



South Oxfordshire  
District Council

Listening Learning Leading

# Draft

## **Licensing policy for hackney carriage and private hire vehicles**

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## EXECUTIVE SUMMARY

1. The main purpose of this document is to:
  - consider all current policies in the light of the Department for Transport Best Practice Guidance and, so far as is possible and consistent with that document, make appropriate and necessary adjustments
  - revise the specification of licensed vehicles
  - increase the number of testing stations for vehicle inspections
  - improve the environmental impact of licensed vehicles
  - revise the application procedures for drivers, including a knowledge test (to include topographical knowledge of the area, hackney carriage and private hire law and local conditions)
  - increase the medical fitness standards for drivers to DVLA Group Two requirements
  - revise requirements for dealing with prospective drivers from outside the United Kingdom and for the checking of criminal records
  - provide information regarding the expected conduct of licensed drivers.

## DEFINITIONS AND INTERPRETATION

2. Throughout this document
  - ‘the council’ means South Oxfordshire District Council
  - ‘vehicle’ or ‘licensed vehicle’ means both a hackney carriage and private hire vehicle
  - ‘hackney carriage’ means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the council
  - ‘private hire vehicle’ means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking
  - ‘private hire operator’ means a person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake
  - ‘DfT’ means the Department for Transport, including previous names under which that department has been known

- ‘DfT guidance’ means The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in November 2006
  - ‘the sub-committee’ means the Taxi Licensing Sub-Committee
  - ‘taxi’ has no meaning in law and is often used generically to describe both hackney carriages and private hire vehicles. In this document, in order to prevent confusion, the use is limited to instances where reference is made to other documents which have used it
  - DVLA driving licence means a full original GB driving licence.
3. This policy document contains information about legal requirements, government guidance, council policy, procedures and standards.

## **BACKGROUND**

### **Role of hackney carriages and private hire vehicles**

4. Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, for example in rural areas or for those with mobility difficulties.

### **Aims and objectives of licensing**

5. The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public and to ensure that the public has reasonable access to hackney carriage and private hire services because of the part they play in local transport provision. It is important that the council uses its hackney carriage and private hire licensing powers to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required. The council’s hackney carriage and private hire trade is fairly comprehensive and provides its population with a good service. It is the intention of this review to build on the trade’s existing strengths.

### **Licensing profile**

6. The council currently licences 541 hackney carriages and 129 private hire vehicles. There are approximately 890 hackney/private hire drivers licensed by the council.

### **Review of policies and practices**

7. The council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the district of South Oxfordshire. It has traditionally exercised this responsibility through a number of different policies and procedures that have been developed over a number of years. The council will review its taxi licensing policy at intervals of no more than three years.

8. Central government has issued new guidance for licensing authorities, which has led to a comprehensive review of these policies and procedures. The guidance sets out what is considered to be best practice in terms of hackney carriage and private hire licensing.
9. The guidance does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Where a section of the guidance provides advice that is relevant to a particular section of this policy document, this will be confirmed at the beginning of the relevant section. It will normally be followed by a statement of the council's policy in respect of that specific issue.

### **Best practice guidance**

10. The DfT has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing its recent report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local hackney carriage and private hire licensing authorities.
11. The DfT guidance is directed at local authorities in England and Wales with responsibility for hackney carriage and private hire licensing who will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. There is recognition within the document that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own opinions on the relevant considerations.
12. The council has used DfT guidance to shape this review.

### **Costs and benefits of licensing policies**

13. The DfT guidance stresses that licensing requirements which are unduly stringent are likely to unreasonably restrict the supply of hackney carriage and private hire services, by putting up the cost of operation or by otherwise restricting entry to the trade. Licensing authorities are therefore cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.
14. Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The cost of a particular requirement, in terms of its effect on the availability of transport to the public should, it is argued, at least be matched by the benefit it will provide to the public, for example, through increased safety. Furthermore, licensing authorities are asked to look carefully at the costs, financial or otherwise, imposed by each of their licensing policies and ask whether those costs are really commensurate with the benefits a policy is meant to achieve.

## **INTRODUCTION TO THE POLICY**

### **Powers and duties**

15. This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which place on the council the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

### **Objectives**

16. In setting out its policy, the council seeks to promote the following objectives:
  - the protection of public health and safety
  - access to an efficient and effective public transport service
  - the protection of the environment.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives

### **Policy status**

17. The council will take this policy document and objectives into account when exercising its discretion in carrying out its regulatory functions.
18. Notwithstanding the existence of this policy, the council will consider each application or enforcement measure on its own merits and in accordance with the Licensing Enforcement Policy. Where it is necessary for the council to depart substantially from its policy, clear and compelling reasons will be given for so doing.
19. This policy will provide those council officers who are required to administer the licensing function with appropriate guidelines within which to act. The Licensing Sub-Committee will determine applications that fall outside the policy.

## **VEHICLES**

### **Limitation of numbers**

20. No powers exist for licensing authorities to limit the number of private hire vehicles which they licence. The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages "if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet".

21. Many local licensing authorities do not impose any quantity restrictions on hackney carriages, and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles.
22. Where quantity restrictions are imposed, vehicle licence plates command a premium. This tends to suggest that there are people who want to enter the market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. It may be hard to justify a quantity control in such circumstances.
23. If the local authority takes the view that a quantity restriction can be justified in principle, the DfT guidance advises that the level at which the limit should be set be addressed by means of a survey, with associated costs.
24. The council does not intend to set a limit on the number of hackney carriages that it licences since no evidence has been provided of any difficulty arising from this. This will be re-examined during any review of this policy.

## **Specifications and conditions**

25. Local authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages and private hire vehicles.
26. The DfT guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging designs for vehicles can be taken into account.
27. Licensing authorities are asked to be particularly cautious about specifying only purpose-built hackney carriages, with the strict constraint on supply that implies. There are at present only a small number of designs of purpose-built hackney carriages. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.
28. The council is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.
29. Hackney carriages, in general, will be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted provided that there is compliance with the manufacturer’s specifications applicable to such vehicles. This will also apply to private hire vehicles unless they are treated as a “special vehicle”. The council will not licence purpose built hackney carriage vehicles as private hire as this can confuse members of the public.

## Accessibility

30. Of the 541 hackney carriages currently licensed, only three are reported to be wheelchair accessible. The council is committed to social inclusion and ensuring that disabled residents have a wide variety of opportunities to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission, that, "Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment and healthcare, as well as social and family life, is significantly improved when journeys become accessible." For this reason, the council considers it important that disabled residents have access to all forms of public transportation. In addition to the general conditions, accessibility for disabled people including, but not limited to, people who need to travel in a wheelchair is an important consideration in respect of licensed vehicles.
31. It is, ultimately, the DfT's intention to make accessibility regulations under the Disability Discrimination Act 1995. In the meantime, licensing authorities are encouraged to introduce accessibility policies for their areas.
32. It is arguable that different accessibility considerations should apply to hackney carriage and private hire vehicles in that hackney carriages can be hired immediately in the street or at a hackney carriage stand by the customer dealing directly with a driver, whereas private hire vehicles can only be used by prior booking, usually through an operator. On the basis that those with disabilities must have equal access to transport services, the council considers that it is particularly important that a disabled person should be able to hire a hackney carriage on the spot with the minimum delay or inconvenience; having accessible hackney carriages available helps make that possible.
33. Due to the limited number of disabled access vehicles available within the district, any wheelchair accessible hackney carriage meeting M1 Standard or European Community Whole Vehicle Type Approval will be given a reduced licensing fee. The licensing authority, and the council as a whole, will also look at other incentives to increase the number of disabled access vehicles within the district.

## Maximum age of vehicles

34. The DfT guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition, and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing may be appropriate for older vehicles, for example, twice-yearly tests for vehicles that are more than five years old.
35. The council does not intend to place an age restriction on licensed vehicles but will apply increased vehicle tests for older vehicles.



## Vehicle testing

36. The DfT guidance recognises that an annual MOT test for licensed vehicles of whatever age is appropriate. More frequent tests are not recommended, except for older vehicles.
37. The DfT guidance also suggests that it is good practice for local authorities to consider having more than one testing station and argues that there could be advantages in contracting out the testing work to different garages.
38. Hackney carriage and private hire vehicles will be tested once each year until four years old. Brand new registered vehicles that have less than 1,500 miles on the clock will not have to undertake a vehicle test. If the vehicle is over four years old when a licence is issued it will be required to undertake two tests each year falling at the start of the licence and six months into the licence. The test must take place in accordance with the council's testing procedures.
39. Vehicle testing arrangements are currently through a nominated local testing station at which compliance with the requirements is assessed and confirmed by the issue of a certificate.
40. A vehicle will require an MOT test, from any certified testing station, before a licence is granted and the MOT must be valid for at least 11 months. The vehicle licence check, which is currently undertaken by the testing station, will be carried out by the licensing officers whilst undertaking enforcement duties. A licensing officer may inspect "special vehicles" or vehicles that have not previously been licensed by the council before a licence is granted. Officers may request that work identified on the MOT test is undertaken before a licence is granted, or within a certain time frame of the licence being granted. If vehicles are found to be in breach of licence conditions the licensing officer may require the proprietor to bring all licensed vehicles, or vehicles used by the operator or company, to the council for inspection. Operators will only have to comply with the above testing regime after the council's contract with the current testing centre has ceased. Until then, vehicles will have to pass a vehicle test at the council designated testing centre before a licence is granted. Please note the council will not accept vehicle tests that are under 11 months old.

## Signage/ plates/advertising

41. Members of the public can confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or able to be hailed in the street. Therefore, it is important that the public are able to easily distinguish each type of vehicle. Creating livery for hackney carriages will address this.
42. Roof-mounted signs on private hire vehicles are not seen as best practice, even if they indicate 'pre-booked only', as any roof-mounted sign is liable to create confusion with a hackney carriage.
43. What is permitted, or indeed prohibited, to be displayed on either hackney carriages or private hire vehicles in a particular area tends to be a controversial matter of licensing control. At their most basic, any such controls over the

appearance of hackney carriage or private hire vehicles must serve to ensure that the public are easily able to distinguish licensed vehicles from unlicensed vehicles.

44. Within this district, both hackney carriages and private hire vehicles must display a plate on the vehicle; the plates are white for hackney carriages and black for private hire. The council proposes to continue using different colours and styles for the different type of licences. Hackney carriages must also display a roof sign measuring 18 inches by six inches high and six inches deep; this is a key feature in helping to identify vehicles that are licensed.
45. A hackney carriage licensed by the council must carry a fully illuminated roof-mounted sign. The requirements for the roof sign are:
  - the roof sign is an aerodynamic triangular structure and is referred to by some sign manufacturers as the “streamline or aerodynamic sloped”
  - the long dimension is 18 inches, the base is six inches and the height is six inches
  - the roof sign has a white background
  - when a vehicle has a taximeter, the roof sign must be connected to it to be automatically controlled
  - the roof sign must be lit when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use or the vehicle is not available for hire
  - the council’s logo, measuring 12.5cm wide and 9.5cm high (see appendix B), must be displayed on the far left of the front of the roof sign. The proprietor’s surname or company name, , must be displayed in the remaining space . The word taxi may also be displayed in conjunction with the owner or company name
  - nothing else is displayed on the front of the roof sign.
46. The hackney carriage proprietor may use the rear face for any reasonable use, for example the proprietor’s name, telephone number or company logo or the word Taxi (see appendix B).
47. The roof sign must be permanently affixed to the vehicle at all times, whatever journey or job the vehicle is undertaking. The roof sign can be removed when the vehicle is parked at a proprietor’s home or in a taxi office car park for security reasons. The roof sign can also be removed when the vehicle is undergoing maintenance work or is being cleaned.
48. There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle which has a built in taxi roof sign. In this case the council’s logo, measuring 12.5cm wide and 9.5cm high, must be displayed in both rear passenger door windows.

49. Limited advertising is permitted on hackney carriages. Details of any signs or advertising shall be submitted, in the first instance, to the council's licensing officers for approval.

## **Security/CCTV**

50. The DfT guidance recommends that licensing authorities look sympathetically on, or actively encourage, the installation of security measures, such as a screen between driver and passengers or CCTV systems, as a means of providing some protection for vehicle drivers.
51. This policy does not require that such measures should be implemented, as the council considers that such decisions are best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire vehicle trades are, however, encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.

## **Consideration of applications**

52. The council will consider all applications on their own merits once it is satisfied that the appropriate criteria has been met and the application form and supporting documents are complete. The council will require a business plan for new proprietors who do not wish to work for existing hackney carriage or private hire operators. A light touch will be taken by the council in relation to single proprietors or very small companies operating two or less vehicles. A more stringent business plan will be required from companies/proprietors that wish to operate more than two vehicles. Those very small companies that wish to expand will be required to submit another business plan before further licences are granted.

## **Grant and renewal of licences**

53. The DfT guidance makes no recommendation as to the duration of hackney carriage or private hire vehicle licences; legislation limits the maximum period of such licences to 12 months.
54. Hackney carriage or private hire vehicle licences are granted for a one year period, although the council has the power to grant a licence for a shorter period, where appropriate.

## **Environmental considerations**

55. The DfT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs. The guidance suggests that authorities may wish to consider setting vehicle emissions standards by promoting cleaner fuels. It also states that local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found taxis were more likely than other vehicles to fail emissions tests. The introduction of the two vehicle test a year for vehicles over four years old will ensure that the vehicles are able to meet the national emission standards.

56. The council considers that efforts should be made, through the licensing policy, to improve the efficiency of vehicles licensed to operate in the district by reducing the levels of CO2 emitted. There is a move towards the use of alternative fuels and improved technology will mean certain vehicles will be more environmentally friendly”.
57. The council will consider reducing in licence fees for vehicles that produce lower carbon dioxide emissions. This will be based on the current vehicle tax bands.

Band	CO2 emission (g/km)
A	Up to 100
B	101-120
C	121-150
D	151-165
E	166-185
F	Over 185
G	Over 225 – for cars registered before the 1 <sup>st</sup> March 2001

### **Stretched limousines, special vehicles and plate exemption**

58. Stretched limousines are elongated saloon cars. The number of stretched limousines being imported, particularly from the United States, has been increasing. They are generally used for private hire work and special occasions.
59. Licensing authorities are sometimes asked to licence stretched limousines as private hire vehicles. The DfT guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the private hire trade in meeting public demand. The council will assess licence applications for these vehicles in accordance with its “special vehicle policy” included in appendix A.
60. Where a vehicle has been modified to provide access or special facilities for disabled passengers, the council will require either VOSA approved certification from the manufacturer or installers prior to licensing approval.
61. Where a vehicle has been imported from another country, the council may require VOSA approved certification prior to licensing approval. Due to the individual nature of a special event vehicle, it will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary for the council to consider whether to include special conditions on any licence. The council will take into consideration the guidance issued by the DfT on 28 January 2008 called “Guidance for operators of stretch limousines”.

### **Contract vehicles**

62. Historically, there were no requirements for a vehicle to be licensed when used for a contract with an organisation or firm for a period of at least seven days, for carrying passengers for hire or reward under a contract for the hire of the vehicle. However, this exemption only applies to the vehicle and driver

specified by the contract and then only during the period of the contract. Any vehicle being used for a contract with one firm cannot be used for any other contract or purpose during the period of that contract. This exemption ceased on 1 January 2008. Vehicles carrying out contract work after or on 1 January 2008 are required to be licensed by the council in order to continue that work.

## **Funeral vehicles**

63. There is no requirement for a vehicle to be licensed when it is used in connection with a funeral, or is wholly or mainly used by a person carrying on the business of a funeral director.

## **Wedding vehicles**

64. A vehicle does not need to be licensed while it is being used solely for the wedding service.

## **DRIVERS**

### **Parallel procedures**

65. The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a hackney carriage driver. The sections below apply equally to private hire and hackney carriage drivers.

### **Age and experience**

66. The guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made. It also considers that minimum age limits, beyond the statutory periods for holding a full driver licence, are inappropriate, advising that applicants should be assessed on their merits.
67. The council will not impose either a maximum or minimum age limit for drivers. However, a minimum period of post-qualification driving experience of one year is required.
68. For those over 65, please see Section 7.5 below.

### **Topographical knowledge and licensing conditions (driver knowledge tests)**

69. Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver, at hackney carriage stands or on the street. The DfT recognises that most authorities require prospective drivers to pass a test of local topographical knowledge as a condition of first grant of a licence.
70. In order to maintain the high standards expected of drivers, the council will not grant a licence to drive a hackney carriage or private hire vehicle unless the licensing authority is satisfied that the applicant is a fit and proper person. In this context the ability to find destinations and read maps is seen as a fundamental skill in providing a quality service for passengers.

71. In order to determine such fitness, applicants will be required to undertake a test as to their knowledge of:

- local geography
- the Highway Code
- hackney carriage and private hire licensing law.

If a driver is not able to satisfactorily complete the test due to difficulties with spoken English, the council will offer support to them to help them seek out opportunities for language instruction.

## **Driving proficiency and qualifications**

72. The Driving Standards Agency (DSA) provides a driving assessment designed for hackney carriage and private hire drivers. Whilst most licensing authorities rely on the standard car driving licence as evidence of driving proficiency, others require the DSA or some further driving test to be taken. Authorities considering this route are asked to be mindful as to whether or not this produces benefits, which are commensurate with the costs involved for would-be drivers, in terms of both money and the broader obstacles of entry to the trade. Similarly there are nationally recognised vocational qualifications for the hackney carriage and private hire trades. These cover customer care, including how best to meet the needs of people with disabilities, and there may be advantages in encouraging drivers to obtain one of these.

73. The council has concluded that the standard car-driving test provides sufficient evidence of driving competency for the drivers of hackney carriage and private hire vehicles in this district. The council does not consider that introducing a requirement that drivers pass the specific DSA test, or indeed any other competency qualification, would produce benefits commensurate with the costs involved

74. Where applicants have recently arrived from countries within the European Union, any driving licence entitlement held in that country will meet the qualification requirement for a hackney carriage or private hire vehicle driver's licence.

75. Applicants who have held a full driving licence issued by a European Economic Area country for at least 12 months can apply for a hackney carriage or private hire vehicle driver's licence. Upon application, applicants will have to apply to convert their existing driver's licence to a UK DVLA driver's licence. The licensing authority will not renew a licence to drive a hackney carriage or private hire vehicle unless the applicant holds a UK DVLA driver's licence.

76. Where applicants have been resident in other, non-EU, countries, they can convert an existing driving licence to a UK issued driving licence by undertaking an appropriate driving test.

77. The applicant must provide the licensing authority with proof that they are entitled to work within the UK.

## **Medical examination**

78. The DfT recognises that it is good practice for medical checks to be made on each driver as a condition of the initial grant of a licence and thereafter at each renewal. Adopting 'group 2' medical standards and applying the C1 standards to hackney carriage and private hire drivers with insulin treated diabetes is considered to be best practice.
79. Applicants must have a medical examination by a GP to assess their fitness to drive a licensed vehicle, before the council will grant a licence. The council requires all applicants to undertake a DVLA Group 2 standard of medical fitness for professional drivers.
80. Applicants can get a form to request a medical examination from the licensing team, which they must present to their GP. The applicant is responsible for paying the fee for the examination to the relevant surgery. The completed examination report must be submitted to the licensing team. The applicant may, on request, have a copy of the report.
81. Licence holders must be re-examined every three years. Drivers of 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary.
82. Holders of current PSV and/or HGV licences who can produce proof of a current medical examination, not more than one month old, will not need to undergo a further medical examination before licensing or re-licensing.
83. Licence holders must advise the licensing officer, in writing, of any deterioration in their health that may affect their driving capabilities.
84. If there is any doubt as to the medical fitness of the applicant, the council may require the applicant to undergo a further medical examination by a medical practitioner appointed by the council. In these circumstances the council will pay for the examination.
85. Where there remains any doubt about the fitness of any applicant, a Licensing Sub-Committee will review the medical evidence and make the final decision.

## **Criminal Record Bureau (CRB) disclosures**

86. A criminal record check on a driver is seen as an important safety measure by both central and local government. The DfT considers that such checks should be at the level of enhanced disclosure through the CRB, as these include details of spent convictions and police cautions. Obtaining CRB disclosures when a licence is first applied for and then every three years, even if a licence is renewed annually, is recommended as best practice in this area. Drivers must report all new convictions to the licensing authority in writing.
87. The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as "spent" and which would not normally necessitate disclosure of that conviction. In 2002 the act was amended to exclude hackney

carriage drivers and private hire drivers from the 1974 act. Applicants for such licences must therefore disclose all convictions, including those that would previously have been regarded as spent under the 1974 act.

88. Before the council will consider an application for a driver's licence, the applicant must undertake an enhanced CRB disclosure of criminal convictions. Applicants from the EU or non EU countries must obtain a certificate of good conduct from the relevant embassy. Applicants who have lived in the country for less than five years must provide a CRB and a certificate of good conduct.
89. The council is an approved CRB body and applicants can therefore deal with the CRB through the council. The council will not accept portability of CRB
90. Licensed drivers must obtain and submit a further enhanced CRB disclosure to the council at least every three years and the council will carry out random CRB checks to ensure compliance. The council will fund these checks through a small increase in licence fees.
91. The council is bound by rules of confidentiality, and will not divulge any information to third parties. The applicant for a CRB disclosure is, and will continue to be, sent a separate disclosure report to their home address, and the council will also receive a copy. The council will retain and destroy information arising from disclosures in accordance with the CRB's codes of practice. The council will grant a driver's licence to applicants renewing a driver's licence 45 days before expiry if the CRB disclosure has not been issued in time. However, the council will place a condition on the licence to advise drivers that their hackney carriage or private hire driver's licence may be suspended or revoked if any relevant information is later found on the CRB disclosure.

## **Relevance of convictions and cautions**

92. The DfT guidance recommends that, when considering an individual's criminal record, authorities must consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and sexual attack. It recommends that authorities have a clear policy for the consideration of criminal records that must address:
  - the type of offence
  - number of offences
  - the number of elapsed years since the offence.

The policy should cover applications from drivers outside of the UK by requiring a certificate of good conduct authenticated by the relevant embassy.

93. The council's policy for the consideration of convictions and cautions recorded against persons is set out in appendix E.
94. When assessing whether the applicant is a fit and proper person to hold a licence, the council will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only if they are



relevant to an application for a licence. The licensing officer will assess the information provided, in accordance with the Licensing Policy, and decide whether the applicant is a fit and proper person to hold a licence.

95. When dealing with cautions, the council will take the nature and age of the offence into account.
96. When dealing with previous convictions, the council will take into account:
  - whether the convictions are spent or unspent
  - the nature of the offences
  - the age of the offences
  - whether the offences are relevant
  - relevant duplicate convictions.
97. Guidance about specific offences is given in appendix E. In general terms, if the offence is recent and relevant to public safety, the council is less likely to approve the application.
98. The licensing officer will initially consider applications, in cases where offences are relevant and unspent, as stated in the Rehabilitation of Offenders Act 1974, the environment and licensing manager has delegated authority, under the scheme of delegated functions to officers, to issue a refusal. Relevant offences that are already spent under the Rehabilitation of Offenders act 1974, or if licensing officer considers that, based on other information the applicant is not “fit and proper”, the licensing officer will submit a report for consideration by the Licensing Sub-Committee. Applicants can appeal against a refusal to grant or suspend the licence under the Public Health Acts 1875 to 1925. The licensing officer will refer the following spent sentences referred to the Licensing Sub-Committee:
  - any term of imprisonment or custody
  - any conviction for a violent or sexual offence, or dishonesty
  - any motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving
  - more than six points on their DVLA driving licence.
99. The council will require a mandate for release of information under the data subject access provisions of the Data Protection Act 1984, section 21 (1) and (2), from the DVLA for every application.

## **Application procedure**

100. Applicants must apply for a hackney carriage and private hire driver’s licence using the specified form.

101. The licensing authority will send a reminder letter to drivers a minimum of eight weeks before their existing licence expires.
102. To allow sufficient time for documents to be processed, applicants should ensure that the licensing authority receives their complete application, including the fee, at least three weeks before the expiry date of a vehicle licence and at least six weeks before expiry of a driver's licence.

## **The consideration of applications**

103. The council will consider each application on its own merits, and in accordance with the licensing policy, once the applicant has taken the appropriate tests, and has completed the application form and supporting documents. The relevant elements of the proposed procedure to consider the merits of applications are set out in appendix C.

## **Grant and renewal of licences**

104. The DfT Guidance recognises that it is not necessarily good practice to require licences to be renewed annually. It sees this requirement as imposing an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period allowed for a licence and is in general advocated as the best approach.
105. The licensing of hackney carriage and private hire drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years from the date of such licence or for such lesser period as may be determined. The council offers drivers a three year licence.
106. The council will contact the DVLA to check the applicant's driving licence for motoring offences. In having a regime which allows for a DVLA check on drivers every three years, the council will introduce a system of random DVLA checks on drivers. The council will fund these checks through a small increase in licence fees.

## **PRIVATE HIRE OPERATORS**

### **Requirements and obligations**

107. Any person who operates a private hire service using private hire vehicles must apply to the council for a private hire operator's licence
108. An operator's licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.
109. Applicants must apply for an operator's licences using the prescribed form, and submit the appropriate fee. All new private hire operators must submit a business plan. The licensing authority will then decide whether the applicant is a fit and proper person to hold such a licence.

## **Criminal record checks**

110. Private hire operators are not exempt from the Rehabilitation of Offenders Act 1974, so standard or enhanced disclosures can be required. A basic disclosure from the Criminal Records Bureau or a certificate of good conduct from the relevant embassy for overseas applicants is acceptable. The following information is also required:
- two character references, one of which must be from a previous employer
  - a statement from a professional person, e.g. an accountant or solicitor, as evidence that the applicant is capable of keeping adequate records.
111. Before it considers an application for a private hire operator's licence the council requires the applicant to undertake a standard CRB disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant. If the operator holds a hackney carriage or private hire driver's licence with the licensing authority, no CRB disclosure is required. The applicant will also have to submit a business plan to the licensing authority to demonstrate how they intend running the business. They will also need to provide two references; one must be from a previous employer, the other from a professional person, e.g. an accountant or solicitor, as evidence that the applicant is capable of keeping adequate records.

## **Conditions**

112. The council has the power to impose such conditions on an operator's licence, as it considers reasonably necessary.

## **Record keeping**

113. Sections 56(2) and (3) of the 1976 Act place a duty on a private hire operator to keep records. However, it is for the council to decide what records are required in relation to journeys that are booked.
114. Operators are legally required to keep records in respect of all bookings, vehicles and drivers, for a period of one year as set out in the private hire operators conditions in appendix A.

## **Insurance**

115. It is considered appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.
116. Applicants must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed, before the council will approve an application for a private hire operator's licence.
117. The conditions proposed for private hire operators licences, will require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate.

## **Licence duration**

118. The DfT considers that annual licence renewal is not necessary or appropriate for private hire operators, whose involvement with the public is less direct than a driver. It recommends, as good practice, a licence period of five years.
119. This council considers that five years is a long time in the context of the life of a business of this type and will therefore issue operators licences every year.
120. Applicants renewing such licences must provide a current basic criminal record check from the CRB every third year.
121. The council will normally remind holders of existing licences when their licences are due to be renewed three months before they expire.

## **Address from which an operator may operate**

122. When it grants an operator's licence, the council will specify the address from which the operator may operate. This will be the premises where the records referred to in paragraph 113 and 114 above are kept and at which they may be inspected by licensing officers.
123. The operator must notify the council in writing of any change of address during the period of the licence, within seven days.
124. The operator is responsible for ensuring that appropriate planning consent exists for the use of the operational address to be used for that purpose. The grant of a private hire operator's licence will not imply that planning consent has been given. Proof of planning permission may be required before a licence is granted.

## **Bases outside South Oxfordshire District Council area**

125. The council will not grant an operator's licence for an operator with an operating base that is outside the district area. This is to ensure that proper regulation and enforcement measures can be taken and is in no way intended to be a restraint on trade.

## VEHICLE SPECIFICATION, SCHEDULE OF CONDITIONS AND CODE OF CONDUCT FOR LICENSED DRIVERS AND OPERATORS

### Hackney carriage vehicle conditions

A hackney carriage proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage proprietors licence from the council, before they are legally entitled to use the vehicle for plying for hire.

Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required.

### Specification

1. The vehicle must meet the following specification:

- The vehicle must be capable of carrying not less than four passengers and no more than eight.
- Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating. The council will consider vehicles that have seats that “tilt” forward by a single operation. If permitted by the council, the driver must inform the passengers of the operation of the seats before a journey commences\*
- The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage.
- Estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
- Each passenger seat shall be fitted with a seat belt. No seats may be side facing, other than a wheelchair that has been correctly secured in the vehicle.
- No alteration to the manufactures specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council.
- The front windscreen and front windows must have a visible light transmission (VLT) of not less than 75 per cent and all other windows must not be tinted to the extent that the passengers can not be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle.\*

\* note – hackney carriage vehicles which had a South Oxfordshire District Council vehicle licence on XXXX will not have to comply with this condition until a change of vehicle takes place on the licence.

### **Vehicle age**

2. The council will not set an age limit for hackney carriages, but vehicles are required to be tested once each year until they are four years old. If the vehicle is over four years old at the time of the licence being granted or renewed it will be required to undertake two tests per year falling at the granting of the licence and six months into the vehicles licence.
3. The vehicle test is an MOT test. The council will only accept MOT tests that are valid for over 11 months at the start of the hackney carriage licence. Brand new registered vehicles with less than 1,500 miles on the clock are not required to have a vehicle test.

### **Equipment**

4. The vehicle must carry the following equipment:
  - A fire extinguisher of a minimum of 1Kg power type and BS EN3 compliant, serviced in accordance with BS 5306, and a service record kept for inspection by an authorised officer of the council.
  - A spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the council.
  - A jack and tools for changing the wheels.
  - A spare auto lamp kit applicable to the vehicle and the taxi sign.
  - A warning triangle.
  - A torch.
  - A first aid kit.

### **Condition of vehicle**

5. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification.

## **Insurance and other documentation**

6. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward / public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance an original of the new certificate must be provided to the council.
7. The proprietor must produce when requested the vehicle registration document, a valid MOT certificate and must ensure that the vehicle displays a valid vehicle excise licence.

## **Licence plates**

8. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet or on a secure bracket.

## **Taxi signs, livery and advertising**

9. No external signs, other than those required by law, which are visible from the outside of the vehicle shall be displayed other than as set out below:
  - the roof sign is an aerodynamic triangular structure and is referred to by some sign manufactures as the “streamline or aerodynamic sloped”
  - the long dimension is 18 inches, the base is six inches and the height is six inches.
  - the roof sign has a white background
  - when a vehicle has a taximeter, the roof sign must be connected to it to be automatically controlled
  - the roof sign must be fully illuminated when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use or the vehicle is not available for hire
  - the council’s logo, measuring 12.5cm wide and 9.5 cm high (see appendix B), must be displayed on the far left of the front face of the roof sign . The proprietors surname or company name, must be displayed in the remaining space The word taxi may also be displayed in conjunction with the proprietors surname or company name.
  - nothing else is displayed on the front face of the roof sign.
10. The hackney carriage proprietor may use the rear face for any reasonable use, for example the proprietor’s name, telephone number or company logo (see Appendix B).

11. The roof sign must be permanently affixed to the vehicle at all times whatever journey or job the vehicle is undertaking. The roof sign can be removed when the vehicle is parked at a proprietor's home or in a taxi office car park for security reasons. The roof sign can also be removed when the vehicle is undergoing maintenance work or is being cleaned.
12. There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle which has a built in taxi roof sign. In this case council's logo, measuring 12.5cm wide and 9.5cm high, must be displayed in both rear passenger windows.

\*Hackney carriages licenced before XXXX 2009 will not be required to comply with this condition until the vehicle licence is renewed .

### **Interior of the vehicle**

13. Advertisements are permitted on the interior of purpose built Hackney Carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. The permitted sizes are as follows:
  - bulkhead 60cm x 8cm
  - tip up seat 33cm x 30.5cm.
14. No advertisement may be placed on the dividing glass partition other than notices approved by the council.
15. Advertisements are not permitted on the interior of non-purpose built hackney carriage vehicles, without prior written permission from the council.

### **Exterior of the vehicle**

16. Advertisements are permitted on the exterior doors and the boot of hackney carriages; the permitted sizes are :
  - single door 76cm x 46cm
  - double door 185cm x 46cm
  - boot 30cm x 10cm.
17. Proprietors wishing to have full livery will only be permitted with the written consent of the council.
18. Operators are also permitted to display the following on the vehicle:
  - a sign indicating membership of the AA, RAC or other similar motoring organisation
  - a sign which requests passengers not to smoke
  - a first aid kit sticker



- any other material supplied by government or a government organisation or corporation with the permission of the council.

### **Audio, video or surveillance systems**

19. No audio, video or recording systems shall be installed or operated in the vehicle without the prior written permission of the council.

### **Smoking**

20. No smoking is permitted in the vehicle by either the driver or passengers. The vehicle should comply with the “smoke free” regulations as stated in the Health Act 2006.

### **Meters/fare card**

21. If the vehicle is fitted with a taximeter it must comply with the The Measuring Instruments (Taximeters) Regulations 2006. The taximeter must:

- show the fare recorded on the taximeter in clearly legible figures, and the word ‘FARE’ shall be clearly displayed so as to apply to such figures
- the meter should be set in accordance with the proprietor tariff cards.

22. A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose. The fare card should clearly display the vehicles licence number.

### **Wheelchair access**

23. If the vehicle is designed or adapted to carry a wheelchair, the owner of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

24. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

### **Trailers**

25. Trailers may only be used with the prior written approval of the council and can only be used in connection with pre booked bookings and cannot be used for plying for hire on a rank or the street.

- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986
- the vehicle insurance must include cover for towing a trailer

- a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

### **Lost property**

26. The proprietor or driver of a hackney carriage must hand in any found lost property to the nearest police station within 48 hours.

### **Convictions/ change in particulars of proprietor**

27. The proprietor shall give notice in writing to the council within seven working days of any conviction or change of their registered particulars, e.g. address or change of name.

### **Legislation**

28. The holder of every hackney carriage licence shall comply with the provisions relating to hackney carriages contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000.

## Private Hire Vehicles

### Licence conditions and private hire operators conditions

1. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hiring agreement or hire purchase, the person in possession of the vehicle under the agreement. A private hire vehicle proprietor must obtain a private hire vehicle licence from South Oxfordshire District Council for each vehicle used for private hire. The vehicle can only operate through a South Oxfordshire District Council operators licence.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application for every vehicle for which a licence is required.

### Specification

3. The vehicle must meet the following specification:
  - The vehicle must be capable of carrying not less than four, and no more than eight, passengers
  - Each passenger shall have direct access to a door without the need to remove or completely fold flat other seating. The council will consider vehicles that have seats that “tilt” forward by a single operation. If permitted by the council, the driver must inform the passengers of the operation of the seats before a journey commences. \*
  - Each passenger seat shall be fitted with a seat belt, no seat may be side facing, other than a wheelchair that has been correctly fitted to the vehicle.
  - The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage and estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
  - No alteration to manufacturer’s specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council.
  - The front windscreen and front windows must have a visible light transmission (VLT) of not less than 75 per cent. Other windows should not be tinted to the extent that the passengers can not be seen from the outside of the vehicle. Only vehicle manufactures tints are permitted on the vehicle. \*
4. A private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage.

\* note – private hire vehicles which had a South Oxfordshire District Council vehicle licence on XXXX will not have to comply with this condition until a change a vehicle takes place on the licence.

### **Vehicle age**

5. The council will not set an age limit for private hire vehicles, but they must be tested once each year until they are four years old. If the vehicle is over four years old at the time of the licence being granted it is required to undertake two tests per year falling at the granting of the licence and six months into the vehicle's licence.
6. The vehicle test is a MOT test. The council will only accept MOT tests that are valid for 11 months or over. Brand new registered vehicles with less than 1,500miles on the clock are not required to have a vehicle test.

### **Equipment**

7. The vehicle must carry the following equipment:
  - A fire extinguisher of a minimum of 1Kg power type and BS EN3 compliant, serviced in accordance with BS 5306, and a service record kept for inspection by an authorised officer of the council.
  - A spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the council.
  - A jack and tools for changing the wheels.
  - A Spare auto lamp kit applicable to the vehicle and the taxi sign.
  - A warning triangle.
  - A torch.
  - A first aid kit.

### **Condition of the vehicle**

8. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the reasonable satisfaction of the council. In particular, the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacture. The interior shall be free of stains, spills and tears and the seats must function in accordance with the original manufacturer's specification.

### **Insurance and other documentation.**

9. The proprietor shall not use the vehicle, nor permit it to be used, as a private hire vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the

vehicle to carry passengers for private hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate must be provided to the council.

10. The proprietor must produce when requested the vehicle registration document, a valid MOT certificate and must ensure that the vehicle displays a valid vehicle excise licence.

### **Licence plates**

11. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licencing officer (see special vehicle policy).

### **Private hire signs and advertising**

12. The proprietor must ensure that their vehicle does not display any advertising or promotional material, subject to the following exceptions:
  - a sign indicating membership of the AA, RAC or other similar motoring organisation
  - a sign which requests passengers not to smoke
  - a first aid kit sticker
  - any other material supplied by government or a government organisation or corporation with the permission of the council.

### **Audio/video or surveillance systems**

13. No audio/video or recording systems shall be installed or operated in the vehicle without the prior written permission of the council.

### **Smoking**

14. No smoking is permitted in the vehicle by either the driver or its passengers. The vehicle should comply with the "smoke free" regulations stated in the Health Act 2006.

### **Meters/fare card**

15. If the vehicle is fitted with a taximeter it must comply with the The Measuring Instruments (Taximeters) Regulations 2006. The taximeter must:
  - show the fare recorded on the taxi meter in clearly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures
  - the meter should be set in accordance with the proprietor tariff cards.

16. A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose. The fare card should clearly display the vehicles license number.

### **Wheelchair access**

17. If the vehicle is designed or adapted to carry a wheelchair, the owner of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

18. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. Any such equipment must be maintained in good working order and be available for use at all times.

### **Trailers**

19. Trailers may only be used with the prior written approval of the council and subject to the following requirements:

- trailers can only be used in connection with private hire bookings
- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986
- the vehicle insurance must include cover for towing a trailer
- a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

### **Lost property**

20. The proprietor or driver of a private hire vehicle must hand in any found lost property to the nearest police station within 48 hours.

### **Convictions/change in particulars of proprietor**

21. The proprietor shall give notice in writing to the council within seven working days of any conviction or change of their registered particulars, e.g. address or change of name.

### **Private hire operators conditions**

22. The holder of a private hire operators licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

23. The records required to be kept by the operator under Section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. If you are using a book the pages must be numbered consecutively and the operator shall enter or cause to

be entered before commencement of each journey, the following particulars of every booking accepted:

- the time and date of the booking
- the name of the hirer
- how the booking was made, e.g. telephone or email and the time
- the time of the proposed pick up
- the point of pick up and drop off
- the registration or plate number of the vehicle allocated for the booking and the name of the driver.

24. The operator shall also keep records of the particulars of all private hire vehicles operated by him, which shall include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signals used. All records kept by the operator shall be kept for a period of not less than 12 months following the date of the last entry and shall be made available, upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.

### **Legislation**

25. The holder of every private hire vehicle licence shall comply with the provisions relating to private hire vehicles contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000.

### **Policy on special event vehicles**

26. This element of the policy only applies to private hire vehicles.

27. For the purpose of this policy, a 'special event vehicle' shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature, e.g. transport to parties or an "executive vehicle" and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special event' category are stretch limousines, classic cars, executive vehicles or a vehicle that has fewer than four seats.

28. This element of the policy does not apply in relation to vehicles used in connection with weddings and funerals, as these are exempt from private hire licensing.

29. The general licence conditions for private hire vehicles will not normally allow for special event vehicles to be licensed for a number of reasons including the style and design of the vehicle.
30. Any special event vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations or which otherwise would not meet the standard private hire vehicle conditions, the proprietor may apply to be licensed by seeking variation or exemption from some of the standard conditions.
31. Each vehicle will be considered and assessed on merit taking account of:
- the overall condition of the vehicle
  - the number of passengers for which it is required to be licensed
  - the specific criteria for which exemption is sought.

The primary consideration will always be the safety and comfort of the travelling public.

32. This policy sets out the general considerations the council will take into account when considering an application for the licensing of a special event vehicle.

### **Specification**

33. Vehicles may be right or left hand drive provided that right hand drive vehicles have vehicle type approval from the Department of Environment Transport and the Regions, of which the council requires proof.
- the vehicle must not have fewer than four road wheels
  - the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
  - the vehicle must comply with Constructions and Use Regulations.
34. Exemptions will not be granted from the following standard vehicle conditions:
- A fire extinguisher of a minimum of 1Kg power type and BS EN3 compliant, serviced in accordance with BS 5306, and a service record kept for inspection by an authorised officer of the council.
  - A first aid kit.
  - A spare wheel suitable for immediate use.
  - A jack and tools for changing the wheels.
  - The screen sticker, if supplied by the council, must be displayed in the lower nearside corner of the rear windscreen.



- Spare light bulbs.
  - No audio or video recording system shall be installed or operated in the vehicle without the prior written permission of the council and any system for which approval is granted shall be installed and operated in accordance with the council's guidelines.
35. Any vehicle that has been constructed or adapted to seat more than eight passengers cannot be licensed as a private hire vehicle.
36. The licensing officer will consider applications for vehicles older than ten years. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council. In particular, the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacture. The interior shall be free of stains, spills and tears and the seats must function in accordance with the original manufacturer's specification.
37. No age limit will be set for "special vehicles" but they are required to be tested once per year until they are four years old. If the vehicle is over four years old at the time of the licence being granted it is required to undertake two tests each year falling at the granting of the licence and six months into the vehicles licence. Brand new registered vehicles with less than 1,500 miles on the clock will not be required to have a vehicle test.
38. A vehicle test will be replaced with a MOT test. The council will only accept MOT tests that are valid for 11 months.
39. The individual nature of a special event vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether special conditions should be included on any licence.

### **Plate exemption**

40. Vehicles which are used for contract work for at least 75 per cent of the time can be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out. Such vehicles must display a rear windscreen badge, if provided by the council. These badges will show the details of the vehicle as they appear on the plate. The licence plate will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. The council will determine applications for exemption on a case by case basis.

## HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CONDITIONS

- Any hackney carriage/private hire drivers' badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired.
- Whilst in control of a hackney carriage or private hire vehicle, the driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the owner/proprietor and the identification marks of the vehicle.
- The driver shall give notice in writing to the council within seven working days of any conviction or change of their registered particulars, e.g. address or change of name. If a driver is given notice to undertake a random CRB check by the council they should do so within 28 days of the request,
- The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- Any driver of a hackney carriage/ private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council shall be deemed not to be a fit and proper person to hold a licence.
- Every driver shall at all times when in charge of a licensed vehicle wear his/her drivers badge supplied by the council and the badge should be clearly visible.
- Under Section 37A of the Disability Discrimination Act 1995, drivers will be required to carry an assistance dog accompanying a disabled person without any additional charge.
- A driver shall give notice in writing to the council within seven working days of any change in medical condition. If required by the licensing authority a new medical may be required to determine if the driver is "fit and proper".
- Every driver of a licensed vehicle when requested by any person hiring or seeking to hire the vehicle shall:
  - convey a reasonable quantity of luggage
  - afford reasonable assistance in loading and unloading
  - afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he/she may take up or set down a person.

## **Legislation**

41. The holder of every private hire vehicle licence shall comply with the provisions relating to private hire vehicles contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000.

SIGNAGE/ADVERTISING FORMAT



The above illustration is not to scale, but demonstrates the format of the roof sign. The structure of the roof sign is illustrated below.



## **CONSIDERATION OF APPLICATIONS**

1. Upon receipt of a completed application form, an officer from the licensing team will consider the application. Where the application is incomplete, it will not be considered until the missing details or documents are supplied. Depending on the circumstances, all or some of the application papers may be returned along with any fee provided.
2. The licensing officer has delegated authority to approve all applications for hackney carriage and private hire driver licences, hackney carriage and private hire vehicle licences and private hire operator licences.
3. Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted a driver's licence will be issued with a badge, which will remain the property of the council and must be surrendered when the driver ceases employment. Hackney carriage driver licences must be retained by the driver's employer until that employment ceases, when it will be returned to the driver to pass to any new employer.
4. Where the licensing officer is not satisfied that the applicant should be granted a licence because of an unspent conviction, the officer will refer the application to the environment and licensing manager under the scheme of delegated functions to officers. If the officer decides the applicant is not fit and proper due to other factors, the application will be referred to the Licensing Sub-Committee. The applicant will be advised of the date, time and venue of the committee.
5. The proceedings and terms of reference of the sub-committee will be the subject of a separately published procedure.

## TESTING APPLICANTS

### Introduction

1. In order to maintain the high standards that the council expects of its drivers, new applicants will be required to undertake an assessment of competence. This will take the form of a written test and will contribute to satisfying the requirement to be a fit and proper person.

### Local geography

2. Applicants will be tested on their knowledge of South Oxfordshire's geography, by recording the shortest routes between locations in the area.

### Highway Code

3. Applicants will be asked to answer a number of questions as to driving skills, road information and etiquette as set out in the Highway Code.

### The hackney carriage and private hire licensing legislation and council rules and policy

4. Applicants will be tested on their knowledge and understanding of the law as it applies to hackney carriage and private hire licensing.

### Disability issues

5. In view of the special considerations to be made when dealing with passengers with differing physical abilities, it may be necessary to test the awareness of the applicant of these issues.

### Test retakes

6. Applicants who fail to achieve an eighty per cent pass rate in the written test will be invited to take a different test on another occasion. They will not be considered to be fit and proper to hold a licence until they have achieved the requisite pass rate.
7. To ensure that all applicants are encouraged to prepare for the above process, a non-returnable fee will be charged for each test taken.

## **Guidelines relating to relevance of previous convictions**

1. All applicants for a hackney carriage/private hire driver's licence must complete an enhanced Criminal Records Bureau (CRB) check prior to the granting of a licence.
2. On completing the form all convictions must be declared. Failure to disclose convictions which are subsequently notified by the Criminal Records Bureau will result in the application being refused or licence revoked.
3. All past convictions will be considered against Home Office guidelines. The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as "spent" and which would not normally necessitate disclosure of that conviction. In 2002 the act was amended so as to exclude hackney carriage and private hire drivers from the effects of the 1974 Act. Applicants for such licences are now required to disclose all convictions, including those that would previously have been regarded as spent under the Act. The licensing authority will use the Rehabilitation of Offenders Act 1974 as guidance but in every case the individual facts will be considered.

## **The Rehabilitation of Offenders Act 1974**

4. Rehabilitation of Offenders Act 1974 guidelines will be used by the council, but for repeat offenders or offences that are not stipulated under the Rehabilitation of Offenders Act 1974 the following guidelines will be used to determine if an applicant is a fit and proper person to hold a licence.

### **Minor Traffic Offences**

5. Convictions for minor traffic offences should not prevent a person from proceeding with an application. However, if sufficient penalty points have been accrued to require a period of disqualification of the applicant's DVLA driving licence then a hackney carriage or private hire driver's licence may be granted after its restoration but a warning will be issued as to future conduct.

### **Major traffic offences**

6. An isolated conviction for a major traffic offence will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last two years would require the application to be referred to the Licensing Sub-Committee. No further application would be considered until a period of three years free from convictions has elapsed.

## **Hybrid traffic offences**

7. Offences of this type will be treated as major traffic offences if the court awarded four or more penalty points or as minor traffic offences if the court awarded three or less penalty points.

## **Offences under the Town Police Clauses Act 1947 and Part II of the Local Government (Miscellaneous Provisions) Act 1976**

8. One of the main purposes of the licensing regime set out in the above named acts is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the acts when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.
9. In particular, an applicant will normally be refused a licence where he or she has been convicted of an offence under the acts at any time during the six months preceding the application, or has more than one conviction within the two years preceding the date of the application. If a proprietor or operator is convicted of more than one offence over a 12 month period it could lead to all relevant licences being revoked for a minimum of five years; those who committed three or more offences would not be considered for a minimum of ten years but in most cases would be refused a licence for life. For new applicants who have submitted applications but are suspected of breaching the above named acts, their application will be kept on hold pending a full investigation by the licensing officer. Those drivers who have had a licence revoked by any other local authority will not be considered for a minimum of five years.
10. Applications containing spent convictions for any of the above will be referred to the licensing officer for initial review. The licensing officer may refer the application to the Licensing Sub-Committee.

## **Driving under the influence of alcohol offences**

11. Convictions of driving or being in charge of a vehicle while under the influence of drink will be viewed seriously. An isolated spent conviction under the guidelines of The Rehabilitation of Offenders Act 1974 may not necessarily prevent an application from being granted, but a warning will be given as to future behaviour. If an applicant has been convicted of drink driving whilst in charge of a licensed vehicle the applicant will be refused a licence until five years after restoration of the DVLA driving licence.
12. An unspent conviction for this type of offence will result in the refusal of the application. Applications containing spent convictions for any of the above will be referred to the licensing officer for initial review. The licensing officer may refer the application to the Licensing Sub-Committee.

## **Public disorder offences involving alcohol**

13. An isolated conviction for an alcohol related offence need not prevent an applicant from gaining a licence. Applications containing spent convictions for any of the above will be referred to the licensing officer for initial review. The licensing officer may refer the application to the Licensing Sub-Committee.



## Drugs

14. An applicant with a conviction for a drug related offence will be required to show a period of a least five years free of convictions before an application is granted. Applications containing spent convictions for any of the above will be referred to the licensing officer for initial review. The licensing officer may refer the application to the Licensing Sub-Committee.

## Indecency offences

15. Applicants with convictions for soliciting will be refused a licence until five years free of such offences. Applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused until a minimum of ten years free of such offences has passed. More than one conviction for this kind of offence will mean that no licence will be granted. Applications containing spent convictions for any of the above will be referred to the licensing officer for initial review. The licensing officer may refer the application to the Licensing Sub-Committee.

## Violence

16. As hackney carriage and private hire drivers maintain close contact with the public an application will be refused where the applicant has an unspent conviction for an offence of:
- murder
  - manslaughter
  - manslaughter or culpable homicide while driving
  - arson
  - malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
  - actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
  - grievous bodily harm with intent (s.18 Offences Against the Person Act)
  - grievous bodily harm (s.20 Offences Against the Person Act)
  - robbery
  - racially aggravated criminal damage (s.30 Crime and Disorder Act 1998)
  - racially aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
  - racially aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)

- racially aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- racially aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998).

17. Applications containing spent convictions for any of the above will be referred to the licensing officer for initial review. The licensing officer may refer the application to the Licensing Sub-Committee.

18. An application will normally be refused where the applicant has an unspent conviction for an offence of:

- common assault
- common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- assaulting a police officer
- affray
- racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- riot
- obstruction
- possession of an offensive weapon
- possession of a firearm
- criminal damage
- violent disorder
- resisting arrest.

19. Applications containing spent convictions for any of the above will be referred to the licensing officer for initial review. The licensing officer may refer the application to the Licensing Sub-Committee.

## **Theft and Fraud**

20. Drivers of hackney carriage and private hire vehicles are expected to be honest.

21. An application will be refused where the applicant has an unspent conviction for an offence of theft or fraud.

22. Applications containing spent convictions for any of the above will be referred to the licensing officer for initial review. The licensing officer may refer the application to the Licensing Sub-Committee

## Drivers behaviour

23. Any hackney carriage/private hire driver acting in a disorderly, abusive or violent manner towards any member of the public, other driver, Police Officer or any council official (including non South Oxfordshire District Council officials) will be referred to the Licensing Sub-Committee.

## Information

24. The date of the court conviction is to be taken as the rehabilitation start date, unless a sentence of imprisonment or corrective training exceeding 30 months was imposed, in which case the period commences from the date of release.

25. The following examples are for guidance only. Each application will be considered on its own merits and it may be that, having regard to the particular circumstances of any application, it would be right to depart from the policy. Initial consideration of applications will be undertaken by the licensing officer. If the licensing officer considers that the applicant is not a fit and proper person the application will be referred to either the environment and licensing manager or the Licensing Sub-Committee.

26. A refusal to grant or suspend the licence can be appealed under the Public Health Acts 1875 to 1925.

## Summary of rehabilitation periods applicable to certain sentences

### (Section 5 Rehabilitation of Offenders Act 1974)

Sentence	Rehabilitation Period
A sentence of imprisonment, detention in a young offenders institution or youth custody or corrective training for a term exceeding six months but not exceeding thirty months.	Ten Years
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service.	Ten Years
A sentence of imprisonment, detention in a young offender's institution or youth custody for a term not exceeding six months.	Seven Years
A sentence of dismissal from Her Majesty's service	Seven Years
Any sentence of detention in respect of a conviction in service disciplinary proceedings	Five Years
A fine or any other sentence subject to rehabilitation under this Act	Five Years

Rehabilitation periods are subject to a reduction by half for persons under eighteen.