

**Committee:** General Licensing Committee

**Date:** Tuesday 15 April 2025

**Time:** 6.30 pm

**Venue** 39 Castle Quay, Banbury, OX16 5FD

## **Membership**

Councillor Rebecca Biegel  
Councillor Becky Clarke MBE  
Councillor Nick Cotter  
Councillor Lesley McLean  
Councillor Chris Pruden  
Councillor Barry Wood

Councillor Besmira Brasha  
Councillor Gemma Coton  
Councillor Andrew Crichton  
Councillor Ian Middleton  
Councillor John Willett

## **AGENDA**

1. **Apologies for Absence and Notification of Substitute Members**
2. **Appointment of Chairman for the remainder of the Municipal Year 2024-25**
3. **Appointment of Vice-Chairman for the remainder of Municipal Year 2024-25**
4. **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.
5. **Urgent Business**

**6. Minutes (Pages 5 - 12)**

To confirm as a correct record the Minutes of the meeting of the (former) Licensing Committee held on 18 January 2023, 23 May 2023 and 22 May 2024.

**7. Chairman's Announcements**

To receive communications from the Chairman.

**8. New Cherwell District Council Taxi Licensing Policy (Pages 13 - 136)**

Report of Health Protection, Compliance and Licensing Manager

**Purpose of report**

To present to the General Licensing Committee a draft taxi licensing policy for hackney carriage and private hire to be agreed for consultation with the public and the trade.

**Recommendations**

The General Licensing Committee resolves:-

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

**Councillors are requested to collect any post from their pigeon hole in the Members Room 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](mailto: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.

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

**Evacuation Procedure**

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**Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

**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 Monday 7 April 2025

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## **Cherwell District Council**

### **Licensing Committee**

Minutes of a meeting of the Licensing Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 January 2023 at 6.30 pm

#### **Present:**

Councillor Douglas Webb (Chairman)  
Councillor George Reynolds (Vice-Chairman)  
Councillor Andrew Beere  
Councillor Chris Pruden  
Councillor Barry Wood

#### **Apologies for absence:**

Councillor Hannah Banfield  
Councillor Mike Bishop  
Councillor Eddie Reeves  
Councillor Jason Slaymaker  
Councillor Fraser Webster  
Councillor Sean Woodcock

#### **Officers:**

Richard Webb, Assistant Director Regulatory Services & Community Safety  
Christine Pegler, Lead Licensing Enforcement Officer  
Aaron Hetherington, Democratic and Elections Team Leader  
Matt Swinford, Democratic and Elections Officer

### **3       Declarations of Interest**

There were no declarations of interest.

### **4       Petitions and Requests to Address the Meeting**

There were no requests to address the meeting.

### **5       Urgent Business**

There were no items of urgent business.

### **6       Minutes**

The Minutes of the meetings held on 7 September 2016, 16 May 2017, 15 May 2018, 14 May 2019, 19 May 2021 and 18 May 2022 were agreed as correct records and signed by the Chairman.

**7 Chairman's Announcements**

There were no Chairman's Announcements.

**8 Consultation on Revisions to the Council's Taxi and Private Hire Licensing Policy**

The Assistant Director of Regulatory Services and Community Safety submitted a report which set out the proposed changes to the Council's Taxi and Private Hire Licensing Policy. This was an opportunity for the Licensing Committee to consider the revised policy and provide comments for consideration in the preparation of the final policy that would be submitted to Full Council for adoption.

In introducing the report, the Assistant Director of Regulatory Services and Community Safety advised the Committee that the existing policy was last reviewed in 2015. The introduction of Statutory Taxi and Private Hire Vehicle Standards by the Department for Transport, the introduction of a new National Register of Revocations and Refusals and the councils declaration of a climate emergency and introduction of a climate action framework provided the background to the requirement for this review and update of the council's Taxi and Private Hire Vehicle Licensing Policy.

The Lead Licensing Enforcement Officer advised the Committee that the consultation period would close on 31 January 2023. To date no formal consultation representations had been received, however taxi and private vehicle licence holders had provided comments at the forums arranged for licensees to meet with the Licensing team.

In response to questions from the Committee regarding the possibility of a taxi driver obtaining their licence at a different authority and then coming to work in the Cherwell area, the Lead Licensing Enforcement Officer advised that someone could obtain a hackney carriage taxi licence at another authority and then could legally work in another local authority area as a private hire taxi working through a private hire operator.

On behalf of the Committee, the Chairman thanked the Licensing Team for their hard work on the revised draft Policy.

**Resolved**

- (1) That, having given due consideration, the following comments from the Licensing Committee be made for consideration in the preparation of the final Taxi and Private Hire Licensing Policy which would be submitted to Full Council for adoption:

- Endorse the changes proposed by officers and the further revisions intended as a result of consultation feedback.
- Request officers to consider how vintage vehicles used for private hire can be included in the policy.
- Request officers to look into how wheelchair accessibility vehicles will meet the ultra-low emissions policy to ensure the emissions policy does not reduce availability of wheelchair accessible vehicles.
- Thanks to the officers for the hard work they have put into creating the draft policy.

The meeting ended at 7.29 pm

Chairman:

Date:

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## **Cherwell District Council**

### **Licensing Committee**

Minutes of a meeting of the Licensing Committee held at Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA, on 23 May 2023 at 6.59 pm

Present:

Councillor Douglas Webb (Chairman)  
Councillor Bryn Williams (Vice-Chairman)  
Councillor Andrew Beere  
Councillor Rebecca Biegel  
Councillor Phil Chapman  
Councillor Mark Cherry  
Councillor Nick Cotter  
Councillor Andrew McHugh  
Councillor Lesley McLean  
Councillor Chris Pruden  
Councillor George Reynolds  
Councillor Les Sibley

#### **1 Appointment of Chairman for the municipal year 2023/2024**

It was proposed by Councill Reynolds and seconded by Councillor Williams that Councillor Webb be elected Chairman of the Licensing Committee.

It was proposed by Councillor Biegel and seconded by Councillor Beere that Councillor Cherry be appointed Chairman of the Licensing Committee.

There being two nominations for Chairman of the Licensing Committee, it was put to the vote. There were six votes for Councillor Webb, three votes for Councillor Cherry and five abstentions.

#### **Resolved**

- (1) That Councillor Webb be elected Chairman of the Licensing Committee for the municipal year 2023/2024.

#### **2 Appointment of Vice-Chairman for the municipal year 2023/2024**

It was proposed by Councill Reynolds and seconded by Councillor Webb that Councillor Williams be elected Vice-Chairman of the Licensing Committee.

There were no further nominations.

#### **Resolved**

- (1) That Councillor Williams be elected Vice-Chairman of the Licensing Committee for the municipal year 2023/2024.

The meeting ended at 7.02 pm

Chairman:

Date:

## **Cherwell District Council**

### **Licensing Committee**

Minutes of a meeting of the Licensing Committee held at Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA, on 22 May 2024 at 7.52 pm

Present:

Councillor Ian Middleton (Chairman)  
Councillor Rebecca Biegel (Vice-Chairman)  
Councillor Besmira Brasha  
Councillor Becky Clarke MBE  
Councillor Gemma Coton  
Councillor Nick Cotter  
Councillor Andrew Crichton  
Councillor Andrew McHugh  
Councillor Lesley McLean  
Councillor Chris Pruden  
Councillor John Willett  
Councillor Barry Wood

#### **1 Appointment of Chairman for the municipal year 2024/2025**

It was proposed by Councillor Coton and seconded by Councillor Pruden that Councillor Middleton be elected Chairman of the Licensing Committee.

It was proposed by Councillor Crichton and seconded by Councillor Clarke that Councillor Biegel be appointed Chairman of the Licensing Committee.

There being two nominations for Chairman of the Licensing Committee, it was put to the vote. There were six votes for Councillor Middleton, four votes for Councillor Biegel and two abstentions.

#### **Resolved**

That Councillor Ian Middleton be appointed Chairman of the Licensing Committee for the municipal year 2024/205.

#### **2 Appointment of Vice-Chairman for the municipal year 2024/2025**

It was proposed by Councillor Crichton and seconded by Councillor Clarke that Councillor Biegel be appointed Chairman of the Licensing Committee.

There were no further nominations.

#### **Resolved**

That Councillor Rebecca Biegel be appointed Vice-Chairman of the Licensing Committee for the municipal year 2024/205.

The meeting ended at 7.56 pm

Chairman:

Date:

This report is public	
New Cherwell District Council Taxi Licensing Policy	
Committee	General Licensing Committee
Date of Committee	15 April 2025
Portfolio Holder presenting the report	Portfolio Holder for Safer Communities, Councillor Robert Parkinson
Date Portfolio Holder agreed report	12 March 2025
Report of	Health Protection, Compliance and Licensing Manager, Jan Southgate

## Purpose of report

To present to the General Licensing Committee a draft taxi licensing policy for hackney carriage and private hire to be agreed for consultation with the public and the trade. The draft policy is included in appendix 1 and a summary of changes from the current policy is included in appendix 3.

## 1. Recommendations

The General Licensing Committee resolves:

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

## 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 Cherwell's current Taxi Licensing Policy was published in 2023, and the Council is committed to review this policy at least every five years to ensure it reflects current legislation and guidance. The review to the current policy introduces changes to reflect the latest DfT guidance (which was published in Nov 2023) and make improvements to safety, further encourage the adoption of cleaner vehicles and accessibility for wheelchair access.

## Implications & Impact Assessments

Implications		Commentary		
<b>Finance</b>		The proposed taxi licensing policy changes as outlined in this report will have no financial implications as they will be managed within existing budgets. Kelly Wheeler, Finance Business Partner, 4 March 2025		
<b>Legal</b>		The report sets out the DfT guidance and requirements which the Council must consider when reviewing its policy documentation for taxi and private hire vehicle licencing. Schedule 3 sets out in detail each of the required amendments and the reasoning behind these amendments. Denzil – John Turbervill, Head of Legal Services, 11 March 2025		
<b>Risk Management</b>		There are no risk implications arising as a direct consequence from this report. The proposal could mitigate the risk of not being compliant with DfT guidance. Celia Prado-Teeling, Performance Team Leader, 04 April 2025		
Impact Assessments		Positive	Neutral	Negative
<b>Equality Impact</b>		x		
		The proposed policy will have a positive impact on service users within the protected characteristics as per the comment below.  Celia Prado-Teeling, Performance Team Leader, 04 April 2025		
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			x	
<b>B</b> Will the proposed decision have an impact upon the		x		
		New policy in line with DfT guidance to promote wheelchair accessibility, an inclusive service plan has been included. This contains fleet limits for		

lives of people with protected characteristics, including employees and service users?				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.
<b>Climate &amp; Environmental Impact</b>	/			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.
<b>ICT &amp; Digital Impact</b>		/		Neutral
<b>Data Impact</b>		/		Neutral
<b>Procurement &amp; subsidy</b>		/		Neutral
<b>Council Priorities</b>	Supporting Environmental Sustainability Healthy, Resilient and Engaged Communities			
<b>Human Resources</b>	N/A			
<b>Property</b>	N/A Mona Walsh, Assistant Director - Property, 3 March 2025			
<b>Consultation &amp; Engagement</b>	8 week public and trade consultation proposed on new policy including a minimum of one engagement event to be held during consultation period at the Council Chamber.			

## 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 includes Taxi Licensing Policy Change Summary for reference. The new draft policy introduces the following changes which are designed to improve safety, inclusion, compliance and enhance incentives for cleaner vehicles.

## **4. Details**

- 4.1 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 includes 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. All Licenced Operators will also be required to take steps to identify and record the needs of any customer at the time of taking the booking and allocated suitable vehicles and drivers. To remove the barrier of cost, where additional needs are identified and associated with a disability or registered assistance animal, the Licenced Operator will not be permitted to add additional fees.
- 4.2 Introduce daily documented vehicle checks for driver and operators. Vehicles must be and remain road worthy and safe, these checks are designed to improve and maintain safety and enhance the due diligence of drivers and operators.
- 4.3 Disclosure and Barring Service (DBS) checks management via Taxi Plus, ensures 6 monthly DBS checks are completed automatically, to ensure licenced drivers remain fit and proper. The Statutory Taxi & Private Hire Vehicle Standards, issued by the DfT, have made 6 monthly DBS checks a requirement for the safety of customers since 2020. Currently the taxi policy requires drivers to sign up to on-line DBS, so Council officers can carry out these checks. Taxi-plus automatically carries out these checks on drivers which ensures they are not missed, and the cost will not exceed the current cost to license holders.
- 4.4 Introduction of Council led vehicle inspections to ensure a higher vehicle safety standard. This will be delivered by a 6-month vehicle inspection at the Cherwell District Council depot during each 12-month MOT period, this will replace the current requirement for an additional MOT 6-months into each 12-month MOT. Having council led inspections 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. This is done so additional taxi compliance checks can be achieved without placing any additional financial burden on licenced drivers and operators.
- 4.5 Ensure licensed operators meet employment laws by requiring them to disclose employee income to HMRC. This is in line with the latest DfT best practice.
- 4.6 Changes to promote cleaner vehicles, vehicles which have wheelchair access that are hybrid vehicles have their vehicle age extended and electric and hydrogen powered vehicles will have the vehicle age limit removed.
- 4.7 Taxi licensing penalty points are a recommended enforcement and compliance tool by the DfT. Cherwell have updated their existing Taxi Licensing penalty points in-line with the new DfT guidance which includes penalty points being issued and valid for a minimum period of 3 years, and five years for a Private Hire operator.



## 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 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 document vehicle safety checks and 6 monthly DBS checks for drivers. The draft policy also proposes enhanced incentives for drivers to move to cleaner vehicles which supports the Council's priority of "Supporting Environmental Sustainability" 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 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.

### Decision Information

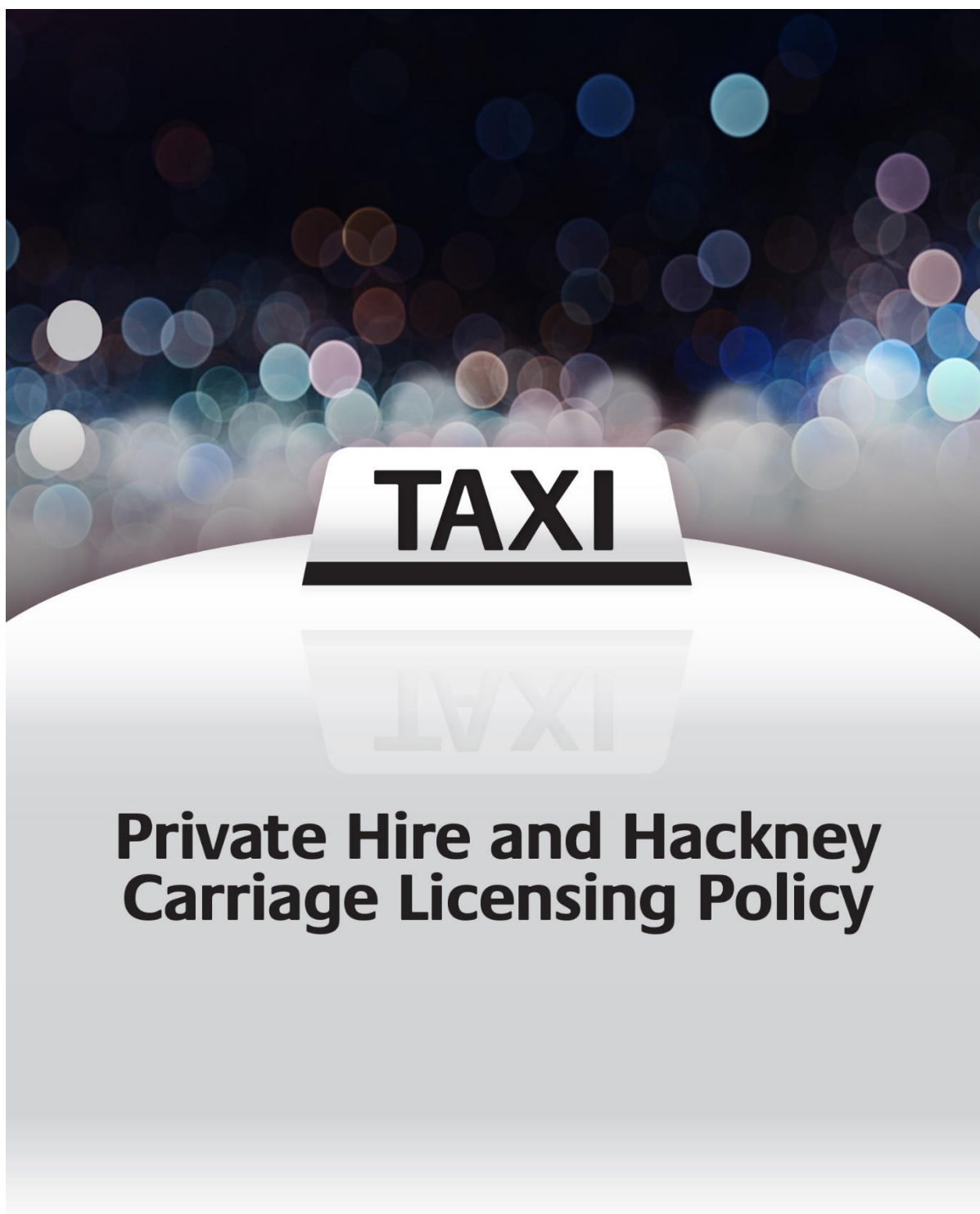
<b>Key Decision</b>	N/A
<b>Subject to Call in</b>	N/A
<b>If not, why not subject to call in</b>	N/A
<b>Ward(s) Affected</b>	All

### Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Draft Taxi Licensing Policy 2025 v4.0
<b>Appendix 2</b>	Taxi and Private Hire Policy Appendices 2025 V4.0 A-I
<b>Appendix 3</b>	Taxi Licensing Policy Change Summary
<b>Background Papers</b>	None
<b>Reference Papers</b>	DfT Guidance for Local Authorities, DfT Driver vehicle condition checklist, DVLA medical requirements.
<b>Report Author</b>	Jan Southgate, Health Protection, Compliance and Licensing Manager
<b>Report Author contact details</b>	Jan.southgate@cherwell-dc.gov.uk 01295 227906

<b>Corporate Director Approval (unless Corporate Director or Statutory Officer report)</b>	Corporate Director for Communities, 12 March 2025
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## Appendix 1



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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	03/03/2025	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. Once a Taxi Plus DBS report is completed the applicant/licensee must ensure that their Taxi Plus subscription is maintained throughout their license and application period.** 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 services. It is a licence condition that applicants sign up to the DBS online update service **via Taxi Plus** and on the grant of a licence, the licence holder must maintain the subscription. The subscription costs are the responsibility of the applicant / licence holder and permission must be given to the Council and **Taxi Plus** 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 **Taxi Plus** DBS online update service, and subscription to the service is a compulsory requirement for all licence holders, **failure to maintain that subscription would result in the suspension of a license until this requirement is resolved. Taxi Plus 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 Taxi Plus. 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 Taxi Plus accounts, all pre-existing licensee DBS subscriptions 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 account subscription, associated to Cherwell District Council.
- 8.8 Where licence holders fail to maintain the online DBS subscription through Taxi Plus, or have not provided the council with the necessary information to check their DBS report, when required to do so, that licence will be suspended until such checks have been completed and the 'fit and proper' status of the licence holder has been fully assessed.
- 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
  - Topography
  - Communications
  - Road Safety
  - 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/**Taxi Plus** 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/**Taxi Plus** 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 vehicles less than 6 years old and which meet the requirements of Appendix 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.
- 14.10 The original of the Vehicle Registration Document (Logbook/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the Council at the time of application).
- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for Private Hire (Hire and Reward) or Hackney (Public Hire).
  - A valid MOT no older than 28 days from an approved MOT testing station within the Council's district.
  - Newly registered vehicles with less than 500 miles on the odometer will not require a MOT prior to licensing.
  - Evidence of the vehicle's emissions, no older than 28 days at the time of submitting the licence application.
  - 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.
- 14.11 In addition to the above, incomplete application forms, incorrect fees and or supporting documentation that does not conform will result in the application being rejected. Only when

a complete application has been provided will the assessment process begin.

## **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 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 be conducted by Authorised Officers at a Council designated vehicle inspection facility.

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 or license 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.

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 be less than six years old at the time of first licensing and must have working stop/start engine technology if it is propelled by petrol, diesel, or hybrid engines. That stop/start technology must be fully functional throughout the term of the licence. All new grant applications for a Hackney license must be wheelchair accessible.

Wheelchair accessible vehicles, propelled by petrol or diesel, upon first licensing will be exempt from the stated 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 they reach 15 years old from first registration.

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

- 15.3 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.

- 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, Operators, and drivers should complete a daily vehicle check before starting hire and reward work, and document that check on a vehicle condition check list. All such documented checks should be retained and made available to the Authority upon request.

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 report will ensure the above assessment meets the Councils Taxi Licensing Policy and determine if the repaired vehicle meets the requirements of the policy. Any rescinding of notices following the vehicle/policy assessment will be notified in writing to the licence holder.

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 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.



## 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 must never be used for non-contractual day to day Private Hire work, **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 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 points a) and c).

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

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

**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.**

## 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 property, 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 Licensed Operators with 10 or more licensed vehicles facilitating Hire and reward journeys under their operator's license, should aim to have at least 20% of the private hire vehicles operating under their license registered as wheelchair accessible before **01/01/2028**.

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 identify and record any disabilities, or additional needs of the customer, and allocates 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.

17.15.5 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.

## **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.

- 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.

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DISTRICT COUNCIL  
NORTH OXFORDSHIRE

## Appendix 2



## Appendices A - I

## **Appendices (V4.0)**

**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 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 licensing 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 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 device whilst driving. Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence 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 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.

## **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](http://www.cherwell-dc.gov.uk) to apply. Alternatively, you can email [licensing@cherwell-dc.uk](mailto: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 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 or equivalent qualifying driving licence for three consecutive years at point of application. If the licence was issued outside the UK it must be converted to a DVLA licence before a Private Hire/Hackney Carriage Drivers licence will be issued.

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 must complete a new DBS application by creating you their own Taxi Plus account.**

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

**Once the DBS application is completed through Taxi Plus the licensee must maintain their DBS subscription, via Taxi Plus, throughout their licensed period.**

**If renewal or grant applicants do not undertake a DBS check through Taxi Plus and maintain their DBS update subscriptions throughout their licensed period, their application 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 and a receipt will be given. 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 and photocopied (including a passport style photograph) \*
  - The Disclosure Barring Service application has been completed **via Taxi Plus\***
  - 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\*
  - A Council approved Spoken English assessment.
  - A Council approved driving qualification has been produced
  - Topographical 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 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 periods while an applicant is waiting for documentation as part of the application process.

## 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 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 Licensed Drivers must complete a daily vehicle check, and document that check on the associated form (appendix i). The said vehicle check document must be available for inspection upon request by an authorised officer. When driving a licensed vehicle ensure that the vehicle is clean, roadworthy and well maintained, meets Council vehicle license conditions.
- 2.10 Licensed Drivers must ensure that none of the markings/signs/notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible. The 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.
- 2.12 Licensed Drivers must undertake an inspection of any vehicle being driven whilst working as a Hackney Carriage/ Private Hire Vehicle driver. This inspection must be undertaken at least daily and before the first carriage of a fare paying passenger in the vehicle whilst it is being driven by the licensed driver.

### 3. Change of Address

- 3.1 Licensed Drivers must notify the Council in writing within 7 days of any change of his/her address taking place during the period of the 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 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 before commencing hire and reward work, each day. They must complete a 'Driver Vehicle Condition Checklists' report and must document that completed check by keeping copies of that check for a 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 report before commencing work for that operator. This is required daily before accepting any hire and reward jobs.

The vehicle condition check lists may be stored digitally but 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](mailto: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 Taxi Plus** 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**

- A. On initial grant of a license non wheelchairs accessible vehicles must be under 6 years old from first registration.
- B. The council will only continue to licence non wheelchair accessible vehicles up to the vehicle being 10 years old from first date of registration.
- C. 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.
- D. 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 7<sup>th</sup> 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.**

#### **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 7<sup>th</sup> 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.

### **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](mailto: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 the 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	<b>Driver not holding a current Hackney Carriage/Private Hire driver licence</b>	<b>12*</b>	✓	✓	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	<b>Touting/illegally plying for hire</b>	<b>12*</b>	✓	✓	17	Using a non-approved taximeter	6	✓	✓
5	<b>Using unlicensed vehicle or vehicle without insurance</b>	<b>12*</b>	✓	✓	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	<b>Driver not holding a current DVLA licence</b>	<b>12</b>	✓	✓
8	Failure to produce vehicle for a compliance inspection when required	4*	✓	✓	21	Failure to wear/display a driver's badge.	4*	✓	
9	<b>Using a vehicle subject to a prohibition/suspension order</b>	<b>12</b>	✓	✓	22	Failing to notify change of medical circumstances	6	✓	
10	<b>Using a vehicle for which the licence has been suspended or revoked</b>	<b>12*</b>	✓	✓	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	<b>6-12*</b>	✓	✓
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' licence<sup>1</sup>. 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 application<sup>2</sup>.

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<sup>1</sup> 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.

<sup>2</sup> 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 27<sup>th</sup> 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 stated<sup>3</sup>. 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 determined<sup>4</sup>.

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 NR3S<sup>5</sup>**

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 record<sup>6</sup> 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).

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<sup>3</sup> 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.

<sup>4</sup> 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.

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

<sup>6</sup> 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 NR3S<sup>7</sup>**

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 years<sup>8</sup>.

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 disclosed<sup>9</sup>. 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.

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

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

<sup>9</sup> If the 1<sup>st</sup> 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 1<sup>st</sup> authority and the 2<sup>nd</sup> 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 record<sup>11</sup> 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.

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<sup>11</sup> 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](mailto: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](mailto: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

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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
<b>Date Policy Adopted</b>	All HCV must meet minimum Euro 4 emission standard	Ultra Low Emission Vehicles including Hydrogen Vehicles, Petrol Hybrid Euro 5+,
<b>1<sup>st</sup> March 2024</b>	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), <b>Please note the above category vehicles will only have licenses renewed until the 28<sup>th</sup> February 2033 without exception.</b>	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>
<b>1<sup>st</sup> March 2030</b>	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), <b>Please note the above category vehicles will only have licenses renewed until the 28<sup>th</sup> February 2033 without exception.</b>	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>
<b>1<sup>st</sup> March 2033</b>	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	
<b>Euro Emission Standards (e.g. EURO 4)</b>	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
<b>Euro 6</b>	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.
<b>Ultra-Low Emission Vehicles (ULEVs)</b>	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 2028/29 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.

## Appendix G



### 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](mailto: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.

<b>HACKNEY VEHICLES ONLY.</b>	<b>YES / PASS</b>	<b>NO / FAIL</b>	<b>REMARKS</b>
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.			
<b>PRIVATE HIRE VEHICLES ONLY.</b>			
Two door signs attached and displayed both sides of the vehicle, and states <b>"This vehicle must be pre-booked"</b> with the council logo.			
Door signs are at least 40cm in length and 20cm.			
<b>WHEELCHAIR ACCESSABLE VEHICLES ONLY.</b>			
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.			
<b>ALL VEHICLES INTERIOR.</b>			
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.			
<b>ALL SEAT BELTS.</b>			
Secure belt Mountings.			
Condition of Belts has, no cuts, fraying, repairs, or is taped up.			
Seat belt mechanisms is working.			
<b>SIGNAGE.</b>			
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.			
<b>GLASS ALL VEHICLES.</b>			
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.			
<b>ALL VEHICLE EXTERIORS.</b>			
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.			
<b>MECHANICAL SAFETY ON ALL VEHICLES.</b>			
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.			
<b>GENERAL INTERNAL ITEMS ALL VEHICLES.</b>			
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
<b>Brakes</b>	<b>Foot/service brake works correctly and does not have any excess travel</b>		
	<b>Hand/parking brake works correctly and does not have any excessive travel</b>		
<b>Horn and steering</b>	<b>Horn control is easily accessible from driver's seat</b>		
	<b>Horn works when its control is operated</b>		
	<b>Steering has no excessive play</b>		
<b>Obligatory lights and lenses</b>	<b>All lights and indicators work correctly</b>		
	<b>All lenses are present, clean, in good condition and are the correct colour</b>		

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

<b>Mirrors and glass</b>	<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>		
<b>Seats and seat belts</b>	<p>All seats are secure</p> <p>All seat belts must operate correctly and must be free from cuts and any damage</p>		
<b>Washers and wipers</b>	<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>		
<b>Battery</b>	<p>Battery is held securely in place by the correct means</p> <p>Battery is not leaking</p>		

<b>Area</b>	<b>Requirement</b>	<b>Faulty</b>	<b>Correct</b>
	Battery terminals are secure and free from corrosion		
<b>Fluids, fuel and oil</b>	<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.**

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### Appendix 3 Taxi Licensing Policy 2025 – Summary of Changes

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.
8.1.1	Inclusion of DBS checks managed via Taxi Plus, and outlines the existing statutory requirement for 6 monthly DBS checks.	Sets a deadline for the introduction of the Taxi Plus DBS service, enabling the authority to complete statutory checks throughout the licensed periods.
8.1.4	Inclusive of Taxi Plus references. Addition of regular checks- replace 6 monthly checks for regular. failure to maintain that subscription would result in the suspension of a license until this requirement is resolved. Taxi Plus subscriptions will be used to monitor the criminal record of the licence holder throughout the term of the licence.	As above
8.1.5	In order to sign up to the online service DBS checking service the applicant, must create an account with Taxi Plus. Licensee's or applicants unable to access the internet, or requiring assistance, should make an appointment with licensing to facilitate their application.	Requirement to create a Taxi Plus account.
8.1.6	DBS checks will only be accepted through Taxi Plus accounts, all pre-existing licensee DBS subscriptions will no longer be valid once their exiting license has expired from implementation of this policy.	Outlining time scales of the transition from DBS subscription to Taxi Plus.
8.1.7	A Licence will not be issued without a current enhanced DBS certificate corresponding with a Taxi Plus account subscription, associated to Cherwell District Council.	Requirement for a valid DBS certificate corresponding with a Taxi Plus subscription for a CDC license account.
8.1.8	DBS subscription through Taxi Plus	Addition of Taxi Plus as means of DBS checking.
15.1.1	15.1.1 Vehicle licences are for a period of 1 year and will be subject to MOT testing upon grant or renewal applications. Additionally, all licensed vehicle must be inspected after an	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>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 be conducted by Authorised Officers at a Council designated vehicle inspection facility. 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 or license 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. 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.</p> <p>Vehicle MOT and inspection appointments, and all associated additional fees which are solely the applicant or licensee responsibility.</p>	
15.1.2	<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 be less than six years old at the time of first licensing and must have working stop/start engine technology if it is propelled by petrol, diesel, or hybrid engines. That stop/start technology must be fully functional throughout the term of the licence. All new grant applications for a Hackney license must be wheelchair accessible.</p>	In line with the DFT best practice guidance and ISP to encourage wheelchair accessible vehicle licensing.
15.1.4	<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 be less than six years old at the time of first licensing and must have working stop/start engine technology if it is propelled by petrol, diesel, or hybrid engines. That stop/start technology must be fully functional throughout the term of the licence. All new grant applications for a Hackney license must be wheelchair accessible.</p> <p>Wheelchair accessible vehicles, propelled by petrol or diesel, upon first licensing will be exempt from the stated maximum vehicle age restriction. and will be licensed until the vehicle is 10 years old from the date of first registration.</p> <p>Wheelchair accessible vehicles propelled by electric hybrid engines will be</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>licensed until the reach 15 years old from first registration.</p> <p>Wheelchair accessible vehicles propelled solely by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions.</p>	
15.1.5	<p>15.1.5 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</p>	Includes clarification that wheelchair accessible and low or zero emissions vehicles cannot be replaced with vehicles of a different standard.
15.4.6	<p>Licensees, Operators, and drivers should complete a daily vehicle check before starting hire and reward work, and document that check on a vehicle condition check list. All such documented checks should be retained and made available to the Authority upon request.</p>	In line with the DFT Guidance
15.7.6	<p>Add 'associated licensing age limit.</p>	Clarification to changes to vehicle age limits
16.1	<p>Addition of 'will be subject to a charge' to plate exemption applications</p>	Addition to fees to facilitate cost recovery.
16.3	<p>Addition 'inclusive of fulfilling contracts for school transportation on behalf of an Authority'</p>	Preventative conditioning where vehicles with discreet plate authorities from completing any schools transport contracts, to ensure safeguarding of vulnerable passengers
16.4.3	<p>Addition 'will be subject to an administration fee'</p>	Addition to fees to facilitate cost recovery.
16.4.3	<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>	Plate exemption requirement clarification and conditions.

17.1.6	<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 reporting personal details from their drivers, such as National Insurance numbers. This data should be annually reported directly by the Operator to HMRC.</p>	In line with the DFT Guidance
17.6.1	Addition of 'Accessibility'	In line with the DFT Guidance
17.7	<p>Addition:</p> <p>Licensed Operators with 10 or more licensed vehicles facilitating Hire and reward journeys under their operator's license, should aim to have at least 20% of the private hire vehicles operating under their license registered as wheelchair accessible before 01/01/2028.</p>	In line with the DFT Guidance and ISP, promote wheelchair accessibility in the Private Hire Trade.
17.7.2	<p>Addition :</p> <p>The Licensing Authority may request documentation of the licensed operators' vehicles and wheelchair accessibility vehicles at any time during their licensed period.</p>	In line with the DFT Guidance and ISP, promote wheelchair accessibility in the Private Hire Trade.
17.7.3	<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: <a href="https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag">https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag</a></p>	In line with the DFT Guidance and ISP, ensuring on-line accessibility is compliant.
17.7.4	<p>Addition:</p> <p>Licensed Operators must ensure that all bookings identify and record any disabilities,</p>	In line with the DFT Guidance and ISP, promote wheelchair accessibility, and disability need are met by the Private Hire Trade.



	or additional needs of the customer, and allocates 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	
17.7.5	<p>Addition:</p> <p>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.</p>	In line with the DFT Guidance
20.1.2	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
	<b>APPENDICIES A to I</b>	
	<b>Appendix H</b> Vehicle Inspection	Addition -Council Vehicle inspection document
	<b>Appendix I</b> 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 licensing 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.
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.
<b>Appendix B</b>	Change wording to- applying to renew your license.	Change or wording removing – booking an appointment

	From -booking your appointment,	
<b>HCD application process</b>	<p>During your application supporting documentation will be reviewed.</p> <p>Your DVLA record will be checked online and you must create a DVLA sharing code to allow this check.</p> <p>Your Disclosure Barring Service (DBS) application must be completed by creating your own Taxi Plus account.</p> <p>For licence renewals a check of the DBS Online Update Service will be undertaken through your subscribed Taxi plus account. If renewal or grant applicants do not undertake a DBS check through Taxi Plus, 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>Remove reference to an appointment to review documents. Add reference to DVLA check codes, and Taxi plus for DBS checks. Addition of an 8 month time limit on new grant applications.</p>
<b>Appendix B</b>	<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 Taxi Plus account.</p> <p>Once a DBS certificate/report is issued by the DBS via Taxi Plus that full certificate/report must be made available to the Licensing authority.</p> <p>Once the DBS application is completed through Taxi Plus the licensee must maintain their DBS subscription, via Taxi Plus, throughout their licensed period.</p> <p>If renewal or grant applicants do not undertake a DBS check through Taxi Plus and maintain their DBS update subscriptions throughout their licensed period, their application</p>	<p>Clarification of existing requirements for DBS checks, and clarification of existing statutory licensing requirements</p>

	<p>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>	
12.1	<p>Wording clarification:</p> <p>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>	Clarification of existing requirements for DBS checks, and clarification of existing statutory licensing requirements
12.2	Add – Taxi Plus	Added Taxi Plus as the DBS nominated DBS update service.
<b>Appendix B</b> Licensed driver conditions	<p>2.9 - Licensed Drivers must complete a daily vehicle check, and document that check on the associated form (appendix i). The said vehicle check document must be available for inspection upon request by an authorised officer. When driving a licensed vehicle ensure that the vehicle is clean, roadworthy and well maintained, meets Council vehicle license conditions.</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 before commencing hire and reward work, each day. They must complete a 'Driver Vehicle Condition Checklists' report</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>Insert guidance for daily vehicle checks in line with DFT guidance.</p>

	<p>and must document that completed check by keeping copies of that check for a 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 report before commencing work for that operator. This is required daily before accepting any hire and reward jobs.</p> <p>The vehicle condition check lists may be stored digitally but must be accessible for inspection by an authorised officer.</p>	
<b>Appendix C</b>	<p><b>Private Hire Vehicle condition of license</b></p> <p>Please note that new license applications age limits and wheelchair accessibility requirements may apply.</p> <p>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</p> <p>applying to renew a license</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 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. On initial grant of a license non wheelchairs accessible vehicles must be under 6 years old from first registration.</p> <p>B. The council will only continue to licence non wheelchair accessible vehicles up to the vehicle being 10 years old from first date of registration.</p> <p>C. 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.</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>D. Wheelchair accessible vehicles propelled by electric hybrid engines will be licensed until they reach 15 years old from first registration.</p> <p>E. Wheelchair accessible vehicles propelled solely by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions.</p>	
Q	<p>Addition:</p> <p>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.</p>	In line with the DFT Guidance
<b>4</b>	<b>Mechanical Testing</b>	
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 the license period. The 6-month (mid license) vehicle inspection will be conducted by Authorised Officers at a Council designated vehicle inspection facility.</p> <p>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.</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</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.

	request. Vehicle MOT and inspection appointments, together with all associated fees, are solely the applicant or licensee responsibility.	
4.3	Advertising approvals-  Such approval applications may be subject to a fee.	Addition of possible administration charge
4.4	Equipment  Addition:  g) Vehicles with driver/passengers' partitions must have a hearing loop or similar audio assistance installed.	In line with the DFT Guidance
4.6	<b>Door sign</b> - Applications for door sign approvals may be subject to a fee.	Addition of a possible administration charge.
	<b>Hackney Carriage Vehicle conditions</b>	
j	Addition:  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.	In line with the DFT Guidance
3.2	<b>Vehicle age and mechanical testing</b>  Addition/change:  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	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.

	<p>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>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.</p> <p>f) On initial grant of a new license non wheelchair accessible vehicles will be refused.</p> <p>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.</p> <p>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.</p> <p>i) Wheelchair accessible vehicles propelled by electric hybrid engines will be licensed until the reach 15 years old from first registration.</p> <p>j) Wheelchair accessible vehicles propelled solely by electric, or hydrogen, will be exempt from all vehicle licensing age restrictions.</p>	
3.5	<p><b>Equipment</b></p> <p>Addition:</p> <p>g) Vehicles with driver/passengers' partitions must have a hearing loop or similar audio assistance installed.</p>	In line with the DFT Guidance



	<b>Appendix D</b>	
2	<p><b>Bookings</b></p> <p><b>Addition:</b></p> <p>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.</p> <ul style="list-style-type: none"> <li>• any additional customer requirements</li> </ul>	In line with the DFT Guidance
	<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:</p> <p><a href="https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag">https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag</a></p>	In line with the DFT Guidance
3	<p><b>Insurance</b></p> <p>Addition:</p> <p>(e) Licensed operators must have public liability Insurance and maintain that insurance throughout their license period.</p>	Clarification of exiting licensing requirements under policy and legislation.
	<p><b>Standard of Service</b></p> <p>Addition:</p> <p>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</p>	In line with the DFT Guidance

	accessible for inspection by an authorised officer.	
9	<p><b>Accessibility</b></p> <p><b>Addition:</b></p> <p>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.</p> <p>b) The Licensing Authority may request documentation of the licensed operators' vehicles and wheelchair accessibility vehicles at any time.</p>	New guidance for Operators to encourage availability of accessible vehicles in the Private Hire sector. In line with the DFT Guidance
13	<p><b>Contracts</b></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 all legislative, HMRC, Employment law, and all other associated Government requirements associated with each such contract</p>	
	<p><b>Appendix E</b></p> <p><b>Hackney Carriage and Private Hire Driver Penalty Points Scheme</b></p>	
3	Change:	Increase of time period where points may stay on a license –
4	<p>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</p> <p>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</p>	<p>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.</p>

	<p>'fit and proper person' to hold a license. Each case will be considered on its own merits</p> <p><b>Note:</b></p> <p>General-</p> <ul style="list-style-type: none"> <li>Points generally remain on the license file for a period of up to 5 years from the date of issue.</li> </ul> <p>Driver/Licensee-</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Operators-</p> <ul style="list-style-type: none"> <li>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</li> </ul>	
	<p><b>Appendix G</b></p> <p><b>Vehicle Emission Standards</b></p>	
	<p>Addition:</p> <p>* Exemptions apply to wheelchair accessible licensed vehicles.</p>	In line with the DFT Guidance
Addition	<p><b>Appendix H</b></p> <p><b>Cherwell District Council Licensing Vehicle Assessment.</b></p>	Vehicle assessment document, outlines all aspects of the 6 month mid license vehicle assessment.
Addition	<p><b>Appendix I</b></p> <p><b>Daily 'Driver Vehicle Condition Checklist</b></p>	In line with the DFT Guidance, all aspects of the driver's vehicle check outlined by the DFT guidance.









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