



APPENDIX A - G

Appendices (V3.2)

Appendix A – Criminal Records Policy

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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 drivers licence (3 years) the licence will only be issued for the same period however the fee remains the same.
- Medical fitness – A completed medical must be provided, with the application, 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
- **To ask the question "Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"**

3.4 The Council may also take into account information and intelligence provided by other agencies including, but not limited to, the Police, Immigration Services, Children and Adult Safeguarding Teams.

3.5 This policy is a guide for applicants, Council officers and Members, however, it is not possible to detail every possible situation and every application is dealt with on a case-by-case basis. If exceptional circumstances dictate, it may be necessary for the Council to depart from the policy and the Council reserves the right to do so.

3.6 For the avoidance of doubt, where it is detailed in this policy that a specified period of time from conviction is required to elapse before an application will be considered, the date of conviction is the date upon which an applicant pleads guilty or is found guilty. Where it is detailed in this policy that a specified period of time from the completion of sentence/ licence period is required to elapse before an application will be considered,

the completion of sentence is the date upon which an applicant's sentence, including any licence period, is completed.

- 3.7 The Council reserves the right to review and if necessary, reverse any previous decisions if 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 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. All new and renewal applicants must attend the Council Offices for the DBS check to be completed. Once the certificate has been received by the applicant the applicant must sign up to the DBS Online Update Service within 19 days of the certificate issue. The costs of all DBS checks are the responsibility of the applicant. The DBS Online Update Service is a less expensive service that ensures a quicker turnaround

of the certificate; the fee for the service must be paid on an annual basis by the applicant. The applicant must sign up to the service before the licence is issued as it is a condition of the licence that the applicant / licence holder has signed up and remains signed up to the service.

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

4.4 Options when Determining an Application and Reviewing a Licence

4.4.1 When determining an application or reviewing an existing licence the Council has the following options:

- approve the application or take no further action
- refuse the application/ revoke the licence/ suspend the licence
- issue a warning which may include the use of enforcement penalty points

5. Serious Offences Involving Violence

5.1 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
- 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 points or 6 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 is the subject of an outstanding charge or summons his/ her application may be suspended until the matter is resolved. If an existing licence holder is subject to an outstanding charge or summons his/ her licence may be suspended or revoked dependant on the information available. Such a decision will be made on a case-by-case basis.

12. Non-Conviction Information

- 12.1 The Council will also take into account situations and circumstances that have not resulted in a prosecution or conviction. This may include acquittals, circumstances in which convictions were quashed due to misdirection by the court, circumstances where the decision was taken not to prosecute, situations where the applicant or licence holder has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness/ complainant and the licence holder will also be taken into account.

- 12.2 If an applicant has been arrested or charged, but not prosecuted or convicted, in relation to a serious offence which calls into question his/ her fit and proper status, serious consideration will be given to refusing the application. An existing licence holder in the same situation is subject to the same. His/ her licence may be suspended or revoked dependant on the information available. Such offences include violent and/ or sexual offences, offences of dishonesty and drug related offences.
- 12.3 In assessing the action to take, the safety of the travelling public will be the overriding consideration.

13. Licensing Offences

- 13.1 Certain offences under the Hackney Carriage / Private Hire Vehicle licensing legislation such as plying for hire, overcharging (Hackney Carriages), refusing to carry disabled persons or assistance dogs (in the absence of the requisite exemption) will prevent a licence being granted. An existing licence holder should expect his/ her licence to be revoked following a conviction for a licensing offence. In such circumstances a licence will not be granted until a period of 3 years has passed since the date of conviction.

14. Insurance Offences

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

15. Applicants with Periods of Residency outside the UK

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

16. Summary

- 16.1 A previous conviction will not always automatically result in the refusal of a licence and a conviction obtained during the period of a licence will not always automatically result in

the revocation of an existing licence. In most cases, an applicant or licence holder whose licence has been revoked as a result of a conviction would be expected to have remained free from conviction for 3 to 10 years (depending on the offence committed before an application is likely to be successful. If there is any doubt about the suitability of an individual to be a licence holder, the Council's primary consideration is the need to protect the public.

- 16.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be 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 NR3 will be used by this authority to share and disclose information on a more consistent basis. This will mitigate the risk of non-disclosure of relevant information by applicants.
- 16.5 From April 2022 all applicants/ licence holders who are unable to provide sufficient documentation of their right to work in the UK must demonstrate their right to work using the Home Office right to work checking service: <https://www.gov.uk/prove-right-to-work> This service will issue the applicant a 9 digit code which must be provided to the licensing authority as part of their application.

Driver Application Process and Conditions

The Application Process

If you are a new driver wishing to apply for a driver's license for a Hackney Carriage/Private Hire Vehicle, please visit www.cherwell-dc.gov.uk to download an application form. Alternatively, you can email licensing@cherwell-dc.uk to request a copy be 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 booking your appointment, leaving it to the latter part of the month may result in your application not being processed in time. It is your responsibility to apply to renew your license in time.

All applications to renew a taxi drivers' licence should be made through the Cherwell District Council website:

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

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

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

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

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

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

Payment for the application must be made at the time of submitting the paperwork and a receipt will be given. An application will 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 2 passport photographs) *
- The Disclosure Barring Service application has been completed*
- Council approved safeguarding **and disability awareness** training has been undertaken*
- **A HM Revenue and Customs (HMRC) tax check code has been supplied***
- A Council approved Spoken English qualification has been produced
- 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.

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

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 drivers license are to be made on the Council's official form and must be submitted together with all necessary documentation.

License applications will be determined by an Authorised Licensing Officer.

The council will not issue licenses 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 behavior 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 at all times 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.

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, 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 license 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

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

10. Medical Conditions

- 10.1 Licensed Drivers must notify the Council in writing without undue delay of any change in medical condition.
- 10.2 Licensed Drivers must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner 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 must have an annual medical report. That report may be completed, and endorsed, by their diabetes care unit, or GP, and submitted to the Council. Failure to evidence your medical fitness may result in the refusal, suspension, or revocation of the license

11. Convictions, Cautions, Arrest etc.

11.1 Throughout the duration of the license, Licensed Drivers must notify the relevant Council **within 3 days** 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 subscribe to the Disclosure and Barring Service (DBS) Online Update Service. Any costs associated with maintaining this subscription must be met by the licensed driver.
- 12.2 Licensed Drivers must give permission for the Council to undertake checks of their DBS and DVLA status should the Council consider it necessary to do so. The Councils will use the DBS Online Update Service to monitor the criminal record of Licensed Drivers.

13. Change of Operator

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

14. CCTV Recording Equipment

- 14.1 Drivers are 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 license.

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 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.
- 14.3 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
- 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)'.

Appendix C

Vehicle Application Process and Conditions

Application Process

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

Applicants for a license for a Hackney Carriage/Private Hire Vehicle please visit <https://forms.cherwell.uat.jadu.net/xfp/form/544?council=cdc> or download an application form. Alternatively email licensing@cherwell-dc.uk to request a copy is emailed to you. Please note that new license applications can only be submitted for vehicles under 6 years old. Once licensed a vehicle will require a MOT test every 6 months. The relevant date 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 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 license holder's responsibility to apply to renew the license in time.

Any vehicle must be first MOT tested before a request for an appointment is made with the Council. The cost of this test is not included in the license application fee, neither are the costs included for the periodical tests. This does not apply to newly registered vehicles with less than 500 miles on the odometer.

Any vehicle MOT, **or Vehicle assessments** failures at any time will require retesting 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.

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
- 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 Councils authorised Officers.

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 license issued by the Council will be permitted to drive the vehicle.

VEHICLE LICENCE CONDITIONS

PRIVATE HIRE VEHICLES

1.1 GENERAL

- A. All vehicles must be less than 6 years old at first licensing.
- B. 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.
- C. 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).
- D. Vehicles modified to use a different fuel from which they were first manufactured, will not be licensed.
- E. The vehicle must be right hand drive.
- F. 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.
- G. All seats must be fitted with lap and diagonal safety belts as a minimum standard, and may face forwards or backwards, but not sideways.
- H. Backward facing seats over or behind the rear wheels and axle(s) having normal access only through a rear door will not be accepted.
- I. **Minimum access to rear seating will be 300mm**
- J. 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 models of Vauxhall Zafira and a number of other models have a rear row of seats which under normal circumstances should only be used by children. In the interests of passenger's comfort and public safety, these vehicles will only be licensed to carry four passengers.
- K. The vehicles must have at least four road wheels, which – unless alloy – must have matching trims.
- L. 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.
- M. 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.

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: 1130mm length, 690mm width, 1290mm 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 fuelled vehicles, the vehicle will not be licensed if the LPG tank adversely impacts on the load carrying capacity.

4.2 AGE AND CONDITION OF VEHICLES, AND MECHANICAL TESTING

- a) Only vehicles less than six years old, and meets the specifications listed in 1.1 B, will be considered for first-time licensing.
- b) All vehicles must have inspections carried out at an approved MOT testing centre (with the exception of newly registered vehicles with less than 500 miles on the odometer). Once licensed a vehicle will require an MOT test every 6 months. The relevant date will be printed on the vehicle licence.
- c) Vehicles over ten years of age will not be Licensed.

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.
- d) 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 be permitted.

4.4 EQUIPMENT

The following shall be provided: -

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

4.5 RADIO AND AUXILLIARY EQUIPMENT

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

4.6 DISPLAY OF INFORMATION

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

- a) The plate issued by the Council displayed securely on the rear outside (and not inside the rear window).
- b) Displayed inside and visible to passengers, the smaller plate issued by the Council.
- c) Signs with the words “**This vehicle must be pre-booked**” and the Council’s name and crest. These must be displayed on both nearside and offside front doors. With the permission of the Licensing Manager 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, or in a font no less than 150mm in height.**
- 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.
- 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 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 sign, which is capable of being illuminated at night, to indicate when the vehicle is available FOR HIRE.

1.2 DIMENSIONS

- e) A row of seats provided for three persons shall be at least 1295mm (51") wide.
- f) Seats designed for two persons shall be at least 865 mm (34") wide.
- g) A single seat should be at least 432mm (17") wide
- h) 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

- m) The Council adheres to the Equalities Act 2010 in respect of wheelchair accessible vehicles.
- n) 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.
- o) 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.

- p) 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.
- q) Ramp dimensions: Single piece ramp – width 700mm (min), length 1600mm (max)
- r) Ramp gradients: Side entry: Kerb (125mm): 14 degs (max) Ground: 19 degs (max)
- s) Slip resistant surfaces: all surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.
- t) 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.
- u) Control and failsafe mechanisms or power operated equipment: power operated equipment shall only be capable of operation from a control adjacent to the ramp.
- v) 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.
- w) Manual override provisions for power operated equipment: a provision to repeatedly operate the equipment in the event of power failure shall be provided.
- x) 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

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

Wheelchair internal area

- d. 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.
- e. Wheelchair spaces requirements: 1130mm length, 690mm width, 1290mm height (min).
- f. All such vehicles will be licensed for the number of non-wheelchair customers only.

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

- 5. The Council adheres to the Equalities Act 2010 in respect of wheelchair accessible vehicles.
- 6. The vehicle must have satisfactory arrangement for ramps, steps, handrails, and storage of wheelchairs. Fixing of wheelchairs must also be satisfactory.
- 7. It must be capable of taking a wheelchair with passenger, suitably anchored with a safety belt / harness.

8. 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 fuelled vehicles, the vehicle will not be licensed if the LPG tank adversely impacts on the load carrying capacity.

3.2.1 AGE AND CONDITION OF VEHICLES AND MECHANICAL TESTING

- a) Only vehicles less than six years old, and meets the specifications listed in Appendix C, 1.1 a, will be considered for first-time licensing
- b) All vehicles must have a vehicle compliance check carried out at a council approved centre (with the exception of newly registered vehicles with less than 500 miles on the odometer) Once licensed a vehicle will require a six-monthly MOT test.
- c) **Vehicles older than ten years old will not be licensed.**

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 150mm 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.**
- 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.

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 outside rear (and not inside the rear window).
- b) the smaller plate issued by the Council displayed inside and visible to passengers.
- c) At least one sign showing the red 'no smoking' symbol prominently displayed.
- d) Door signs on nearside and offside front doors displaying the word "TAXI" **in a font no less than 150mm in height.**

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 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

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 visit www.cherwell-dc.gov.uk to download an application form. Alternatively, you can email licensing@cherwell-dc.uk to request a copy be emailed to you.

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.

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.

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).

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.

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. 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.**

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

Right of appeal

Nothing in these conditions will remove the right to appeal to a Magistrates' Court against the Council's refusal to grant or renew a 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 between 12 and 36 months from the date of issue depending on the seriousness of the offence. **When a license is issued 12 points or more in a 12-month period 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 point in a 12-month period**) more than once in any three-year period, the Council will decide whether a license should be suspended or revoked if it is considered that the accumulation of points indicates that the license holder is no longer a 'fit and proper person' to hold a license. Each case will be considered on its own merits.
5. Points can be issued at the roadside or at the Council's offices by authorised licensing officers. Points issued to a license holder will be confirmed in writing within ten working days from the contravention or at the conclusion of an investigation into a complaint.
6. The Council may cancel penalty points issued to a license holder and take more

formal enforcement action if additional information becomes available subsequent to the issuing of points which the Council considers increases the severity of the offence to a level beyond that which can be sanctioned by way of penalty points.

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

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

	Offence/breach of condition	No. of pts	Dvr	Op		Offence/breach of condition	No. of pts	Dvr	Op
1	Driver not holding a current Hackney Carriage/Private Hire driver licence	12*	✓	✓	15	Failure to notify transfer of Private Hire or Hackney Carriage licence within 14 days	4*	✓	✓
2	Failure to notify the Council of change of address within 7 calendar days	3*	✓	✓	16	Failure to provide information on vehicle garaging arrangements	3	✓	✓
4	Touting/illegally plying for hire	12*	✓	✓	17	Using a non-approved taximeter	6	✓	✓
5	Using unlicensed vehicle or vehicle without insurance	12*	✓	✓	18	Unsatisfactory behaviour or conduct of driver	3-12	✓	
6	Failure to produce documents within timescale, when requested to do so	4*	✓	✓	19	Failure to display "taxi" or 'Hire' signs, on a Hackney Carriage roof or windscreen, and/or faults preventing illumination of such signs	4*	✓	
7	Vehicle in unsatisfactory condition inside or out	4	✓	✓	20	Driver not holding a current DVLA licence	12	✓	✓
8	Failure to produce vehicle for a compliance inspection when required	4*	✓	✓	21	Failure to wear driver's badge	4*	✓	
9	Using a vehicle subject to a prohibition/suspension order	12	✓	✓	22	Failing to notify change of medical circumstances	6	✓	
10	Using a vehicle for which the licence has been suspended or revoked	12*	✓	✓	23	Failure to return driver's badge within 7 days of being requested to do so	4*	✓	✓
11	Failure to report within 72 hours an accident or damage to a licensed vehicle	3	✓	✓	24	Failure to return vehicle licence plate within 7 days of being requested to do so	4*	✓	
12	Overloading of licensed vehicle (including exceeding the licensed number of passengers)	6*	✓		25	Failure to notify the Council of any motoring or criminal convictions, interactions with authorities, cautions etc during period of current licence (Appendix A, 4.3.4)	6-12	✓	✓
13	Failure to display external or internal licence plate or door sign as required (including not attaching plate in suitable manner)	4*	✓		26	Providing false/misleading information on application form, or failing to provide relevant information	6-12*	✓	✓
14	Carrying an offensive weapon in the vehicle	4-12	✓		27	Any other offence 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 driver's file for a period of 12 months from the date of issue.
- Points awarded for more serious offences (in **bold print**) may remain on the driver's file for a period of 36 months.
- Any driver or operator awarded points **resulting in a licences suspension or revocation has a right to appeal to the Magistrates Court within 21 days.**

Drivers

- On accumulation of 12 or more points in a rolling 12-month period, a driver will be subject of a recommendation to suspend his/her licence.
- For drivers on the first occasion of an accumulation of 12 points, the recommendation would be suspension for 28 consecutive days.
- For drivers on the second occasion of an accumulation of 12 points, the recommendation would be **for a licences suspension period not exceeding 3 months or the revocation of licence.**

Operators

- On accumulation of 24 or more points in a rolling 12-month period, an operator will be subject to a recommendation to suspend his/her licence.
- For an operator on the first occasion of an accumulation of 24 points, the recommendation would be suspension of the operator's licence for 28 consecutive days.
- For an operator on the second occasion of an accumulation of 24 points, the recommendation would be **for a licence suspension period not exceeding 3 months or the revocation of licence.**

Guidance

- Once a suspension has been served, all points will be removed.
- Any driver or operator subject to suspension or revocation has a right to appeal to the Magistrates' Court within 21 days of the decision.
- Suspensions and revocations will not be implemented until the 21-day appeals period has elapsed; however, suspensions on public safety grounds will take immediate effect.

The National Register of Refusals and Revocations (NR3 Register)

Requests for information, disclosure of information, and use of information as a result of an entry on National Register of Refusals and Revocations (NR3)

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; 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 this authority Cherwell District Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence¹. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

This authority Cherwell District Council has signed up to the NR3. 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, this authority Cherwell District Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

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

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

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

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

Where an appeal to the magistrates' court is made, the data will be retained until that

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

The data will be held securely in accordance with this authority's Cherwell District Council 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 this authority's Cherwell District Council general policy on the erasure and destruction of personal data.

II. Making a request for further information regarding an entry on NR3⁵

When an application is made to this authority Cherwell District Council for the grant of a new, or renewal of, a taxi driver's licence, this authority Cherwell District Council will check the NR3.

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

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

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

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

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

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

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

If this authority 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 this authority's Cherwell District Council 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 NR3⁷

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

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

This authority 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.

This authority 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.

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

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

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

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

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

This 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. This authority Cherwell District Council will make and then retain a clear written record¹¹ of every decision that is made as a result of a request from another authority. This will detail:

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

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

When this authority 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 'Cherwell District Council guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'.

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

This authority 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 this authority Cherwell District Council will make in relation to the application.



Requestor NR3 information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

(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 Other details for this record:

Address:

Driving licence #:

..... NI #:

Reference number:

Declaration by requesting authority:

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

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

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

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

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

or by post.

The Information Governance Team

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

Signed:

Name:

Position:

Date:

Requestor NR3 information disclosure form

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above-named individual

Declaration by providing authority

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

It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations 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:

Appendix G

Vehicle Emission Standards

Cherwell District Council have declared an urgent need to the climate emergency and aspire to work towards being carbon neutral. 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 vehicles	
	Renewal	New
1st April 2022	All HCV must meet minimum Euro 4 emission standard	ULEV Petrol Hybrid Euro 5+ Petrol Euro 6 (Any vehicle registered from 1 st Sept 2014 onwards)
1st January 2024	ULEV Petrol Hybrid Euro 5+ Petrol Euro 6 (Any vehicle registered from 1 st Sept 2014 onwards) Diesel Euro 6 (Any vehicle registered from 1 st Sept 2014 onwards)	Diesel Euro 6 (Any vehicle registered from 1 st Sept 2014 onwards) <i>Any replacement vehicle whether temporary or permanent must meet ULEV standards or meet the same level of vehicle emission standards or better than the vehicle that is being replaced.</i>
1st January 2025	ULEV 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)	Must meet Ultra Low Emission (ULEV) standard i.e. Electric Vehicles, Hydrogen vehicles etc
1st January 2030	Must meet Ultra-Low Emission (ULEV) standard i.e. Electric Vehicles, Hydrogen vehicles etc	Must meet Ultra-Low Emission (ULEV) standard i.e. Electric Vehicles, Hydrogen vehicles etc
	Private hire vehicles	
	Renewal	New
1st April 2022	All PHV must meet minimum At least Euro 4 standard	ULEV Petrol Hybrid Euro 5+ Petrol Euro 6 (Any vehicle registered from 1 st Sept 2014 onwards)
1st January 2024	ULEV 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)	Diesel Euro 6 (Any vehicle registered from 1 st Sept 2014 onwards) <i>Any replacement vehicle whether temporary or permanent must meet ULEV standards or meet the same level of vehicle emission standards or better than the vehicle that is being replaced.</i>
1st January 2025	ULEV Petrol Hybrid Euro 5+ Petrol Euro 6 (Any vehicle registered from 1st Sept 2014 onwards)	Must meet Ultra Low Emission (ULEV) standard i.e. Electric Vehicles, Hydrogen vehicles etc

	Diesel Euro 6 (Any vehicle registered from 1st Sept 2014 onwards)	
1st January 2030	Must meet Ultra-Low Emission (ULEV) standard i.e. Electric Vehicles, Hydrogen vehicles etc	Must meet Ultra-Low Emission (ULEV) standard i.e. Electric Vehicles, Hydrogen vehicles etc
Standards guidance		
Euro Emission Standards (e.g. EURO 4)	Euro Standards are exhaust pollution limits for new car models, introduced by the European Union in the early 1990s, starting with Euro 1. The current Euro Standard is Euro 6.	
Euro 6	The Euro 6 standard imposes a further, significant reduction in NOx emissions from diesel engines (a 67% reduction compared to Euro 5) and establishes similar standards for petrol and diesel.	
Ultra-Low Emission Vehicles (ULEVs)	ULEV'S, are vehicles meeting the UK government's definition (as of November 2018) These vehicles have CO2 emissions of less than 75 grams of CO2 per kilometre (g/km) Recognising advances in technology from 2021 it is expected to define an ULEV as a car or van that emits less than 50g/km CO2.	

The above vehicle emissions standards have been carefully considered and have been phased in based on the fact 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 taxi Policy. Therefore, this policy on vehicle emissions did not want to unfairly impact financially the Taxi Trade.