Protection, Cherwell District Council Street Scene. Consideration will be given to all written objections, which are relevant.
- 12.7 All applications for renewal of a street trading consent shall include:
- a) a completed application form.
 - b) street trading consent fee
 - c) a Disclosure and Barring Service (DBS) certificate (no more than one calendar month old)
 - d) proof of right to work in the UK (unless provided previously)
 - e) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
 - f) current photographs of the vehicle/stall showing external condition and signage
 - g) electrical/gas safety certificates as required. Certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer
 - h) details of a commercial waste agreement.

Transfers

- 12.8 A street trading consent cannot be transferred or sold to another person. A new application must be submitted following the application process details in this policy.
- 12.9 The sub-letting of a street trading consent location or pitch is prohibited. The consent holder must be the principal operator and have day-to-day control of the vehicle/stall. The consent holder may employ other person(s) to assist in operating the vehicle/stall

Determination of Applications

- 12.10 Each application will be determined on its merits having regard to the application, criteria, relevant policy and guidance, and any valid objections or concerns received. Valid objections are those that relate to the criteria and aims of the street trading policy.

- 12.11 Following the determination of an application, the applicant will be notified of the decision in writing within ten working days of the decision.
- 12.12 If the application meets the Council's requirements and no representations are received the consent will be granted as applied for.
- 12.13 If valid representation(s) are made during the consultation period, then the application will be considered at a hearing by the Council's Licensing Sub-Committee.
- 12.14 Applications may be approved subject to additional conditions. Additional conditions form part of the street trading consent and must be complied with at all times.
- 12.15 If the application does not meet the criteria, or there are valid objections the relevant council may contact the applicant and objectors to discuss changes that could be made to the proposed location, goods or trading hours and/or additional conditions that could be introduced. If all parties are satisfied that changes to the application and/or additional conditions will resolve the concerns, a consent may be issued with those amendments.
- 12.16 Where the Council refuses an application the applicant will be informed in writing of the reasons. There is no right of appeal to the Magistrates' Court. A person aggrieved by a decision of the Council may make an application to the High Court for judicial review of the potential grounds. Applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

13 Fees

- 13.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the cost of processing applications including consultation, administration and issue of the consent along with the cost of ensuring compliance with the conditions in the consent. Fees must be paid in full and in advance. Details of the current fees can be found on the council's website or on request to the licensing team
- 13.2 Refunds will not be given where a consent is surrendered during the term.

14 Conditions

- 14.1 The Council will generally apply standard conditions to all street
- 14.2 The standard conditions applied to street trading consents (including multiple site traders and special temporary events) are attached to this policy as Appendix 1. The standard conditions applied to mobile street trading consents are attached to this policy as Appendix 2. These lists are not exhaustive, and other conditions may be added to individual consents as required.
- 14.3 Street trading can only be carried out from a vehicle or stall authorised under the conditions of the consent. The Council must approve any changes to or replacement of the vehicle or stall.

15 Enforcement

- 15.1 This section of the policy details the council's commitment to enforcing the provisions contained within the appropriate legislation. It also highlights the Council's commitment to work in partnership with other enforcement agencies, in order to provide consistent enforcement on licensing issues.
- 15.2 Licensing officers aim to work closely with other enforcement authorities when dealing with issues on the street. We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.
- 15.3 Authorised officers from the Council will visit street traders to assess compliance with the conditions or to undertake any other duty that the authority has, such as food hygiene inspections.
- 15.4 Where licensable activities are conducted without the benefit of a consent we will gather evidence and take enforcement action as appropriate in line with the Council's own Enforcement Policy and the Regulators Code. We may call for assistance from the Police when dealing with such issues.
- 15.5 If an officer is of the opinion that the holder of the trading consent has contravened any conditions, the consent or permit may be revoked.

Appendix 1 Standard Conditions for Annual Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The relevant council must approve any changes to or replacement of the stall or vehicle.
6. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk.
7. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
8. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
9. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The consent holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
10. The consent holder's vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
11. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.

12. The consent holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the location/s for which the street trading consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays are permitted. If a consent holder or operator/assistant is requested to move the vehicle/stall by a licensing officer or Police officer they shall immediately comply with that request.
13. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle or stall has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
14. All hot food vans/trailers are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
15. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
16. A street trading consent cannot be transferred or sold to another person.
17. The sub-letting of a street trading consent location is prohibited.
18. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
19. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
20. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
21. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
22. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
23. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.
24. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Appendix 2 Standard Conditions for Annual Mobile Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of: DATE and DATE.
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area:
4. The street trading consent relates to the following vehicle:
5. The vehicle must move from location to location within the above area.
6. The vehicle must move at least 50 metres from the last trading location and must not return to that location within four hours.
7. The vehicle must not wait in one location for more than twenty minutes.
8. The vehicle must not trade or park within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment).
9. Street trading can only be carried out from the vehicle identified under the conditions of the consent. The relevant council must approve any changes to or replacement of the vehicle.
10. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk.
11. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
12. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.

13. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property.
14. The consent holder's vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the vehicle so that members of the public can clearly see it during hours of business.
15. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
16. If a consent holder or operator/assistant is requested to move the vehicle by a licensing officer or Police officer they shall immediately comply with that request.
17. The consent holder's vehicle shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
18. The consent holder must take adequate precautions to prevent the risk of fire at the vehicle. All hot food vehicles are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
19. All hot food vehicles are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vehicles should have access to a minimum of one mobile phone that must be serviceable at all times.
20. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
21. A street trading consent cannot be transferred or sold to another person.
22. The consent holder must be the principal operator and have day-to-day control of the vehicle. The consent holder may employ any other person to assist in operating the business.
23. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
24. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
26. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.

27. These general conditions, which apply to all street trading consents, may be varied. Additional conditions may be required and will be displayed and listed on the street trading consent.
28. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

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Appendix 3 Guidelines on the suitability of applicants

The primary aim of this policy is protection of the public. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence
- Whether the applicant has been the subject of any relevant enforcement action
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal)
- Any previous revocation of a street trading consent (and the reasons for the revocation), and
- Any substantiated complaints or concerns received in respect of the behaviour of the trader or any person working with them.

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This report is public	
New Cherwell District Council Pavement licence Policy	
Committee	General Licensing Committee
Date of Committee	22 October 2025
Portfolio Holder presenting the report	Portfolio Holder for Safer Communities, Councillor Robert Parkinson
Date Portfolio Holder agreed report	6 October 2025
Report of	Health Protection, Compliance and Licensing Manager, Jan Southgate

Purpose of report

To consider and agree a draft Pavement License Policy for consultation with Oxfordshire Country Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. The current Policy is attached at Appendix 1. The proposed draft policy is attached at Appendix 2 together with proposed new standard conditions.

Following consultation and any changes deemed necessary, the Policy will be submitted to the Committee for approval.

1. Recommendations

The General Committee resolves:

- 1.1 To approve the new draft Pavement Licensing Policy for consultation to ensure that it reflects the current Government guidance, and input from relevant consultees.

2. Executive Summary

- 2.1 This report presents options for the Committee to review the Council's pavement licensing process and guidance following the commencement of the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023.
- 2.2 The provisions included in the 2023 Act introduce a permanent pavement licensing regime to replace the temporary provisions introduced by the Business and Planning Act 2020. The new legislation retains most of the features of the temporary regime but introduces some changes and is supported by updated government guidance.

Implications & Impact Assessments

Implications		Commentary		
Finance		The proposed fees for this license and its renewal have been calculated according to a full cost recovery model. The proposed fee will be included in the Fees & Charges schedule which will be considered by the Executive at its meeting in February 2026. Joanne Kaye, Head of Finance, 9 October 2025		
Legal		The applicable legislation is cited in the report. Appendix 2 is also in line with the updated legislation. As the recommendation within the report is to approve the policy for public consultation there are no legal implications arising directly as a result of this report. The legal services department provide assistance with implementing and enforcing the existing policy and are able to continue to do so should the new policy be approved by the committee following the consultation exercise. Denzil – John Turbervill Head of Legal Services 9 October 2025		
Risk Management		There are no risk implications arising as a direct consequence of this report. The proposals seek to ensure that the Pavement Licensing Policy continues to be relevant and compliant with the legislation to which it relates. Celia Prado-Teeling, Performance Team Leader, 3 October 2025		
Impact Assessments		Positive	Neutral	Negative
Equality Impact			X	
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	
Climate & Environmental Impact				

ICT & Digital Impact				N/A
Data Impact				N/A
Procurement & subsidy				N/A
Council Priorities	Economic Prosperity: Supporting businesses, skills development, and the local economy to create growth and vibrant town centres.			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	If agreed by Committee, officers will consult on the new draft policy with Oxfordshire County Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. A 4-week consultation period is proposed.			

Supporting Information

3. Background

- 3.1 The Council has been responsible since 2020 on a temporary basis for the processing and determination for Pavement Licences under the Business and Planning Act. This was a result of temporary legislation introduced in response to the Covid-19 pandemic. The Levelling up and Regeneration Act 2023 makes this process a permanent licensing function of the Council. The application process for a Pavement Licence is enshrined and broadly prescribed in legislation, however there are elements within the process which the Council may determine locally, this includes the setting of application fees, the period of time that a licence will have effect up to 2 years and conditions appended to licences which must be complied with.
- 3.2 The temporary measures were due to expire on 30 September 2021 but were extended on a number of occasions in order to further support the hospitality sector.
- 3.3 On 31 March 2024, the Levelling Up and Regeneration Act 2023 amended the Business and Planning Act 2020 to make the following permanent provisions for businesses wishing to place furniture on the highway for the consumption of food or drink.
- A Pavement Licence may be granted by a Local Authority for such period as the Authority may specify in the licence. This period may not exceed two years.
 - An application for a Pavement Licence must be accompanied by a fee not exceeding £500.00.
 - An application to renew a Pavement Licence must be accompanied by a fee not exceeding £350.00.

- 3.2 The Council's current Pavement Permits (Tables & Chairs) policy is out of date and contains out of date legislation. The policy was last reviewed in 2019 prior to the pandemic in 2020 where temporary measures were introduced to facilitate businesses being able to provide seating for customers outdoors.
- 3.3 There is no statutory requirement to have a Pavement Licensing Policy, however having a transparent Policy in place is good practice. When determining applications the Council must have regard to the Guidance issued by the Secretary of State. There is no statutory appeal process against a decision to refuse an application.
- 3.4 This policy is intended to help prospective applicants to understand where trading might be encouraged. It is important that licences are properly administered and managed to ensure that they meet the legal requirements and the high standards expected by the council.

4. Details

- 4.1 During 2020, the Government introduced relaxations to Planning and Licensing laws to help the hospitality industry recover from the coronavirus lockdown restrictions. The Business and Planning Act 2020 received Royal Assent in July 2020 and came into force immediately. It introduced measures to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. The legislation provided the Licensing Authority with the power to issue a Pavement Licence for a period of 12 months and set a maximum fee of £100.00.
- 4.2 A Pavement Licence allows the licence holder to place removable furniture on the highway adjacent to their premises. This furniture must be related to the consumption of food or drink and can include tables, chairs, umbrellas, barriers, heaters and other items used in connection with the outdoor consumption of food or drink
- 4.3 A copy of the Council's current Pavement Licence Policy and standard conditions are attached at Appendix 1. The policy and standard conditions have been in place since 2019. It has therefore been more than five years since these have been formally reviewed.
- 4.4 A draft new pavement licensing policy is attached at Appendix 2. The new draft policy is a more comprehensive and detailed document and incorporates the updated legislation and new standard conditions to be applied to all licences granted.
- 4.5 An application for a Pavement Licence must be submitted to the Licensing Authority and specify the premises and part of the highway to which the application relates. The application must also specify the days of the week and the hours between which it is proposed to have furniture on the highway and the type of furniture that will be used.
- 4.6 The applicant is required to place a public notice on the premises which must remain in place for a period of 14 days beginning with the day after the application

is submitted to the Licensing Authority. This notice will give an opportunity for members of the public to make representations in relation to the application. Details of the application will also be published on the council website.

- 4.7 Prior to making a determination in respect of the application, the Licensing Authority must take into account any representations made to it during the public consultation period. In accordance with the legislation the Licensing Authority must also consult with the relevant Highway Authority to which the application relates. The legislation also provides that the Licensing Authority may consult such other persons as they consider appropriate.
- 4.8 Licensing Authorities regularly review licences and enforce any breaches of the conditions attached to the Pavement Licence. The Licensing Authority may revoke or amend a licence if it is considered that the highway is no longer suitable for furniture, there are risks to public health and safety, the highway is being obstructed or the use is causing, or there is a risk of causing, anti-social behaviour or public nuisance
- 4.9 The changes to the current policy are set out below:
- New draft policy – no longer part of the combined Cherwell District Council Street Trading Policy.
 - Removal of out-of-date legislation - Pavement Licences are no longer issued under the Highways Act 1980
 - Consultation period for applicants reduced from 28 days to 14 days as set out in legislation.
 - Review of the current fees charged for licences, currently charged on a per chair basis with a cap at £100. These fees are no longer applicable.
- 4.10 There are implications to the Council in undertaking this statutory duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the processes associated with Pavement Licences.
- 4.11 Fees will be set locally, and it is for the licensing authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.
- 4.12 The Licensing Authority has reviewed the costs associated with granting Pavement Licences for a maximum of 2 years. The proposed fees for 2026/27 have been calculated at:
- Grant of a New Application £242.50
 - Renewal Application £182.50

5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1. Make no changes to the current policy. This is rejected as the council

policy would remain out of date and not being administered in line with the correct legislation.

6 Conclusion and Reasons for Recommendations

- 6.1 The amendments within the draft Pavement Licensing Policy are required to reflect current legislation, which the council must implement or risk possible legal challenge. The General Licensing Committee is recommended to agree this Policy for public consultation to ensure that this policy remains fit for purpose, taking into account any legislative changes and guidance issued to local authorities.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Current Pavement Licence Policy
Appendix 2	Revised Draft Pavement Licence Policy
Background Papers	None
Reference Papers	Business and Planning Act 2020 - https://www.legislation.gov.uk/ukpga/2020/16/contents Department for Levelling Up, Housing and Communities Pavement Licences: guidance, published 2 April 2024 https://www.gov.uk/government/publications/pavement-licencesguidance/pavement-licences-guidance#pavement-licences Cherwell District Council Street Trading Policy Street Trading Policy Cherwell District Council
Report Author	Amanda Ward, Licensing Enforcement Officer
Report Author contact details	Amanda.ward@cherwell-dc.gov.uk
Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Corporate Director for Communities, 13 October 2025

CHERWELL DISTRICT COUNCIL STREET TRADING POLICY

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Introduction

Cherwell District Council aims to support business ventures and encourages the provision of street trading and cafés within the district. In towns and villages cafes in particular make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces and aid the local economy. In more rural areas, street trading outlets enable residents, visitors and travellers to obtain refreshments when there is nothing else immediately available. Both add to the facilities offered to people who visit, live and work in the district.

Purpose of the Policy

This policy sets out Cherwell District Council's (hereafter referred to as the Council) framework for the management of street trading and the issuing of pavement permits in the Cherwell district. Through this policy the Council aims to regulate the location and number of street traders and pavement permit holders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the districts economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.

This policy is intended to help prospective street traders and cafe proprietors to understand where trading might be encouraged. It is important however, that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.

Anyone wishing to apply for either a Street Trading Consent or Pavement (Tables and Chairs) Permit should read this policy, the associated guidance, and detailed conditions in order to check that their proposal meets all the criteria.

This policy will guide the Council when it considers applications for either Street Trading Consents or Pavement Permits. It will inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.

It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

Although each application will be considered on its own merits this policy contains key points that must be considered in every case. In order to ensure consistency of decision making, the Council will apply these guidelines to all street trading activities and pavement permits in its area.

Review of the Policy

This policy will be reviewed every 5 years. There will be an on-going evaluation of the policy which may result in updates before the 5 yearly reviews if deemed necessary.

Street Trading

Local Government (Miscellaneous Provisions) Act 1982.

General

Under the above legislation locations are designated as either consent, licence or prohibited streets.

As the Council has designated all streets within the district as consent streets, this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtaining a street trading consent from the council.

- In order to trade anywhere in Cherwell District Council area you must receive consent from the Council. In certain areas (Banbury, Bicester and Kidlington) the Council maintains a list of designated pitches; however, there is a waiting list, and you may have to wait some time before being considered for one of these.
- You may apply for street trading consent on any other street in the district.

Definitions of terms used

The following definitions apply:

‘Street trading’ means the selling of, or exposing or offering for sale any article (including a living thing) in any street. A Street includes:

- any road, footway, beach or other area to which the public have access without payment
- a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street

A ‘consent street’ is a street in which street trading is prohibited without a street trading consent.

‘Consent’ means consent to trade on a street within the Council’s area.

‘Consent holder’ means the person or company to whom the consent to trade has been granted by the Council.

‘Static street trader’ means a trader granted permission by the Council to trade from a specified position.

‘Peripatetic trader’ means a trader who moves from street to street but trades for less than 20 minutes at any one point and does not return to a similar trading position within 4 hours.

‘Authorised officer’ means an officer employed and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Peripatetic Street Trading

Street Traders that meet the criteria laid out below will be classed as peripatetic. Ice Cream Vans and similar would typically be deemed to be mobile traders.

The criteria are as follows;

- moves from location to location
- moves at least 100 metres from the last trading location and does not return within 4 hours
- does not wait in one location for more than 20 minutes
- does not trade within 100 metres of the boundary of any educational establishment without the permission of that educational establishment.

Due to the nature of peripatetic trading there will be limited impact on any one single location so consents will be automatically granted subject to the above criteria being met and a complete application being submitted.

Special Events

For one off events such as a continental street market or old town event the Council will accept one application from the event organiser. The application will require full details of each trader attending the event. A consent listing all traders will be issued to the event organiser; each attending trader will need to display a copy for the duration of the event. A fee will be applicable.

For charitable events the fee may be waived if it is clear the organiser and/or traders are linked to a registered charity and that all profits will be donated to that charity.

Exempted street trading activities

The following activities do not require street trading consent:

- pedlars authorised by a certificate granted under the Pedlars Act 1871 by the police force in which the trader resides.
- anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order
- trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- news vendors
- trading on/from the forecourt of a petrol filling station or at a shop premises
- a roundsman (a person who delivers orders to customers by prior arrangement)
- the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway
- operating facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- doing anything authorised by regulations made under section 5 of the Police, Factories, etc, (Miscellaneous Provisions) Act 1916

Pavement Permits (Tables & Chairs)

Highways Act 1980

General

If the area outside particular premises is owned by the town, district or county council, then it is likely that permission will have to be sought under the Highways Act 1980 for permission to place the tables and chairs outside.

As a general guide, a clearance of at least 1.8m is required from the kerb to the perimeter of where the tables and chairs are to be placed.

The area for which a pavement permit is sought must be highway as defined by S115A Highways Act 1980, namely:

- a highway in relation to which a pedestrian planning order is in force;
- a restricted byway;
- a bridleway;
- a footpath (including a walkway as defined in section 35(2) of the Highways Act 1980);
- a footway;
- a subway constructed under section 69 of the Highways Act 1980;
- a footbridge constructed under section 70 of the Highways Act 1980;
- a highway whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
- to a local Act walkway.

Other Activities

General

There are a number of other activities that take place in the streets of the Cherwell district that are not governed by this policy. These include:

- Awareness – people, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets or undertaking promotional activities.
- Busking – street performance is the practice of performing in public places for gratuities.
- Market research – this type of activity includes mail order companies, insurance companies and national questionnaires.
- Markets – these are dealt with by separate policies.
- Pedlars – they are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.
- Petitions – people or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups.
- Street collections - Persons wishing to collect money on a street or public place must obtain a permit from the Council. Applications for Street collections must be applied

for at least one month in advance of the collection date, and would be subject to the conditions outlined in the Street Collections policy.

If you are unsure of any of the above please contact the Council.

Application Processes

Street Trading

When making an application you will need to provide the following:

a completed application form available on request from the Council;

- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position (for static street traders);
- specified areas of trade (for non-static traders);
- proposed trading times;
- photographs of the vehicle, stall, cart, etc, that will be used for the street trading activity (in the case of a vehicle, exterior and interior views are required);
- evidence of public liability insurance;
- other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Details of a commercial waste agreement (contact Environmental Services on 01295 221921 for further information).
- Proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area

For food outlets, the Council also requires:

- (if using gas) a gas safety certificate issued by a GAS SAFE registered engineer;
- (if using electricity) an electrical safety certificate issued by a NICEIC registered contractor or equivalent;
- copies of certificates to confirm all food handlers have undertaken a satisfactory level of food hygiene training;
if using a mobile unit, confirmation that it is registered under article 6, paragraph 2 of Regulation EC No 852/2004

Pavement Permits

The Council will not accept an application unless the following have been provided:

- a completed application form available on request from the Council;
- proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position
photographs of the type of furniture to be used;
- confirmation of the status of the site (i.e. highway or otherwise);
- evidence of public liability insurance;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area
- confirmation other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Site notice to be displayed on the premises for the duration of the consultation process.

Completed application forms, the fee and supporting documentation should be returned to; Licensing, Cherwell District Council, Bodicote House, Bodicote, OX15 4AA.

Consultations on applications made

Before a street trading consent or a pavement permit is granted for the first time, the council will carry out a consultation process over a period of 14 days for street trading consents and 28 days for Pavement permits with various persons and groups. Dependent on the type of application, we will consult with one or more the following:

- Thames Valley Police;
- Oxfordshire County Council Highways or Highways England (depending on the location);
- Cherwell District Council Development Control;
- Cherwell District Council Public Protection;
- Cherwell District Council Street Scene;
- the ward member;
- the appropriate parish or town council;
- neighbouring businesses or properties;
- all businesses or properties within a minimum radius of 100m of the proposed site (but this may vary on a case by case basis) *

**Note: It is the applicant's responsibility to notify these owners/occupiers by delivering the form (part B of the application) to the relevant property/business. If they fail to do so the application will be refused.*

Site assessment and inspections

The site will be assessed by an authorised officer of the Council. Consents or permits will not normally be granted where:

- a significant effect on road safety could arise, either from the siting of the trading activity, from customers visiting or leaving the site, or from inadequate light or visibility;
- there is a conflict with traffic orders such as waiting restrictions;
- there is already adequate provision of similar trading facilities in the vicinity;
- there would be a significant loss of amenity caused by traffic, noise, odour, etc.

Additionally in the case of street trading food or drink, the vehicle, trailer, stall or other device to be used for the proposed trading activity will be inspected by a Public Protection Officer prior to the issue of consent. It must comply with the legal requirements relating to type of trading proposed. Food hygiene standards must be broadly compliant.

Further advice can be obtained by telephoning Licensing on 01295 753744

Email; licensing@cherwell-dc.gov.uk

Website; <http://www.cherwell.gov.uk>

Decision Making

In considering applications for the grant or renewal of Street Trading Consents and Pavement Permits the following will be taken into consideration;

- Public Safety – whether the activity represents, or is likely to represent a substantial risk to the public. Factors taken into account will include; obstruction, fire hazard, unhygienic conditions or a danger that may occur when a trader is accessing the site.
- Public Order – whether the activity represents, or is likely to represent, a substantial risk to public order. All traders will conduct themselves in a professional manner.
- Public Nuisance – whether the activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour particularly in residential areas.
- Appearance – the stall / vehicle / tables and chairs must be maintained in good condition and be of smart appearance. The general appearance will be considered in order to determine that the business will not have a detrimental impact on the surrounding area.

If the application meets the Council's requirements and no representations are received the consent / permit will be granted as applied for.

If valid representation(s) are made during the consultation period, then the application will be considered at a hearing by the Council's Licensing Sub-Committee.

Applications will normally be determined within two months of receipt and may be either:

- granted, whereby the consent or permit will be issued with conditions attached, or
- refused, whereby the fee will be refunded (as appropriate) to the applicant.

The reasons for the decision will be communicated to the applicant, but it should be noted that the Act does not provide a right of appeal against any decision made in relation to the grant or refusal of a street trading consent.

Trading hours and staff requirements

The Council does not permit street trading before 6.00am. Provision of hot food and drink after 11.00pm requires a premises licence under the Licensing Act 2003

Trading consents are granted to individuals. The consent holder does not have to be present at the site during trading hours but must nominate a person aged 17 or over to cover in their absence, and if selling food must hold a Food Hygiene Certificate.

Pavement permits will only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises, employ sufficient staff to provide table service to the outside area and have sufficient provision of sanitary conveniences for use by the public.

In approving consents or permits, the Council will have regard to an applicant's previous record of compliance with the conditions attached to any previously held consents or permits.

Consent and Permit Details

Every consent or permit issued will show specific details and carry conditions which must be complied with. The consent or permit must be clearly displayed and/or produced for inspection by an authorised officer of the Council or a police officer.

Street trading consents will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location/s, days and times.

Pavement permits will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location, days and times;
- the number of tables and chairs allowed.

In addition, any conditions considered necessary to individual applications may also be attached. The Council retains the right to vary the conditions at any time.

Enforcement

General

This section of the policy details the Council's commitment to enforcing the provisions contained within the appropriate legislation. It also highlights the Council's commitment to work in partnership with other enforcement agencies, in order to provide consistent enforcement on licensing issues.

Licensing officers aim to work closely with other enforcement authorities when dealing with issues on the street. We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

Authorised officers from the Council will visit street traders and holders of pavement permits to assess compliance with the conditions or to undertake any other duty that the authority has, such as food hygiene inspections.

Where licensable activities are conducted without the benefit of a consent or permit, we will gather evidence and take enforcement action as appropriate in line with the Council's own Enforcement Policy and the Regulators Code. We may call for assistance from the Police when dealing with such issues.

If an officer is of the opinion that the holder of the trading consent has contravened any conditions, the consent or permit may be revoked.

Offences

Street trading

1. A person who -
 - (a) engages in street trading in a prohibited street; or
 - (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
 - (c) contravenes any of the principal terms of a street trading consent; or
 - (d) being authorised by a street trading consent to trade in a consent street, trades in that street -
 - (i) from a stationary van, cart, barrow or other vehicle; or
 - (ii) from a portable stall, without first having been granted permission to do so under paragraph 7(8) above; or
 - (e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
3. Any person who, in connection with an application for a street trading consent or licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Pavement permits

Section 115A of the Highways Act 1980 covers the placing of tables and chairs on the highway. Any person doing so without permission is obstructing the highway. No person may place tables and chairs on the highway without a valid pavement permit issued by Cherwell District Council, and if they do so they may be committing an offence.

Further Information

For further details of any of these consents or permits please contact:
Licensing, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA
Phone: 01295 753744
Email: licensing@cherwell-dc.gov.uk

Useful links

- [Street trading](#)
- [Pavement licences](#)

Appendices

Appendix A – Consent and Permit Conditions

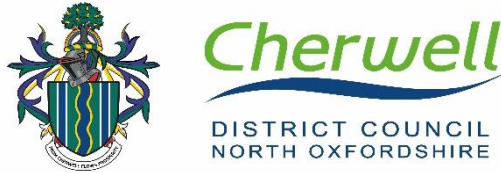
The following conditions will be attached to relevant consents or permits:

Street trading

- This street trading consent does not convey any other approvals that may be necessary under the food hygiene regulations, planning legislation or other appropriate legislation.
- The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, whether to persons using the street or otherwise.
- The holder of a street trading consent, at his or her own expense, shall ensure that suitable arrangements are made for the disposal of waste and litter that may be caused in connection with the trading permitted under this consent.
- **Waste from the consent holder's operations must not be disposed of in the permanent litterbins provided by the Council.**
- The holder shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at the time be taken, made or incurred in consequence of trading. For this purpose they must take out at the consent holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- The holder of a street trading consent shall be required to seek the approval of the Council to any proposed change to the mode of trading permitted under the consent.
- The name of the holder of a street trading consent trading with a vehicle shall be displayed on the vehicle used in connection with the trading.
- This street trading consent does not convey any right to trade on privately owned property.
- The holder of the street trading consent shall ensure that no excessive noise emitting machinery is used in connection with the trading, inclusive of liquid fuelled generators.
- The Council reserves the right to add further conditions, or suspend and revoke a consent if the holder breaches any of the conditions
- Street trading consents are non-transferable.

Pavement (tables & chairs) permits

- This permission is not transferrable.
- The tables, chairs and umbrellas shall only be placed outside the premises between the hours of 10 am and 6 pm.
- The area so permitted to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in this area.
- The tables, chairs and umbrellas shall be of such a design as may be approved by the Council in writing and be kept in good repair and condition at the permit holder's expense.
- Nothing contained in this permit gives the holder permission to make fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
- The permit holder shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
- The permit holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the permit holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- No charge shall be made by the permit holder for the use of the chairs and tables and other objects.
- Waste from the permit holder's operations must not be disposed of in the permanent litterbins provided by the Council.
- Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the permit holder at their expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990.
- The permit holder shall remove the tables, chairs and windbreaks from the highway outside the hours permitted by Clause 2, and immediately if required to do so in order to permit works in or the use of the highway by:
the Council, the County Council, the police, fire and ambulance services, any utility operator or builders' vehicles, hearses and furniture removal vans.
- The permit holder shall be responsible for any rates, taxes and other outgoings which may be charged.
- Permissions run from the date of this permit, and would be subject to an annual renewal fee. Failure to pay any relevant fees would result in suspension or removal of permissions.
- The Council reserves the right to condition, suspend or revoke a permit if the permit holder breaches any of the conditions.
- Upon request permit holders will be required to clearly define the permitted area by the use of barriers of a type agreed with the Council



Pavement Licences Guidance for applicants and licence holders

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1. Introduction

The Business and Planning Act 2020 ('the Act') introduced provisions designed to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors, maximising their ability to trade, assisting them to operate safely and promoting economic recovery in response to the impact of the global COVID-19 pandemic.

The Act created a regime for processing applications for 'pavement licences' to authorise businesses such as cafes, restaurants and bars to place furniture on the highway. This is a fasttrack procedure to get the same permissions a business would previously have had from a Part 7A Highways Act permit, street trading consent and planning permission (change of use).

The Levelling Up and Regeneration Act 2023 made the provisions of the Business and Planning Act permanent with effect from 31 March 2024.

This guidance will be kept under review and may be amended periodically as required. The government has also published their own [guidance on pavement licences](#).

The council must also have regard to its wider duties, including those under the Public Sector Equality Duty, Equality Act 2010, Human Rights Act 1998, Environmental Protection Act 1990, and the Crime and Disorder Act 1998.

Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

2. Scope

2.1 Definition of pavement licence

A pavement licence allows the holder to place removable furniture on a section of the highway adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted). Oxfordshire County Council maintains [a map showing the extent of highway](#) which may be useful to applicants.

A licence is not required for furniture sited on private land.

The licensed area is normally expected to be an area directly in front of and visible from the premises. The area should not extend beyond the width of its frontage unless there are exceptional circumstances.

2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink
- tables, counters or shelves on which food or drink can be placed
- chairs, benches or other forms of seating, and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away when not in use. Furniture should also be of a type that is not likely to cause damage to the highway surface. Furniture should be nonreflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind and thereby cause obstruction or a safety hazard.

The council would also expect the type of furniture to be 'in keeping' with the local area.

2.5 Planning Permission

If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

2.6 Existing tables/chairs

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place. Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

3. Application Process

3.1 How to Apply

An application for a pavement licence (either grant or renewal) must be made electronically (either by email or through the online applications portal) on the council's application form and accompanied by the following:

- public liability insurance to a minimum value of £5 million
- site plan to a suitable scale or with clear measurements showing:
- property boundary and proposed boundary of area to be covered by the pavement licence (with a red line to indicate the area to be licensed)
- building and kerb lines
- measurements of the clear space between the licensed area and any obstacles or the edge of the pavement/road
- furniture layout
- location and type of barriers to separate the licensed areas from the rest of the highway
- position of any lighting columns, litter bins, road signs or other existing street furniture
- evidence of the right to occupy the premises e.g. the lease

There is no provision to vary a licence and therefore any such application will be required to be made as a grant.

An application will not be considered complete until the application form, all required documents and the application fee have all been received. The consultation period will commence the day after a complete application has been made.

3.2 Fees

Fees are set locally, and it is for the licensing authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals. For information on the current fees visit Cherwell District Council Pavement Licence website.

<https://www.cherwell.gov.uk/directory-record/1867/pavement-licence-tables-and-chairs/category/45/other>

3.3 Consultation

The consultation period is 14 days (not including public holidays), starting with the day after the day on which a valid application was made to the council.

The council will aim to publish details of the application on its website.

The council is required by law to consult with the Highways Authority, and will also aim to consult with the following:

- Planning
- Environmental Protection
- Food & Safety Team
- Thames Valley Police
- Oxfordshire Fire and Rescue
- Town/parish councils
- Ward councillors

The council must take into account any representations received during the consultation period and consider these when determining the application.

3.4 Site Notice

The applicant has to post a notice of the application (using the council's template, available on the website) on the premises to which it relates, on the same day that they submit the application. The notice must be easily visible and legible to the public and the applicant must ensure the notice remains in place for the whole of the public consultation period as detailed above.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

Applicants should record and retain evidence that they have complied with all requirements, including posting the notice at their premises. It is recommended that you take a photo of the notice on a mobile phone each day during the consultation period so that you can prove the notice was there for the required period.

3.5 Site Assessment

All applications will be considered on their merits. The following matters will be used by the council and consultees in considering the suitability of the proposed application:

- public health and safety including security – for example any reasonable crowd management measures needed as a result of a licence being granted;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site, its surroundings and its users, taking account of:
 - considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people;
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises; and
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in [Inclusive Mobility](#), and other users of the space, for example if there are high levels of pedestrian or cycle movements.

Section 4.2 of [Inclusive Mobility](#) sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm of 'clear space' is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. The council will take a proportionate approach if this is not feasible due to physical constraints but a minimum width of 1500mm is regarded as the minimum acceptable 'clear space' under most circumstances, as this should enable a wheelchair user and a walker to pass each other.

The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded.

In general, all parts of the highway may be used for pavement furniture, assuming all safety and non-obstruction requirements are met. The exceptions are:

- Any carriageway or 'shared use surface'
- Any highway verge
- Where the width of the pavement makes it impractical
- Where other authorised street furniture makes it impossible
- Where sight lines are compromised and may give rise to health and safety issues.

Emergency exit routes, including those of adjacent buildings, must not be obstructed by the furniture and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.

In granting pavement licences, it is important to ensure that the rights and safety of other persons using the highway are not detrimentally affected, with special attention to wheelchair users and those with impaired vision. The licensed area should be at least partially enclosed with barriers, to demarcate the area and to contain the furniture, thus making it distinguishable to other pavement users, and particularly to assist blind and visually impaired pedestrians. Any barrier should ideally have solid bars/elements at around 100mm and 1000mm above ground level for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further

obstacle in the highway. Advertising boards are not included in the definition of furniture within the licensing regime, therefore should not be used as a barrier.

The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities.

All licences will be issued with a condition requiring a licence holder to make reasonable provision for seating where smoking is not permitted. It is expected that this will be the majority of the area. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed [here](#).
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2 metre distance between non-smoking and smoking areas, wherever possible.

3.6 Determination

At the end of the consultation period, the council has 14 days (excluding public holidays) to determine the application.

If the council determines the application before the end of the determination period the council can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- reject the application.

If the council does not determine the application within the determination period, the application will be deemed to have been granted subject to any local conditions published by the council at the time the application is submitted.

3.7 Issue of licences

If the council chooses to approve the application, a pavement licence will be issued to which conditions will be attached. The licence will also contain specific details such as days and hours when furniture is permitted for use, and a copy of the plan to confirm the authorised positions for furniture.

Licences will be granted for two years unless there are good reasons for granting a licence for a shorter period, such as plans for future changes to the highway in that area.

If the council does not decide the application within the determination period, the licence which was applied for is deemed to be granted for two years with the standard conditions.

The council will generally only grant pavement licences to operate between 08:00 and 21:00.

Applicants wishing to operate outside these hours may wish to include additional information as to how they will prevent nuisance affecting nearby residents. The council also retains the right to specify permitted hours on the licence that are reduced from those specified above in appropriate circumstances.

Licences are not transferable, so a new application would be required to issue a licence to a new licence holder.

3.8 Rejected Applications

If the site is deemed unsuitable for a pavement licence, or if relevant representations are made during the consultation period which cannot be mitigated by conditions, then the application will be considered at a hearing by the Council's Licensing Sub-committee.

If an applicant or objector does not believe due process has been followed when determining an application, they are entitled to use the council's complaints procedure.

4. Conditions

The Council's standard conditions can be found at **Annex B**. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis, and the council will confirm the reasons why any additional conditions have been imposed.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:

- a no-obstruction condition
- a smoke free seating condition

The council's published conditions make provision for these conditions, but for the sake of transparency, the national conditions are detailed in Annex A to this document.

The Act also allows for the Secretary of State to produce via regulations conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the council. If such conditions are created, this guidance will be amended to reflect them, and all licence holders will be notified of any changes this may create.

Where a local authority sets a local condition that covers the same matter as set out in national conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

5. Enforcement

The highway authority retains the power under s.149 of the Highways Act 1980 to remove items on the highway which are a nuisance – whether they are licensed or not. This power is exercisable immediately in cases where the furniture causes a danger.

Where a business sites furniture for use by customers to consume food or drink without a licence, a notice may be served under 7A of the Act requiring the business to remove the furniture before a specified date, and to refrain from putting furniture on the highway without a licence. If furniture continues to be sited without permission, the council can remove the furniture and store it. The business will be liable for any costs associated with removal and storage, and the furniture will not be removed until such costs are paid in full. After 3 months of serving of the notice, the furniture can be disposed of as the council sees fit, which may include sale of the furniture with the proceeds applied towards the costs of storage.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, such as health and safety legislation, food hygiene requirements and premises licence conditions under the Licensing Act 2003.

All enforcement activity by the council will be undertaken in line with our Enforcement Policy. Periodic inspections of premises with pavement licences will be made by the council to ensure compliance with the licence and conditions.

If there is a breach of a licence condition, the council may either revoke the licence, or serve a notice on the licence holder requiring them to take steps to remedy the breach within a specified time. If the licence holder fails to comply with a notice, the council may revoke the licence or take the steps itself and recover the costs of doing so from the licence holder.

The council may also revoke a licence where:

- (a) all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted - for example, the licensed area (or road adjacent) is no longer to be pedestrianised.
- (b) there are risks to health or safety – for example by placing tables and chairs too close together
- (c) the use of the highway is causing an unacceptable obstruction – for example the furniture preventing a wheelchair user from passing along the highway
- (d) there is anti-social behaviour or public nuisance
- (e) it comes to light that the applicant provided false or misleading statements in their application, or
- (f) the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

Where a licence is revoked, full notice with reasons will be given.

In addition, licences can be amended (with the agreement of the licence holder) to remedy any concerns in respect of items (a) to (d) above.

The usual procedure for a breach of conditions will be a warning to comply and that further contravention will result in revocation of the licence. The licensee will be allowed reasonable time to comply. If the contravention continues or is repeated within the licence period, the licence is likely to be revoked. If any breaches of conditions are serious enough in nature, the licence may be revoked without the warning letter stage.

6. Further information and contact

The application form, template notice and our contact information can be found on our website www.Chewell-dc.gov.uk/pavementlicences

Annex A - National Conditions

[All section references are to the Business and Planning Act 2020]

No-obstruction condition

Section 5(5) A “no-obstruction condition” is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6):

Section 3(6)

The effects referred to in subsection (5) are-

- a) preventing traffic, other than vehicular traffic, from—
 - i. entering the relevant highway at a place where such traffic could otherwise enter it

- (ignoring any pedestrian planning order or traffic order made in relation to the highway), ii. passing along the relevant highway, or
- iii. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Smoke-free seating condition:

Section 5(6) A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Annex B - Pavement Licence Conditions

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate. Where a licence is deemed granted, the applicant is deemed to be a ‘licence holder’ and is required to comply with all of the below conditions. In such circumstances, references to ‘licensed area’ should be understood to mean the area proposed for licensing within the application.

- 1) The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
- 2) The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport’s [Inclusive Mobility](#) document.

- 3) Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.
- 4) Furniture placed on the highway must be in accordance with the details and plans provided at the time of the application. No changes are permitted without prior approval from the council.
- 5) The licence may be suspended where necessary to allow highway maintenance, any other necessary remedial work and special events to take place. In addition the licence holder must comply with any request to remove the furniture due to an emergency situation. A reasonable period of notice will be given to the licence holder where possible. The Highway Authority and/or council will not be liable for any loss of earnings arising out of the suspension of a licence.
- 6) Furniture must not be set out on the highway before 07:30 for a 08:00 trading start, and the area must be closed by 21:00 and all furniture removed from the highway by 21:30. When not in use, all furniture must be stored securely inside a premises away from the highway.
- 7) If the furniture is (a) not removed outside the permitted hours or (b) located in breach of the licence, conditions or other regulatory requirements, the Highway Authority may remove and store or dispose of furniture, at the cost of the licence holder and with no responsibility for safekeeping.
- 8) A clear route of access shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street. A clear pathway of at least 1 metre wide shall also be maintained to allow entry and exit from the premises.
- 9) Furniture must not protrude beyond the designated boundary of the licensed area or interfere with required vision lines for traffic and pedestrians.
- 10) The licensed area should be separated from the rest of the highway (for example, with a barrier or planters) to guide persons with a visual impairment around the area.
- 11) The licence holder shall ensure that the footway is not obstructed by patrons waiting to be seated, or by any other items of furniture or personal possessions of patrons.
- 12) The placement of furniture must not obstruct any emergency exits from the premises or any adjacent buildings, and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.
- 13) Any furniture shall be kept in a clean, safe and well maintained condition. Any canopies or umbrellas must be adequately secured.
- 14) The licensed area must be kept clean and tidy at all times. This will include washing down the area and removing any refuse and litter on the highway in the immediate vicinity of the furniture.
- 15) No forms of musical entertainment (i.e. live music, recorded music and background music) are permitted in the area.
- 16) The licence holder must ensure that the licensed area is monitored regularly by staff to ensure compliance with the licence conditions and to ensure that the area operates in a safe and orderly manner to reduce the risk of nuisance.
- 17) The licence holder shall not allow their customers to cause any form of nuisance or annoyance to:

- (a) any other users of the highway
 - (b) any neighbouring residents, or
 - (c) any neighbouring businesses.
- 18) During hours of use, the licence holder or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to neighbouring residents and businesses upon request.
- 19) During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed area must be approved in writing by the Highway Authority.
- 20) When the licensed area is in use, the licence holder shall make toilets and hand washing facilities available for customers, including to wheelchair accessible standards where it is practicable and reasonable to do so.
- 21) The licence holder shall ensure that disabled persons and wheelchair users can be adequately served.
- 22) The licence holder is not permitted to make any fixtures or excavations of any kind to the surface of the highway without prior written approval from the Highway Authority. Any costs incurred as a result of damage to the highway or council property, due to the use of the area under this licence, will be recovered in full from the licence holder by the Highway Authority.
- 23) If the premises does not hold a licence under the Licensing Act 2003 which authorises the sale of alcohol, the licence holder must not allow the consumption of alcoholic liquor within the licensed area. Only alcohol purchased from the connected premises may be consumed within the licensed area.
- 24) The front page of the licence and Annex 1 plan must be prominently displayed on the premises so that it may be easily viewed.
- 25) The licence holder shall maintain a policy of public liability insurance indemnifying the council and Highway Authority against any injury or damage to any person or property and against any claim, liability, expense or damage arising by reason or in consequence of the use of the area under this licence. The policy shall provide cover of not less than £5 million in respect of any one incident.
- 26) At the end of the licence period or on revocation of the licence the licence holder must remove any tables, chairs and other furniture immediately and reinstate the highway to its former state and condition. If they fail to do so, the Highway Authority will be empowered to carry out such work of reinstatement and recover the costs of such work from the licence holder.
- 27) These conditions may be varied where necessary and the new conditions will come into effect upon written notification by the council.

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