

Agenda

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General Purposes Licensing Committee

Date: **Wednesday 22 February 2012**

Time: **5.00 pm**

Place: **Oxford Town Hall**

For any further information please contact:

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General Purposes Licensing Committee

Membership

Chair	Councillor Clark Brundin	North;
Vice-Chair	Councillor Colin Cook	Jericho and Osney;
	Councillor Jim Campbell	St. Margaret's;
	Councillor Mary Clarkson	Marston;
	Councillor Van Coulter	Barton and Sandhills;
	Councillor John Goddard	Wolvercote;
	Councillor Michael Gotch	Wolvercote;
	Councillor Bryan Keen	Cowley;
	Councillor Gwynneth Royce	St. Margaret's;
	Councillor David Williams	Iffley Fields;

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Quorum for this meeting is 4.

2 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any personal or prejudicial interests they may have in any of the following agenda items.

3 UPDATE ON TAXI LICENSING ACTIVITY BETWEEN SEPTEMBER 2011 AND DECEMBER 2011

1 - 14

The Head of Environmental Development has submitted a report which informs the Committee of the progress made by the Taxi Licensing Function between September 2011 and December 2011.

The Committee is asked to

- (a) Note the contents of the report;
- (b) Make comments and recommendations regarding the future work of the Taxi Licensing Function.

4 LICENCE FEES 2012/13

15 - 24

The Head of Environmental Development has submitted a report which seeks agreement of the licence fees for 2012/13 where the Council has discretion over the level of fee charged.

The Committee is asked:

- (a) To note the licence fees set by statute;
- (b) To request the Head of Environmental Development to consult on the proposed fees, as set out in paragraph 19, for new Street Trading Consents that are required as a consequence of the extension the scheme;
- (c) To agree the other licence fees for 2012/13 as set out in Appendix One to the report;
- (d) To receive a further report reviewing the Street Trading Policy to incorporate the extension of the scheme to the whole of the Oxford City Council area.

5 AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED

25 - 28

VEHICLES - PROVISION TO EXEMPT "CHAUFFEUR" VEHICLES

The Head of Environmental Development has submitted a report which asks the Committee to determine whether to amend the provisions for Audio and Visual Recording Equipment to be fitted to "Chauffeur" style Private Hire vehicles.

The Committee is asked to determine whether to exempt from the requirement for audio and visual recording equipment to be fitted, Private Hire Vehicles that hold an Exemption Notice.

6 AMENDMENTS TO THE POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

29 - 46

The Head of Environmental Development has submitted a report which seeks approval from the Committee to the additions and amendments to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions related to the licensing and enforcement of Hackney Carriage and Private Hire Drivers and Operators.

The Committee is asked to

- (a) Agree to the additions and amendments to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions;
- (b) Delegate authority to the Head of Environmental Development to make the necessary textual changes to the Policy on the Relevance of Warnings, Offences, Cautions, and Convictions put forward in this Report.

7 AMENDMENTS TO TAXI LICENSING REGULATIONS AND GUIDELINES

47 - 148

The Head of Environmental Development has submitted a report which seeks approval from the Committee to the additions and amendments to the current Taxi Licensing regulations, guidelines, criteria to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

The Committee is asked to:

- (a) Agree to the additions and amendments to the regulations, guidelines, and criteria relating to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators as set out in Appendices 1 to 3;
- (b) Delegate authority to the Head of Environmental Development to make the necessary textual changes to the Regulations and Guidelines put forward in this Report.

8 REQUEST FROM A PRIVATE HIRE OPERATOR TO AMEND THE CURRENT CONDITION TO THE PERMITTED COLOUR OF PRIVATE HIRE VEHICLES THAT SEAT 5 OR MORE PASSENGERS OR OF A NON-SALOON TYPE VEHICLE

149 - 154

The Head of Environmental Development has submitted a report which seeks the views of Committee in response to a request to amend the current Taxi Licensing regulations, guidelines and criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers or of a non-saloon type vehicle.

The Committee is asked to

- (a) Determine whether or not to authorise amendment of the regulations, guidelines, and criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers, to permit black coloured vehicles; and if having chosen to authorise such an amendment.
- (b) Delegate authority to the Head of Environmental Development to make the necessary textual changes to the current regulations, guidelines and criteria.

9 MINUTES

155 - 158

Minutes of the meeting held on 19th October 2011.

10 DATES OF FUTURE MEETINGS

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

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To: General Purposes Licensing Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
September 2011 – December 2011

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between September 2011 and December 2011.

Report Approved by:

Finance: Emma Burson
Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

The Committee is recommended to:

- (i) note the contents of the report, and**
- (ii) make comments and recommendations regarding the future work of the Taxi Licensing Function.**

Introduction

1. This report informs Committee of progress made by the Taxi Licensing Function under the duties of the Town & Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 between September 2011 – December 2011.
2. The report covers data on service volumes; details of Taxi Licensing hearing decisions; decisions made under delegated powers; information on volumes of drivers and vehicles and enforcement activity.
3. The tables below provide data on licence applications received and processed during the period for September 2011 to December 2011.

Licences Issued	Total Sept 2011 – Dec 2011
Hackney Carriage Driver	141
Private Hire Driver	215
Hackney Carriage Vehicle	43
Private Hire Vehicle	249
Private Hire Operator	5

Actions Undertaken	Total Sept 2011 – Dec 2011
Licensing Hearings	5
Enforcement Actions	105
Number of Prosecutions	0
Complaints about Drivers / Vehicles	54

Applications Granted by the Licensing Authority

- A hearing is not required where an application has been lawfully made and no adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found. There have been 312 driver, 231 vehicle, and 5 Operator licenses issued by the Head of Environmental Development under delegated authority during the period September 2011 – December 2011.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

- When adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found then the application is determined at a Sub-Committee Hearing.
- During September 2011 – December 2011, 5 Hearings were held to determine the fitness of new applicants and existing applicants (including those who whilst in possession of a licence had been deemed to not be considered a “fit and proper” as detailed in the Policy on the Relevance of Offences, Cautions and Convictions). The results of the Hearings are shown in the table below:

	Granted	Refused	Suspended	Revoked
New Driver	2	1		
Existing Driver	1	1	0	0
New Operator	0	0		

Appeals

7. The Licensing Authority did not receive any application for appeal during the period covered in this report.

Prosecutions

8. During the period **September 2011 – December 2011**, no prosecutions were undertaken, 1 Formal Caution was issued for the offences of plying for hire, however as Licensing Officers prevented the journey from commencing no actions were required to be taken with regard to the licence holder driving without the correct insurance in place.

Enforcement Activity

9. Between **September 2011 – December 2011**, the Licensing Team has issued:
 - 66 Advisory Warnings
 - 14 Verbal Warnings
 - 19 Written Warning
 - 8 Final Warnings
 - 1 Suspension (driver)
 - 1 Formal Caution
10. The majority of advisory warnings were issued due to minor breaches of driver / vehicle licence conditions i.e. failure to display Operator stickers, failure to have badge on display, minor cosmetic defects to vehicles.
11. Other issues found that resulted in higher levels of warnings were non-declaration of convictions on applications, excessive penalty points on DVLA driving licences, aggressive behaviour, poor driving standards, failures to comply with reasonable requests from the Licensing Officers, failures to adequately maintain a licensed vehicle.
12. Repetitive failures to adhere to standard driver and vehicle conditions called in to question the licence holders suitability in line with this Authority's criteria of a Fit and Proper person. This is defined in the Policy on the Relevance of Offences, Cautions and Convictions which states:

Fit and Proper Person: A person who is of no threat to the general public, has a good City knowledge, is healthy, is of a good character (including driving record) and is therefore deemed fit and able to hold a licence.
13. A driver was suspended when intelligence was provided by the Police recommending such action. The arresting officer had concerns that the individual may pose a threat to public safety, following the individual being arrested for the act of committing an alleged sexual offence.

14. An “advisory warning” is specifically issued to help educate drivers who are new to the responsibilities of being a licensed driver, or when there is some element of reasonable doubt between the version of events reported by the complainant and the licensed driver.
15. Due to the increased enforcement activities, and the need to find a quicker solution to remedying minor issues found during compliance checks, on the spot advice is also given to drivers, and recorded on the drivers record as an “advisory warning” at the office.
16. Such advice related mostly to drivers not having their driver’s badge on display, not having their record book in the vehicle, and minor matters relating to the cosmetic condition of the vehicle.
17. With proposed changes to the legislation governing Hackney Carriage and Private Hire Licensing, fixed penalty notices may be implemented at a future date to deter licence holders from failing to uphold the conditions of their licence and to promote “best practice”.
18. The role of the Licensing Authority is to ensure the licensed trade is “fit and proper” to service the general public.
19. A “Verbal, Written or Final” warning is issued when the complaint has been substantiated beyond reasonable doubt or the alleged offence has been proven against the licensee, and is deemed to either be serious enough to warrant enforcement action of a higher level than an “advisory” letter.
20. In cases where the pattern of conduct by the licensee over any period of time has resulted in a “warning” being the next procedural level of action required. Such “warnings” rise in level, and their definitions can be found in the Policy on the Relevance of Offences, Cautions and Convictions (as adopted by Council).
21. Members should note that since the Council’s adoption of the Policy on the Relevance of Offences, Cautions and Convictions a significant increase of cases have been referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.
22. This change in enforcement emphasis has provided Members of the Sub-Committee a greater say regarding the suitability of any licence holder who displays a propensity to fail to uphold the conditions and regulations pertaining to his or her licence.
- 23.. Between **September 2011 – December 2011**, 1 interview (under the Police & Criminal Evidence Act) was carried out, for the suspected offence of plying for hire.
24. Resulting from the above PACE interviews were:
 - 1 formal caution issued for plying for hire

Nightsafe

25. The NightSafe initiative contributes to the taxi licensing objectives. This includes intelligence sharing and has led to the Taxi Licensing Enforcement Officers being able to view late night taxi activity in a number of locations by arrangement with the CCTV Manager.
26. This benefits the regulation of licensed drivers and vehicles as it can reveal unprofessional conduct by the licensed trade in the City at night, and can act as a check or deterrent.

Future Work

27. The Licensing Team will be relocating to St. Aldate's Chambers in March 2012, and has been very active in the Offices For The Future Programme. The Taxi Licensing function has now become almost totally electronic and virtually paperless, thus significantly reducing the volume of low-level service requests and creating efficiency savings – which have enabled the service to be improved.
28. Minor revisions are planned to the Policy on the Relevance of Offences, Cautions and Convictions; and amendments to and updating of the conditions and regulations applicable to drivers, vehicles and operators will be drafted.
29. Members of the General Purposes Licensing Committee have provided assistance with this matter, and details of these amendments can be found in other reports to be heard at this Committee meeting.
30. The Local Government Association is working with the coalition Government and the Institute of Licensing to modernise the legislation regarding the licensing of Hackney Carriage and Private Hire drivers, vehicles and operators.
31. It is expected that should such modernisation take place and be approved, that Oxford City Council will be able to implement the previously reported "Fixed Penalty Notices" as an addition to our current enforcement actions.
32. During December 2011, the Licensing Authority implemented Taxi Marshals at the Gloucester Green and Carfax Taxi Ranks.
33. The Service Level Agreement between the Licensing Authority and the Taxi Marshals is attached as **Appendix One**, and provides Members with details of the roles of the Marshals.
34. Many Hackney Carriage drivers and Thames Valley Police voiced their support for the scheme, and consideration is being given to the scheme being rolled out for the whole of the 2012 – 2013 year.

35. Following the success of the scheme, the role of the Taxi Marshals was extended throughout January and February 2012.
36. It is hoped to continue the Taxi Marshalling Scheme throughout 2012 / 2013, and work will shortly be carried out regarding the tendering for this service.

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Licensing Team Leader
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Background papers:

Appendix One: Service Level Agreement: Taxi Marshalling Scheme

Version: 1.0

ENVIRONMENTAL DEVELOPMENT

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SERVICE LEVEL AGREEMENT:

TAXI MARSHALLING SCHEME



OXFORD CITY COUNCIL
TAXI MARSHALLING SCHEME
SERVICE LEVEL AGREEMENT

This is an agreement between:

The Client: Licensing Authority, Oxford City Council, Ramsay House,
10 St. Ebbes Street, Oxford, Oxfordshire, OX1 1PT.

The Contractor:

1. Purpose of Service Level Agreement

To provide licensed and accredited door supervisors to deliver Taxi Marshall Services in Gloucester Green and Carfax / Queen Street (or as otherwise instructed by the Client) taxi ranks, Oxford in line with the terms and conditions negotiated and detailed below.

2. Financial Value of Agreement

The financial value of this agreement is £

This breaks down as follows:

Number of Taxi Marshals: 4
Number of hours per week: 40

Taxi Ranks to be marshalled: Gloucester Green & Carfax
(or as otherwise instructed by the Client)
Friday: 11.00 p.m. until 04.00 a.m. the following morning
Saturday: 11.00 p.m. until 04.00 a.m. the following morning

Financial contributions to the scheme to be as follows:

Oxford City Council: £

The agreed sum will be paid in monthly instalments upon receipt of an invoice from the contractor. Should additional taxi marshalling services be required (for example during traditional holiday periods), the financial arrangements are to be agreed within this agreement. Payments will be made direct to the contractor within 30 days on receipt of invoice.

3. Duration of Agreement

This agreement is for the month of December 2011 only (save for the morning of 1st January 2012), commencing on Friday 2nd December 2011 and expiring on 1st January 2012.

The agreement will be reviewed after the trial with the service provision arrangements in December 2011 in preparation for a potential 2012 / 2013 full calendar year delivery.

4. Service Level Provision

4.1 The Contractor, shall:

- Provide a professional Taxi Marshalling service to Oxford.
- Ensure that the Taxi Marshals and hours invoiced for reflect the Taxi Marshals and hours actually worked.
- Provide the Licensing Authority with a debrief of any occurrences on the next available working day (usually Monday) through a meeting with the Licensing Authority at Ramsay House, St. Ebbes Street, Oxford.
- Adhere to the “Code of Practice” contained within this document.
- At all times during the lifetime of this Agreement shall maintain all such insurances (including employer’s liability insurance) as may be required by law, together with the following policies, and shall be taken out with an insurance office of repute. These include a public liability insurance policy covering all usual risks which are normally covered by such policies, with a minimum policy limit for a single incident of not less than £1 million. And upon request, produce to the client copies of such insurance policies and receipts for any renewal premiums in respect thereof.
- Not disclose the contents of this Agreement to any person, and shall ensure that none of their personnel does so without the express prior consent of the client.
- Ensure that any equipment supplied by the client is maintained in good order, particularly any radio which may from time to time be provided by the Council shall be kept under strict control and any problems or breakdown be reported immediately.
- Carry out such risk assessments as are required under Health and Safety at Work Legislation and provide a copy of these to the client

4.2 The Client, shall:

- Obtain a weekly report from the Taxi Marshals regarding start and finish times and forward a copy to the contractor.
- Provide a job description of a Taxi Marshall (contained within this document).
- Provide a pre-meeting with the Taxi Marshals on the preceding working day prior to each weekend to be worked (usually Thursday) through a meeting with the Licensing Authority.
- Pay any invoice submitted by the contractor with 30 days of receipt of invoice (subject to the contractor stating that the invoice is correct).
- Obtain entry to the Radio-Link scheme and provide the necessary equipment to the contractor.
- Provide note pads and stationary to the Taxi Marshals supplier, in order that the Taxi Marshals may make notes of their observations whilst carrying out their duties.
- Adhere to the “Code of Practice” contained within this document.
- Not disclose the contents of this Agreement to any person, and shall ensure that none of their personnel does so without the express prior consent of the contractor.

5. Code of Practice

5.1 The Contractor, shall:

- Provide trained Taxi Marshals licensed as door supervisors by the Security Industry Authority.
- Ensure that all Taxi Marshals have read and are aware of this 'Code of Practice' and their requirements as detailed at 5.2.
- As much as possible, provide the same Taxi Marshals to the same ranks to ensure continuity.
- Ensure that the Taxi Marshals arrive promptly on duty when required.
- Provide a named contact for each contract being undertaken.
- Ensure that a member of the Taxi Marshals is aware of the contents of the weekly "Radio-Link" meetings held by Thames Valley Police and Security companies in Oxford.
- Ensure all Taxi Marshals wear the high visibility jackets with 'Oxford City Council Licensing Authority' logo attached, as supplied by the Licensing Authority.
- Ensure that any person employed as a Taxi Marshall has the relevant communication and language skills for the location in which they will be working.
- Report any issues immediately to the Licensing Authority

5.2 Taxi Marshals, shall:

- Comply with the conditions of their SIA licence.
- Arrive on time, logging on (and off) via the Radio Link scheme and / or CCTV suite.
- Wear the high visibility jacket provided by Oxford City Council at all times during shift.
- Remain on the rank at all times (unless using the 'local' facilities).
- Where a situation may occur resulting in the Taxi Marshall with the radio not being able to report for the shift, it is the responsibility of that Marshall to get the radio to the remaining Marshall.
- Have an understanding of the difference between a Taxi (Hackney Carriage Vehicle) and a Private Hire Vehicle, so as to ensure that only Hackney Carriage Vehicles licensed by Oxford City Council access the rank, and an understanding of the conditions, criteria and regulations regarding the licensing of drivers and vehicles with the Licensing Authority.
- Be responsible for a queuing system on the rank and match passenger number to Hackney Carriage Vehicles (Black Cabs).
- Have an understanding of the local taxi tariff in order to provide advice to the general public.
- Ensure that lone females, vulnerable persons or persons accompanied by children are adequately supervised.
- Not show any bias towards any licensed driver or company.
- Advise any Private Hire Drivers of Private Hire Vehicles that may be waiting nearby without a booking to move on, as their actions constitute "plying for hire", and to note the details of the vehicle make, model, colour and licence plate and if possible the Private Hire Driver badge number in their note pad.

- Prevent conflicts from arising on the rank and between the general public and taxi drivers by ensuring order and providing conflict management.
- Ensure that every driver that pulls up at the rank is displaying his or her Hackney Carriage Driver “badge”, identifying such a person as being licensed by Oxford City Council.
- Pass the details of any Taxi Driver who behaves in a manner that gives cause for concern, to the Licensing Authority or an officer of Thames Valley Police as soon as possible, including name, date and badge number.
- Have an understanding of drivers rights to:
 - (i) Refuse fares where they have a reasonable excuse.
 - (ii) Set the price of a fare prior to departing if the journey takes them beyond the City boundary.
- Have an understanding that when attempting to enter a licensed vehicle, that passengers must:
 - (i) Not be excessively drunk
 - (ii) Not be violent
 - (iii) Not be abusive
 - (iv) Not eat
 - (v) Not drink
 - (vi) Not smoke
 - (vii) Know their destination and relay such information to the driver
 - (viii) Have the required finances to pay for the journey.
- Use the Radio-Link appropriately to communicate with officers of Thames Valley Police and other Security Staff.
- Make contact with an officer of the Licensing Authority if such assistance is required in the event that the Taxi Marshall believes the actions of a licensed driver may be in contravention of the conditions, criteria, and regulations of the Licensing Authority.
- In the event of an incident, complete statements and incident reports as required by officers of Thames Valley Police or the Licensing Authority.
- Log and report all incidents, regardless of how minor they appear to be, and report such matters to the Licensing Authority.
- Have an awareness of other local transport agencies.
- Have good communication skills and the ability to liaise with all members of the public in a calm and professional manner.

5.3 The Client, shall:

- Ensure adequate liaison arrangements are in place between Taxi Marshals, the CCTV Suite and Thames Valley Police.
- Manage and resolve any issues that may arise amongst the Taxi Drivers and between the Taxi Drivers and the Taxi Marshals.
- Ensure the Taxi Drivers comply with the conditions, criteria, and regulations of their licences.
- Ensure any enforcement actions are undertaken in accordance with the Licensing Authority’s procedures and policies, and recorded and dealt with in an effective and efficient manner.
- Take such measures as necessary to ensure that any such matters are referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, Thames Valley Police as deemed appropriate.
- Provide information to the contractor in the event of any Contingency Management (contained within this document).

6. Additional Procedures

6.1 Contingency Management

- In event of a taxi driver strike, the Licensing Team Leader (or colleague) must inform the contractor at the earliest convenience. This should also be the case even if the strike is only a possibility and not a definite.
- In the event of a Taxi Driver strike, the Taxi Marshals should attend the shift, remain on rank (or alternative rank) and continue to bring order to the rank by directing members of the public to alternative methods of getting home safely.
- In the event of a Road Closure Order being in force, that may result in the closure of a rank, the Taxi Marshals shall be informed of the appropriate rank at which to carry out their duties.

7. Termination & Renewal of Service Level Agreement

Either party may terminate this Agreement immediately by giving notice to the other party in the event of that other party:

- (a) Failing to remedy a material breach of the agreement within 14 days after receiving written notification specifying the breach and requiring its remedy;
- (b) Ceasing to trade, or entering into a composition with its creditors, or passing a resolution to wind up otherwise than for a reconstruction or amalgamation

Each party shall do nothing which may harm the trade or reputation of the other and will comply with any reasonable request made by the other party to safeguard such trade and reputation.

Any further extension or expansion of Taxi Marshall Scheme must be added to this agreement.

The agreement will be reviewed after the trial with the service provision arrangements in December 2011 in preparation for a potential 2012 / 2013 full calendar year delivery.

8. Lead Signatures

The lead signatures for this agreement are:

The Client:

Oxford City Council Licensing Authority

Julian Alison

Signed _____

Date _____

The Contractor:

Signed _____

Date _____

To: General Purposes Licensing Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Licence Fees 2012/13

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2012/13 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffied

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

Committee is recommended to:

- (a) note the licence fees set by statute,
- (b) request the Head of Environmental Development to consult on the proposed fees, as set out in paragraph 19, for new Street Trading Consents that are required as a consequence of the extension the scheme,
- (c) agree the other licence fees for 2012/13 as set out in Appendix One, and
- (d) receive a further report reviewing the Street Trading Policy to incorporate the extension of the scheme to the whole of the Oxford City Council area.

Introduction

1. The purpose of this report is to establish the licence fees that should apply for 2012/13, for those activities where the Council has discretion. This report does not cover the fees for Licensing and Gambling Act

activities, which are reported separately to the Licensing and Gambling Acts Committee.

2. The fees recommended are appended. The Committee is recommended to agree to the introduction of fees for some elements of taxi licensing administration that are currently carried out free of charge. A new fee structure is proposed for Street Trading activities following the regulation of street trading across the whole of the city. The Committee is recommended to increase the current Street Trading licence fees in line with inflation, and to consult on the fee levels that should apply for the new Consents that are required because of the extension of the scheme. The report also recommends that a review of the Street Trading Policy is carried out with the intention of incorporating the new provisions relating to the scheme extension into it.
3. The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation, enforcement and appeals.

Licence fees set by the Council

Acupuncture, tattooing, electrolysis and ear piercing
Animal Boarding Establishments
Commercial Events
Dangerous Wild Animals
Hackney Carriage and Private Hire Licenses
Motor Salvage Operators
Pavement Café Licences
Pet Shop
Riding Establishments
Sex Establishments
Street Trading Consents

Licence fees set by statute

Integrated Pollution Prevention and Control Permits

Sex Establishments

4. On the 3rd October 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the costs applicable to the licensing of Sex Establishments (Sex Shops), following a request to determine the “reasonable fee” charged for this purpose. It is recommended that an increase in line with inflation is applied to the fees for Sex Establishment Licences.

Sexual Entertainment Venues

4. On 9th June 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the level of fee to be set for the licensing of such premises. It is recommended that an increase in line with inflation is applied to the fees for Sexual Entertainment Venue licences.

Hackney Carriage and Private Hire Licence Fees and Administrative Charges

5. The procedure for changing Hackney Carriage and Private Hire Licence fees requires consultation and all relevant objections must be considered before making any changes. An extensive review of the costs of providing administrative functions for taxi licensing was carried out in 2011. Following consultation with the taxi companies, a number of charges were approved by the General Purposes Licensing Committee on 1st March 2011. These functions were previously carried out free of charge. The additional income from these charges means that the cost of providing the Taxi Licensing service can be recovered without increasing the base Licence fees this year.
6. The following three additional charges and one increase are now proposed to the Committee for approval.
 - Introduction of a charge for processing the application for a Private Hire Vehicle to be granted an Exemption Notice: £50 (permission not to display a licence plate and door stickers on executive or chauffeur-driven vehicles used for contract work as permitted under Section 75(3) Local Government Miscellaneous Provisions Act 1976)
 - Introduction of a charge for processing amendments to the licence held by a Private Hire Operator: £25
 - Introduction of a charge for recovering the costs of following up an unpaid cheque: £30
 - A small increase in the charge for an Enhanced Criminal Records Bureau Disclosure, to cover the Bureau's own increase in charge to the Council: £50 (from £43).

Commercial Events

7. The making of Temporary Road Closure Orders under the Town Police Clauses Act 1847 is a discretionary service and the Council may make a charge for carrying it out, as long as the charge does not exceed the costs to the authority. A number of Road Closure applications have been made in the last year for events involving a commercial element, such as for a Continental Market. It is proposed that a fee of between

£100 and £300 is set rather than the current fixed fee of £250. The actual fee levied would be calculated to recover the cost of officer time and materials in carrying out this function and would therefore relate to the size of the event.

Street Parties

8. The Council wishes to support the organisers of community based events such as street parties. It is, therefore, proposed to continue with the current practice of making no charge for small street parties or community events.

Motor Salvage Operators

9. It is proposed to increase the current charge to ensure full cost recovery for providing this service, as liaison with Thames Valley Police has led to enforcement operations being undertaken.

Street Trading

10. The General Purposes Licensing Committee on 19th October 2011 agreed a report on the Designation of Streets for Street Trading and requested the Head of Environmental Development to include a fee for daytime trading for sites outside the City centre and for community / charitable events in the review of fees and charges for 2012/13.
11. With regard to setting fees for Street Trading, the Local Government (Miscellaneous) Provisions Act 1982, Schedule 4, Part 9 states:

“(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according –

(a) to the duration of the licence or consent;
(b) to the street in which it authorises trading; and
(c) to the descriptions of articles in which the holder is authorised to trade.”
12. Following Council resolution on the 19th December 2011, the statutory processes have now been completed, and the designation of all streets across the City as Consent Streets came into effect on the 1st February 2012. The extension of the scheme enables the Council to regulate Street Trading that was previously unregulated. Street Trading such as food vans operating outside the City centre will now require the Council's consent. In addition, this extension of the scheme will enable

enforcement action to be taken against the selling of vehicles from the side of the road.

13. The fee levels for the street trading activities that have been drawn into licensing by the extension of the scheme should now be determined. It is recommended that these should be at a lower level than in the City centre to reflect the lower costs of administration and regulation.
14. The current evening food traders at Headington and Summertown are covered by the existing scheme and will continue to pay fees that are in line with City centre traders. They operate into the early hours of the morning and the resources required to regulate them are higher than those who operate outside the City centre during the day.
15. A benchmarking exercise has been undertaken with local authorities in our DEFRA grouping, predominantly drawn from Cheltenham BC, Hastings BC, Crawley BC, Wolverhampton City Council and Telford & Wrekin Council. The specific factors that were compared were fee levels, the period of consent, whether there was a licence or consent scheme, delegated powers, conditions of licence, consultation processes and the number of consents issued.
16. For commercial ventures such as Christmas/Continental markets, the fee for commercial Street Trading events should apply. There will be no fee for Street Trading at non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity or educational organisation.
17. Committee is requested to consider and approve, or vary, the fee structure proposed in paragraph 19, that would include the City centre area, evening food traders, and all other traders (in areas outside the City centre). It is proposed that the City centre area should be defined as the area within Folly Bridge, Magdalen Bridge, Osney Bridge and Bevington Road.
18. It is recommended that the increases in line with inflation should be approved for the City centre and evening trading and that consultation is carried out on the new fees that are proposed for all other traders at paragraph 19 and in the appendix. It is also recommended that a review of the Street Trading Policy is carried out to incorporate the extension of the scheme to the whole of the Oxford City Council area.

19.

Street Trading Consents	2011/12	2012/13
City Centre & Evening Traders		
Annual consent	£7,000	£7,315
Six months	£3,600	£3,762
Three months	£1,750	£1,829
One month	£585	£611
One week	£155	£162
All Other Traders		
Annual consent	Not listed	£2,600
Six months	Not listed	£1,300
Three months	Not listed	£650
One month	Not listed	£220
One week	Not listed	£60
Commercial Events e.g. Christmas / Continental Markets	Not listed	£20 per stall per day (min £120)
Non-commercial, community or charity events	Not listed	No fee
Consent badge (replacement)	£25	£25

Financial Implications

20. The projected income from this licensing tariff is included in the Council's budget estimates for 2012/13.

Legal Implications

21. The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to discretionary services. Licensing is not a revenue raising function and fees should reasonably represent the costs of carrying out the function, as set out in paragraph 3.

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Background papers: None

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GENERAL PURPOSES LICENSING COMMITTEE

Licence Fees 2012-13 set by Statute

Integrated Pollution Prevention & Control Permits	2011/12	2012/13
LAPPC Charges - Industrial processes covered by Environmental Permitting Regulations	See notes	See notes

Licence Fees 2012-13 set by the Council

Taxi Licensing

Vehicles	2011/12	2012/13
Hackney Carriage Licence Fee 1YR	£400	£400
Hackney Transfer of Ownership	£100	£100
Hackney Change of Vehicle	£100	£100
Hackney Plate Deposit	£50	£50
Hackney Temporary Vehicle	£75	£75
Private Hire Licence Fee 1YR	£262	£262
Private Hire Transfer of Ownership	£100	£100
Private Hire Change of Vehicle	£100	£100
Private Hire Plate Deposit	£50	£50
Private Hire Temporary Vehicle	£75	£75

Drivers	2011/12	2012/13
Hackney Combined	£115	£115
Private Hire	£101	£101

Additional Charges	2011/12	2012/13
Local Knowledge Test	£75	£75
Local Knowledge Re-Test	£75	£75
Disability Awareness Course	£45	£45
CRB check - all driver only, at cost	£43	£50
DVLA check - for new applicants only, at cost	£8	£8
Licence badge/replacement badge	£10	£10
Replacement external plate	£25	£25
Replacement internal PHV sticker	£5	£5
Exempt badge/replacement badge	£25	£25
Replacement internal HC vehicle plate	£5	£5
Replacement approved fare chart	£2	£2
Replacement approved no smoking signs	£1	£1
Duplicate paper licence (replacement)	£2	£2
Unpaid Cheque Charge	Not listed	£30
Amendments to Private Hire Operator Licence	Not listed	£25
Charge for Exemption Notice	Not listed	£50
Fixed Penalty Notices Taxis	£50	£50

Operator's Licence	2011/12	2012/13
Vehicle 3 & under	£490	£490
Vehicle 4 & over	£980	£980

Licence Fees 2012-13 set by the Council

Street Parties	2011/12	2012/13
Small Street Parties / Community Events (no commercial element) inc road closure	No fee	No Fee

Commercial Events		
Commercial Events inc road closure	£250	£100 - £300

Street Trading Consents		
City Centre & Late Night Traders		
Annual consent	£7,000	£7,315
Six months	£3,600	£3,762
Three months	£1,750	£1,829
One month	£585	£611
One week	£155	£162
All other Traders		
Annual consent	Not listed	£2,600
Six months	Not listed	£1,300
Three months	Not listed	£915
One month	Not listed	£306
One week	Not listed	£81
Commercial Events e.g. Christmas / Continental Markets	Not listed	£20 per table per day (min £120)
Consent badge (replacement)	£25	£26

Pavement Café Licenses		
Annual fee per table	£350	£366

Sex Establishments		
Sex establishment	£8,000	£8,360
Sex establishment transfer/vary	£1,100	£1,150

Sexual Entertainment Venues		
Sexual entertainment venues new	£5,500	£5,750
Sexual entertainment venues renewal	£5,000	£5,225
Sexual entertainment transfer/vary	£1,100	£1,150

Other Licensing & Fees		
Animal Boarding Establishment	£160	£167
Dangerous Wild Animals	£365	£381
Dog Breeding Establishment	£160	£167
Pet Shop	£160	£167
Riding Establishment	£370	£387
Acupuncture, tattooing, electrolysis & ear piercing (only payable on first registration)	£100	£105
	£200	£209
Motor Salvage Operators	£90	£120
Replacement License or Certificate	£20	£25
Unpaid Cheque Charge	Not listed	£30

APPENDIX

Notes
The fee for each application and renewal will be calculated in accordance with DEFRA guidance.

Comments

Rise to cover increase in CRB charge
(includes VAT)
Fee to recover cost to Department
Fee to cover work carried out
Fee to cover work & materials
Subject to the required legislative changes

Comments

Fee to be determined dependant upon size of event

Subject to consultation and further report
Subject to consultation and further report
Subject to consultation and further report
Subject to consultation and further report
Subject to consultation and further report

plus vets fees
plus vets fees
plus vets fees
plus vets fees
plus vets fees
per person
per premise
Increase to cover costs
Fee to recover cost to Department

To: General Purposes Licensing Sub Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Audio and Visual Recording Equipment in Licensed Vehicles – Provision to exempt “Chauffeur” Vehicles

Summary and Recommendations

Purpose of report: To determine whether to amend the provisions for Audio and Visual Recording Equipment to be fitted to “Chauffeur” style Private Hire vehicles.

Report Approved by: Head of Environmental Development

Finance: Emma Burson

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation:

i) To determine whether to exempt from the requirement for audio and visual recording equipment to be fitted, Private Hire Vehicles that hold an Exemption Notice.

Introduction

1. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47 and 48 allows the Licensing Authority to attach to vehicle licences such conditions as it considers reasonably necessary.
2. Following previous reports submitted to this Committee during 2011, Members approved the implementation of an audio and visual recording equipment scheme to be a mandatory requirement for all vehicles licensed for the first time by this Authority from 1st April 2012, and to allow until 31st March 2015 for all currently licensed vehicles to have such systems fitted to them.
3. Since that decision was made, the Information Commissioner’s Office (I.C.O.) has contacted the Council for further information. The Council is currently working with the I.C.O. and this report should be read in that context.

Background

4. An "Exemption Notice" is issued under Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976 to the proprietor of a vehicle that carries out a "Chauffer" style of executive hire, by way of invoiced work with the business user.
5. Vehicles issued with such an "Exemption Notice" are permitted to not display the otherwise mandatory door stickers and licence plate applicable to standard Private Hire vehicles.
6. The Chauffeur Trade have raised concerns to the Chair and Vice-Chair that the work that they carry out, will be negatively impacted upon as a result of the audio and visual recording equipment scheme, for the reason that those customers choosing to pay for their premium services to enhance their privacy, will lose this expected right, and as such many lucrative contracts may be lost.
7. Having reviewed the data held by the Licensing Authority, no complaints have been received regarding any journeys undertaken by vehicles that have been granted an "Exemption Notice". It could therefore be argued that the concerns that led to the proposal for audio and visual recording equipment in licensed vehicles do not apply in this instance.
8. Given the content of the above paragraphs, it is proposed to allow such vehicles that have been granted an "Exemption Notice" to be exempt from the requirements of the scheme, until such time that the Committee have reason to believe that such vehicles should be included.
9. A meeting to discuss this proposed amendment was held with the Chair and Vice-Chair of the Committee on 6th January 2012, and both agreed that such vehicles should not have been subject to the original proposal, and therefore agreed to this amendment.

Financial Considerations

10. There are no additional financial implications to the Council regarding the content of this report.

Legal Considerations

11. There are no additional legal considerations contained within this report.

Recommendations

12. The Committee is recommended to:
 - i) Determine whether to exempt from the requirement for audio and visual recording equipment to be fitted, Private Hire vehicles that hold an Exemption Notice.

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Background papers:

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To: General Purposes Licensing Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Amendments to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions

Summary and Recommendations

Purpose of report: To seek approval from the Committee to the additions and amendments to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions related to the licensing and enforcement of Hackney Carriage and Private Hire Drivers and Operators

Report Approved by:

Finance: Emma Burson

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendations:

Committee is recommended to:

- i) agree to the additions and amendments to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions; and**
- ii) delegate authority to the Head of Environmental Development to make the necessary textual changes to the Policy on the Relevance of Warnings, Offences, Cautions, and Convictions put forward in this Report .**

INTRODUCTION

1. The current Policy on the Relevance of Offences, Cautions and Convictions, was approved by the General Purposes Licensing Committee at it meeting on 1st March 2011.
2. At that meeting, the Committee approved the review of the procedures, regulations, criteria and conditions of the Taxi Licensing function. The new Policy, combined with the new procedures, criteria and conditions has provided a transparent and robust document with which to regulate those applying for a licence and those who already hold a licence.
3. In carrying out this review, consideration was given to the volume and nature of complaints received by the Licensing Authority, the type of

enforcement actions undertaken by the Licensing Officers, the number of repetitive failures by various licence holders to adhere to the conditions and regulations pertaining to the licence held, and the matters that had been put before the Hackney Carriage and Private Hire Licensing Sub-Committee.

4. Amendments and additions have been made to the Policy in order to provide applicants and licence holders with clarity of the Authority's objectives, and further transparency as to the manner in which decisions are made.
5. No additions or amendments are sought that would alter the authority of the Policy. What is sought is Committee's approval to include items that are relevant to, and within the scope of, the Policy.
6. The revised Policy, appended, has already been reviewed by the Chair and Vice-Chair of the Committee on 6th January 2012, and is presented in accordance with their input.

BACKGROUND

7. As a Licensing Authority, we have a statutory power to licence vehicles and drivers who wish to provide Hackney Carriage and Private Hire services within Oxford. These powers are primarily provided under two Acts: the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976.
8. The following types of licence are issued by Oxford City Council: Hackney Carriage and Private Hire Drivers, Hackney Carriage and Private Hire Vehicles, Private Hire Operators.
9. When complaints are received, or enforcement actions taken, the Licensing Officers issue a Warning of a level appropriate to the incident.
10. Officers have discretion as to which level of Warning should apply to each case, and should a licence holder continue to fail to adhere to the conditions or regulation pertaining to his or her licence, the level of Warning is escalated.
11. Since the introduction of the current Policy, the number of cases put before the Hackney Carriage and Private Hire Licensing Sub-Committee has increased, and in turn those licence holders who have shown a propensity to ignore the conditions and regulation pertaining to their licence, have been dealt with accordingly.
12. However, it has become apparent that it has not been documented as to how the actions taken by Officers dovetail in to the workings of the Sub-Committee.
13. It is felt that the actions undertaken by officers can be illustrated within the Policy, so as to ensure that licence holders have a clear understanding as to the Warning Scheme adhered to by the Officers,

and how the accumulation of Warnings or how a single incident may lead to the licence holder appearing before the Sub-Committee due to concerns regarding his or her suitability to remain a “fit and proper” person.

14. Therefore it is proposed to include the enforcement work carried out by Officers in the Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
15. When dealing with matters referred to the Licensing Authority by Thames Valley Police, it has been noted that the issues relating to persons released on Police Bail, or those charged with an offence, are not clarified within the current Policy, and therefore their inclusion is proposed.

AMENDMENTS TO THE POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

16. In order to ensure this Authority has a modern, transparent and robust framework for carrying out enforcement actions and making decisions, the Committee is asked to give its approval to the following amendments and additions to the current Policy:
 - **Warnings:** The term “Warnings” has been introduced with a full definition of its meaning. Its use within this Policy will allow the Licensing Officers a wider scope within which to undertake appropriate measures. This will enable the Officers to put before the Hackney Carriage and Private Hire Licensing Sub-Committee those licence holders who accumulate Warnings in order to determine their suitability to hold a licence. The nature of why Warnings are issued is detailed within the revised Policy. The type of Warnings to be issued are:
 - Advisory Warning
 - First Level Warning
 - Second Level Warning
 - Final Warning
 - **Licensing Objectives:** Five objectives have been introduced that highlight the aims of the Licensing Authority (which precedes the introduction of a Taxi Licensing Policy), and set clear parameters and expectations as to what the Council expects from new applicants and existing licence holders. These objectives are:
 - Safety and health of drivers and the public
 - The promotion of a professional and respected Hackney Carriage and Private Hire trade
 - To prevent crime and disorder and to protect consumers
 - Improve the local environment, economy and quality of life
 - To promote the aims and vision of Oxford City Council and it's Partners

17. Further textual additions to the Relevance of Warnings, Offences, Cautions and Convictions, within the Policy are detailed below:
- **General Policy:** The introduction of Warnings issued by the Licensing Officers, in order to provide clarity that such evidence is part of the “suitability” criteria for existing licence holders.
 - **Driving & Traffic Offences:** A change to the requirement for new applicants who have had their DVLA licence revoked so that the Licensing Authority now may refuse an application until 24 months have passed since the DVLA licence is restored, rather than 24 months having passed before a licence to drive Hackney Carriage or Private Hire vehicles can be granted (as this allowed applicants to submit an application in the knowledge that the necessary time period would elapse during the application process).
 - **Plying For Hire:** The introduction of enforcement measures to be taken against Private Hire Operators who are found to be complicit with Private Hire Drivers who have been found to be plying for hire. Also included is a clearer definition of the offence in order to ensure transparency when enforcing such matters.
 - **Police Bail and Police Recommendation:** These two matters have been included within the Policy in order to provide transparency to licence holders, and informs licence holders that the Head of Environmental Development has delegated powers to suspend the licence of any person if satisfied on recommendation by the Police, that there are reasons to believe that the individual presents a threat to the safety and well-being of the public.
 - **Dishonesty:** This subject has been expanded upon in order to clearly highlight the need for applicants to inform the Licensing Authority of any endorsement penalty points, offences, cautions and convictions at the time of applying for a licence, and for existing licence holders to inform the Authority within 7 days of being issued with such matters.
18. All of the proposed amendments to the Policy have been highlighted in bold italic type for Members to easily identify at **Appendix One**.

FINANCIAL IMPLICATIONS

19. There are no financial implications attached to this report.

LEGAL IMPLICATIONS

20. There is no legal requirement for a licensing authority to set any policy on hackney carriage and private hire licensing. However, authorities may if they wish decide to set policies in order to assist in consistent decision making. Policies may guide but not bind the authority. Good policies are easy to follow and based on evidence not speculation.

RECOMMENDATIONS

21. Committee is recommended to:

- i) Agree to the additions and amendments to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions; and
- ii) Delegate authority to the Head of Environmental Development to make the necessary textual changes to the Policy on the Relevance of the Warnings, Offences, Cautions and Convictions put forward in this Report.

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Background papers:

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LICENSING AUTHORITY:

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS

Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage / Private Hire Driver & Vehicle Licences, & Operator Licences



OXFORD CITY COUNCIL

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

CONTAINED WITHIN THIS POLICY YOU WILL FIND:

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POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Licences, and Private Hire Operator Licences.

Introduction

Hackney Carriage and Private Hire 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 outside "normal hours" of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council's powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- **Safety and health of drivers and the public;**
- **The promotion of a professional and respected Hackney Carriage and Private Hire trade;**
- **To prevent crime and disorder and to protect consumers;**
- **Improve the local environment, economy and quality of life; and**
- **To promote the aims and vision of Oxford City Council and its Partners.**

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. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver's, operator's and proprietor's licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Environmental Development**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

Definitions

Appeal: A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

Offence: commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

Caution: A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

Conviction: Judicially determining that someone is guilty of a crime

Free of convictions: This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

Fit and Proper Person: A person who is of no threat to the general public, has a good City knowledge, is healthy, is of a good character (including driving record) and is therefore deemed fit and able to hold a licence.

Hackney Carriages: A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public Hire.

Hackney Carriage and Private Hire Licensing Sub-Committee: *A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Environmental Development is unable to determine whether such a person meets the Authority's definition of a "fit and proper" person.*

Head of Environmental Development: *Who holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and the suspension of any licence holder.*

Mitigating Circumstances: The circumstances surrounding an offence, caution or conviction. These may alter the seriousness of a crime.

Private Hire Vehicles: A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a rank, wait without a booking in a "prominent position" giving rise to the impression that the vehicle is available for hire, or undertake a journey that has not been pre-booked by the hirer with the Private Hire Operator).

Proprietor: The person in possession of a Hackney Carriage or Private Hire vehicle licence.

Operator: This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

Refusal: To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension).

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

Advisory Warning: *Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.*

First Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

Second Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

Final Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver. In order to assess an individuals suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Criminal Records Bureau Disclosure and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver's licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered "fit and proper" to hold a licence issued by the Authority.

Suitability

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:

- **Hackney Carriage & Private Hire Driver Licence Application Pack**
- **Hackney Carriage & Private Hire Vehicle Licence Application Pack**
- **Private Hire Operator Licence Application Pack**

Alternatively, the Council provides all such relevant information on its website at: www.oxford.gov.uk/taxilicensing

Offences, Cautions and Convictions

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person's suitability to hold a Hackney Carriage/Private Hire driver's licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters. The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken into consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court has found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination. **In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.**

A "Fit and Proper Person"

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine **each case on its own merits.**

History

The Licensing Officer may take into account a person's history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance

In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.

GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.
3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
4. Cautions will be taken in to consideration for a period of five years.
5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.
6. ***Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.***

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers 'death by careless driving' or 'death by dangerous driving' to be a very serious and you should therefore refer to the **Major Traffic Offences** section. For information on alcohol and drug related offences see **Drunkness & Drugs** sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

5 or less penalty points: For 5 or fewer points on an applicant's driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

"Totting Up" under S35 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the "totting up" procedures, the Licensing Officers will normally consider refusal until there has been a **period of 12 months** free of relevant convictions. If an applicant has agreed "exceptional hardship" and avoided disqualification, refusal will still be considered and a **period of 12 months** free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at **least 3 years** after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.

Major traffic offences

E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a **period of 12 months** free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a **period of 2 years** free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider 'death by careless driving' or 'death by dangerous driving' to be a very serious offence. If the applicant has been convicted of such an offence a **period of 3 years** free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

Plying for Hire

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire whilst using a licensed Private Hire vehicle. ***It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.***

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer's case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as "Test Purchase" Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Drunkenness (With Motor Vehicle)

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants' fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkenness (Not in Motor Vehicle)

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating critical examination.

Drugs

A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail

Hackney Carriage and Private Hire drivers are expected to adhere to this Policy's definition of a "fit and proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender's Register.

Violence

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty

Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

Complaints Against Drivers

Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer's discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued By The Licensing Officers

The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority's policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Environmental Development.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within 21 days of the Warning being issued.

Conclusion

Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority's policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer's assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates' Court within **21 days of the notice of decision**.

APPENDICES

Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note that it is from **the date of conviction** that the time commences for the Rehabilitation of Offenders Act.

Adult

	Sentence	Rehabilitation Period
1.	2 ½ years (30 months) imprisonment and over whether sentence was suspended or not	Never spent
2.	6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not	10 years
3.	Under 6 months imprisonment/youth custody whether sentence was suspended or not	7 years
4.	A Fine, Compensation or Community Service Order	5 years
5.	Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)	1 year or period of probation sentence, whichever is longer
6.	Absolute Discharge	6 months
7.	Disqualification, disability or prohibition	Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)
8.	Remand Home/Approval School/ Attendance Centre Orders	1 year after Order expires
9.	Hospital Order Under Mental Health Acts	The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)

Youths

For applicants aged under 17 when the date of conviction took place 2, 3 and 4 above of the fixed rehabilitation periods are halved. Sentences which can only be passed on young offenders remain **fixed** and cannot be halved, i.e.

	Sentence	Rehabilitation Period
10.	Borstal	7 years
11.	6 months – 2 ½ years detention in a place determined by the Secretary of State	5 years
12.	6 months detention and less as above	3 years
13.	Detention Centre Orders	3 years

The period of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. **The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.**

To: General Purposes Licensing Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Amendments to Taxi Licensing Regulations and Guidelines

Summary and Recommendations

Purpose of report: To seek approval from the Committee to the additions and amendments to the current Taxi Licensing regulations, guidelines, criteria to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

Report Approved by:

Finance: Emma Burson

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendations:

Committee is recommended to:

- i) agree to the additions and amendments to the regulations, guidelines, and criteria relating to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators as set out in Appendices 1 to 3; and**
- ii) delegate authority to the Head of Environmental Development to make the necessary textual changes to the Regulations and Guidelines put forward in this Report .**

INTRODUCTION

1. Following a review in 2010 of the procedures and processes previously in place within the Taxi Licensing function, on 1st March 2011 the General Purposes Licensing Committee approved the implementation of revised procedures, regulations, guidelines and criteria applicable to the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators.
2. The Licensing Authority has operated under the revised procedures, regulations, guidelines and criteria for almost 12 months. Whilst significant progress has been made during this time, the Licensing Team Leader has identified further areas which require modernisation through the amendment and implementation of conditions.

3. These latest proposed amendments will ensure that our regulations and guidelines are robust, transparent, and provide assistance to new applicants, existing licence holders and the Licensing Authority in carrying out their duties.
4. The proposed amendments to the regulations and guidelines are intended to run parallel with the proposed revisions contained within the Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and provide clear guidance to all users.
5. Approval of the content of this report and the proposed revisions to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions will greatly assist in the development of a Statement of Taxi Licensing Policy that is modern, wide ranging and fit for purpose.
6. The revisions that are appended have already been reviewed by the Chair and Vice-Chair of the Committee on 6th January 2012, and are presented in accordance with their input.

BACKGROUND

7. As a Licensing Authority, we have a statutory power to licence vehicles and drivers who wish to provide Hackney Carriage and Private Hire services within Oxford. These powers are primarily provided under two Acts: Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976
8. The following types of licence are issued by Oxford City Council: Hackney Carriage and Private Hire Drivers, Hackney Carriage and Private Hire Vehicles, Private Hire Operators.

RESEARCH AND CONSIDERATIONS

9. In considering the current procedures, guidelines, conditions, criteria and policies, the Licensing Team Leader carried out a benchmarking exercise with other Licensing Authorities, the Institute of Licensing and the guidance provided by Department for Transport Best Practice.
10. Advice was also sought from the Members of the Hackney Carriage and Private Hire Licensing Sub-Committee.
11. The views of the Trade were also sought, most notably from the Chair of the City of Oxford Licensed Taxicab Association (COLTA) and various members of the Private Hire Operators Association.
12. The Licensing Team Leader sought to obtain further support for these revisions from the new Chair of the City of Oxford Licensed Taxicab Association and the remaining members of the Private Hire Operators Association at the Taxi Trade meeting held on 7th February 2012, and will update the Committee at this meeting.

13. Copies of the draft revised “Application Packs” detailing the revisions are attached as appendices to this report.
14. The amendments to the existing conditions and regulations and the new additional conditions are intended to provide clear guidance to all parties as to their duties and responsibilities.
15. The amendments, whilst not exhaustive, do capture the majority of scenarios that the Licensing Officers, the Head of Environmental Development, and the Hackney Carriage and Licensing Sub-Committee have dealt with, or will deal with, in connection with the Taxi Licensing function.
16. Owing to the volume of changes, it is deemed practical to highlight them as appendices rather than list each one individually within this report.

LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AMENDMENTS TO REGULATIONS AND GUIDELINES

17. The Hackney Carriage and Private Hire Drivers Licence Application Pack is attached as **Appendix One**, and the new and amended regulations, criteria, conditions and policies are presented in bold black italic type to Members for easy identification on pages 6 – 12.

LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AMENDMENTS TO REGULATIONS AND GUIDELINES

18. The Hackney Carriage and Private Hire Vehicle Licensing Application Pack is attached at **Appendix Two**, and the new and amended regulations, criteria, conditions and policies are presented in bold black italic type to Members for easy identification on pages 9, 10, 14, 15, 17 and 19.

LICENSING OF PRIVATE HIRE OPERATORS AMENDMENTS TO REGULATIONS AND GUIDELINES

19. The Private Hire Operator Licence Application Pack is attached as **Appendix Three**, and the new and amended regulations, criteria, conditions and policies are presented in bold black italic type to Members for easy identification on pages 4 – 5.

FINANCIAL IMPLICATIONS

20. Full details of the charges to be increased and implemented to ensure a full cost recovery for the service provided by the Taxi Licensing function can be found in the appended application packs, and in the report entitled Fees & Charges that will be presented to the Committee at this meeting.

LEGAL IMPLICATIONS

21. There is no legal requirement for a licensing authority to set any policy on hackney carriage and private hire licensing. However, authorities may if they wish decide to set policies in order to assist in consistent decision making. Policies may guide but not bind the authority. Good policies are easy to follow and are based on evidence not speculation.
22. Any new hackney carriage and private hire policy recommended by the Committee will require approval by Council. Reviews of existing policy do not require Council approval.

RECOMMENDATIONS

23. Committee is recommended to:
 - i) agree to the additions and amendments to the regulations, guidelines, and criteria relating to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators, as set out in Appendices 1 – 3; and
 - ii) delegate authority to the Head of Environmental Development to make the necessary textual changes to the Regulations and Guidelines put forward in this Report.

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Background papers:

Version: 1.0

ENVIRONMENTAL DEVELOPMENT

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**APPLICATION PACK FOR:
HACKNEY
CARRIAGE &
PRIVATE HIRE
DRIVER LICENCE**



OXFORD CITY COUNCIL

HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE APPLICATION PACK

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INTRODUCTION

It is important that you read this application pack in full before applying for a Hackney Carriage or Private Hire Drivers Licence. This application pack should be kept for future reference so that you are fully aware of the procedures for obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.

The Council licences Hackney Carriage and Private Hire drivers, vehicles and Private Hire Operators. The authority for doing so was adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847, and the Public Health Act 1875.

Appointments

Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain or renew a licence must be made by way of a **pre-booked appointment** with the Licensing Officer.

Licence

Licences are currently issued annually, subject to the Licensing Authority being satisfied that the applicant is "fit and proper" to be issued with the licence. The Licensing Authority issues 2 types of driver licences:

- **Hackney Carriage & Private Hire Driver (Dual) Licence**
- **Private Hire Driver Licence**

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Renewal of Licence

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Under no circumstances will licences be issued without full and satisfactory checks having first been carried out, including Medical Reports, DVLA Disclosure and Enhanced Criminal Records Bureau Disclosure. **To avoid delay, applicants are advised to submit an application no later than 6 weeks before the expiry of their current licence, by way of a pre-booked appointment with the Licensing Officer.**

Suitability

The Council reserves the right to require any applicant or existing licence holder to provide additional DVLA Disclosures, Enhanced Criminal Record Bureau Disclosures or full Medical Reports if the Licensing Officer has reason to believe that such a persons circumstances may have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence

It must be clearly understood that the Hackney Carriage or Private Hire Drivers Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. The licence may also be suspended if the drivers Department of Transport drivers licence is suspended or revoked by a Court of Summary Jurisdiction. Any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately. The attention of drivers and applicants for a Drivers Licence is drawn to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, whereby a District Council may suspend, revoke, or refuse the renewal of a licence where the driver has been convicted of any offence involving dishonesty, indecency, violence or any other reasonable cause. The Council reserves the right to consider other matters which do not amount to a conviction but which they feel are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Ability to Work in the UK

The Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle. For this reason all applicants (new and those applying to renew their existing licence) must provide evidence to show that they are entitled to work in the UK (without restriction; those persons who have restricted ability to work in the UK will NOT be granted a licence). If you are granted full entitlement to work for 12 months at a time, you will be required to resubmit your documents every 12 months to show that your entitlement has been renewed/extended. If, at any time, your entitlement is removed, your licence will be revoked. Further information regarding what documents you can submit with your application to show your entitlement are given later in this document, 'Prevention of Illegal Working', and can be obtained from the website: www.bia.homeoffice.gov.uk.

DVLA Disclosure

The grant / renewal of a licence is subject to a check being made with the Driver & Vehicle Licensing Agency (DVLA) in respect of any relevant driving convictions. This DVLA check is carried out annually or sooner if the Licensing Officer has reason to believe that it should be.

Enhanced Criminal Records Bureau Disclosure

The grant / renewal of a licence is subject to an Enhanced Criminal Records Bureau (CRB) check. The CRB check is carried out every 3 years or sooner if the Licensing Officer has reason to believe that it should be.

Medical Certificate

Before a licence can be issued the applicant must be certified fit to be a Hackney Carriage or Private Hire driver by his or her GP/Doctor. The approved form to be used for this purpose is included in this pack. Your GP/Doctor may charge a fee for this examination. Applicants are required to undergo a medical examination for periods according to the following age groups:

Aged to 65: every 6 years; Aged 65 or over: annually

CONTACT DETAILS:

Licensing Team, Oxford City Council, St. Aldate's Chambers, St. Aldate's, Oxford. OX1 1DS.

Tel / Fax: 01865 252115

Email: licensing@oxford.gov.uk

Website: www.oxford.gov.uk/taxilicensing

NEW APPLICANT INFORMATION

A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months or more before the application form was received by the Licensing Officer.

First time applicants must at the time of application:

- Have held a current licence to drive a motor vehicle (not being a provisional licence) issued in accordance with the Road Traffic Acts, for a period of not less than 24 months prior to the date of application.
- Demonstrate competency in written and oral comprehension of the English Language before the grant of a Hackney Carriage or Private Hire Drivers Licence. This must include a recognised qualification in the English language.
- Have undertaken, and be able to provide evidence that they have passed the Driver Standards Agency Assessment for Hackney Carriage and Private Hire vehicles.
- Undertake the Council's Disability Awareness Course.
- Undertake and pass the Council's Local Knowledge Test (relevant to the licence that they are applying for)

NOTE: A person already licensed by the Authority as a Private Hire Driver, who wishes to acquire a licence to drive Hackney Carriage vehicles, shall be subject to the criteria applicable to New Applicants, irrespective of what information is currently held regarding such a person by the Licensing Authority. Therefore any DVLA Disclosure, Enhanced Criminal Records Bureau Disclosure or Medical Report obtained whilst the applicant carried a Private Hire Driver licence, will not be accepted as the applicants means to prove his or suitability for a licence to drive Hackney Carriage vehicles, as the grant of such a licence is deemed to be the grant of a new licence.

CRITERIA FOR NEW APPLICANTS TO PROVE THEIR SUITABILITY

ENGLISH LANGUAGE COMPETENCY CRITERIA

It is a requirement of the Licensing Authority that you have an adequate knowledge of both written and spoken English, and must show proof of your competency by means of a relevant certificate / qualification at the time of submitting your application. For example a GCSE English Examination Certificate, a Certificate from a Language School, etc However, if the Licensing Officer is not satisfied with your spoken and written standard of the English language during your appointment, this may require you to gain a further certificate of competency from an English Language School, before your application can be considered further.

We are aware that not everyone will necessarily have a relevant qualification, or may not be able to find their Certificate. In order to assist you in meeting our criteria, please read the notes below:

- a) If you have a recognised qualification in the English Language, but cannot find your Certificate, please visit the National Consortium for Examinations Results website: <https://www.ncer.org/LostCerts.aspx> where you will find information as to how to obtain duplicate certificates or a "Statement of Results".
- b) For persons who are already fully competent in the English Language but do not have a Certificate to prove their competency, you may wish to contact the Oxfordshire County Council Adult Learning: Skills for Life Centre in Blackbird Leys on 01865 797474 to find out how to undertake a short programme (minimum of nine hours tuition) aimed at native English speakers and fluent speakers of English who wish to brush up their English and Maths skills. Visit the Skills For Life pages of the Oxfordshire County Council website: <http://www.oxfordshire.gov.uk/cms/content/skills-life> for further details.
- c) If you do not have any qualification in the English Language, you may wish to contact ESOL at Oxfordshire County Council Adult Learning on 01865 778827 to enrol in an English Language Course where you will be assessed as to your current level of competency, and informed of which course to enrol on, in order to become qualified. Visit the Skills For Life pages of the Oxfordshire County Council website: <http://www.oxfordshire.gov.uk/cms/content/skills-life> for further details. The Licensing Authority will accept "ESOL English: Entry Level 2" as a recognised qualification.
- d) Alternatively, you may wish to make your own arrangements with a School of Languages of your own choice; however, it is advisable to check the level of competency that you must attain.

DRIVER STANDARDS AGENCY (DSA) ASSESSMENT CRITERIA

It is a requirement that all new applicants pass the Driver Standards Agency (DSA) Assessment for Hackney Carriage and Private Hire Vehicles prior to submitting an application to the Council to become a licensed driver. The standard of the Hackney Carriage (taxi) or Private Hire vehicle assessment is set at a level suitable for a full driving licence holder. It is therefore higher than the learner driver test. Full details as to what the assessment consists of can be found online at the DSA's website: <http://www.dft.gov.uk/dsa>, and you will also find a PowerPoint presentation that provides further information about the assessment on the Council's website: www.oxford.gov.uk/taxilicensing.

To book your DSA Hackney Carriage and Private Hire Assessment visit the DSA website, or call 0300 200 1122. You will be given a choice of times, dates and locations when you book your assessment.

DVLA & ENHANCED CRIMINAL RECORDS BUREAU DISCLOSURE CRITERIA

Oxford City Councils prime consideration is to the safety of the travelling public and part of the enquiries that the Licensing Officer is required to make before a Hackney Carriage or Private Hire Driver licence may be granted are to carry out checks on both of your driving licence and to check for any previous criminal convictions.

A Hackney Carriage or Private Hire Drivers Licence will not be issued to any new applicant who has not held a full United Kingdom driving licence carrying the applicant's current address, for a minimum of 24 months, or held a licence from another EEA state for a minimum of 24 months together with a DVLA counterpart showing the applicants current address.. You must also provide a copy of your driving record in English to include motoring convictions. Applicants who hold a DVLA driving licence are required to agree to the provision of a check on their driving history, and the approved form is included in this Application Pack.

If the DVLA driving licence of an applicant is revoked with six or more penalty points during the first two years of passing the driving test, then a period of 24 months following the restoration of the licence must have passed before a Hackney Carriage or Private Hire driving licence can be considered.

You should also note that new applicants are normally not considered if they have more than 3 penalty points in the previous 12 months or in the previous 2 years have been convicted of a single offence carrying 5 points or more or offences totalling more than 6 points. Licences will not normally be granted until 2 years after any period of disqualification has expired.

You are required to complete an Enhanced Disclosure form from the Criminal Records Bureau. If you have not been a resident in the UK for 5 years you will need to provide proof that you do not have a criminal record, such as a Certificate of Good Conduct from the country in which you have been resident (which must be in English) for the period you lived outside the UK

The Criminal Records check can take up to six weeks even when all the forms are correctly completed. The DVLA check usually takes approximately 3 weeks. Oxford City Council has a Code of Practice in respect of checks made through the Criminal Records Bureau which will be made available upon request. The Enhanced Criminal Records Bureau form can be obtained by contacting the Licensing Team.

Applicants who have been resident in the UK for less than five years from the date of application are required to provide a CRB, Certificate of Good Conduct or an equivalent document from all countries in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the Enhanced CRB check. Any documentation produced must be verifiable, and sufficient to enable the Head of Environmental Development to make a decision in respect of the applicant's suitability to hold a Hackney Carriage or Private Hire drivers licence.

If you have been previously convicted of either criminal or motoring offences, that may not necessarily prevent you from being granted a licence, as it will depend upon what the offences were for, and how long ago they occurred. However, you should note that it is an offence not to declare such information on your application to the Council. In cases where the Licensing Officer is unable to determine the grant of the licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.

You may wish to refer to the **Policy on the Relevance of Warnings, Offences, Cautions and Convictions** (which can be found within this Application Pack), which states the guidelines that Licensing Authority and the Courts will have regard to when determining an application.

MEDICAL REPORT CRITERIA

Before a licence can be issued the applicant must be **certified fit by his or her GP/Doctor** to be a Hackney Carriage or Private Hire driver. The approved Medical Report form to be used for this purpose is included in this Application Pack.

DISABILITY AWARENESS COURSE CRITERIA

New applicants are requested to attend a "**Disability Awareness**" training course held by the Council, or demonstrate that they have attended a similar course. The cost of this course is £45.00. This course must be attended prior to any licence being granted.

KNOWLEDGE TEST CRITERIA

New applicants must also undertake a **Knowledge Test**. The test is devised so that applicants can prove that they have sufficient knowledge of the City of Oxford, the conduct required of licensed drivers and local traffic regulations. You are required to obtain a minimum mark of 80% (the test questions differ somewhat depending upon which driver licence is applied for).

The test contains six sections:-

A. Identification of roads and streets.	20 questions
B. Identification of Buildings and locations	15 questions
C. Rules and regulations	10 questions
D. Correct routes	5 questions
E. Equal opportunities awareness	5 questions
F. Disability awareness	5 questions
TOTAL	60 questions

A minimum of 80% in each section is required to pass the test. The test last for 90 minutes and sections C,E and F are multiple choice. This means that you are given a number of possible answers to each question and you must decide the correct answer. If you fail the test you will be invited to take the test again after a further test fee has been paid, and then allocated a retest date.

LEARNING THE KNOWLEDGE

The City Council conducts the tests, it does not teach the knowledge, however to assist you a list of all rules and regulations and a summary of other law applicable to Hackney Carriage and Private Hire can be found within this Application Pack. Details as to the roads and landmarks that may be included in the Private Hire Driver Knowledge Test can be found on the Councils website at: www.oxford.gov.uk/taxilicensing

GRANT OF LICENCE TO NEW APPLICANT

Upon receipt of satisfactory DVLA, Enhanced CRB and Medical Report checks, and you having passed the Knowledge Test, undertaken the Disability Awareness Course, paid the full fee at your appointment with the Licensing Officer, and that all of your other documents were found to be satisfactory, you will be issued with a licence and badge (posted to your home address).

If any information that you have not previously declared on your application form is found to have come to light upon receipt of the DVLA and / or CRB check, you may be refused a licence.

Should you wish to proceed with your application to become a licensed driver, you should refer to the section "**Procedure for New Hackney Carriage / Private Hire drivers licence**" which will give further information on what to do next.

What happens if my licence has not been issued 6 months after I apply?

You will have to apply for another CRB and DVLA check at your own expense.

What happens if my licence hasn't been issued 12 months after I apply?

Your application will be null and void and you will need to reapply.

FEES AND CHARGES

Fees once paid will on no account be refunded, and fees and charges may also be amended from time to time to meet the reasonable cost of issue and administration.

Payment must be made at the time of the pre-booked appointment with the Licensing Officer. Payment must be by way of Debit / Credit card, Postal Order or Cheque only. Please note that any failure to pay the appropriate fee, may result in the driver licence being suspended, until such time as payment has been made.

FEES & CHARGES: PAYABLE TO OXFORD CITY COUNCIL		
DRIVER LICENCE FEES		
HACKNEY CARRIAGE	NEW HACKNEY CARRIAGE DRIVER LICENCE	£300.00
	RENEWAL OF HACKNEY CARRIAGE DRIVER LICENCE	£123.00
PRIVATE HIRE	NEW PRIVATE HIRE DRIVER LICENCE	£286.00
	RENEWAL OF PRIVATE HIRE DRIVER LICENCE	£109.00
ADDITIONAL DRIVER CHARGES		
DVLA DISCLOSURE		£8.00
ENHANCED CRIMINAL RECORDS BUREAU DISCLOSURE		£50.00
KNOWLEDGE TEST / RETEST (NEW APPLICANT)		£75.00
DISABILITY AWARENESS (NEW APPLICANT)		£45.00
REPLACEMENT BADGE		£10.00
DUPLICATE LICENCE		£2.00
RETURNED CHEQUE FEE		£30.00

FEES & CHARGES: PAYABLE TO OXFORD CITY COUNCIL		
VEHICLE LICENCE FEES		
HACKNEY CARRIAGE	NEW HACKNEY CARRIAGE VEHICLE LICENCE	£450.00
	RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE	£400.00
PRIVATE HIRE	NEW PRIVATE HIRE VEHICLE LICENCE	£312.00
	RENEWAL OF PRIVATE HIRE VEHICLE LICENCE	£262.00
VEHICLE ADMINISTRATION CHARGES		
PLATE DEPOSIT (NEW VEHICLE)		£50.00
CHANGE OF VEHICLE FEE		£100.00
TRANSFER OF OWNERSHIP FEE		£100.00
REPLACEMENT TEMPORARY VEHICLE FEE		£75.00
EXEMPTION NOTICE FEE (PRIVATE HIRE VEHICLE)		£50.00
ADDITIONAL VEHICLE CHARGES		
EXEMPT VEHICLE INTERNAL PLATES (PAIR)		£25.00
HCV INTERNAL PLATE		£5.00
HCV FARE CHART		£2.00
REPLACEMENT EXTERNAL PLATE		£25.00
DUPLICATE LICENCE		£2.00
RETURNED CHEQUE FEE		£30.00
VEHICLE LIVERY CHARGES PAID TO COWLEY MARSH DEPOT (APPLICABLE TO ALL VEHICLES) IT SHOULD BE NOTED THAT THESE LIVERY CHARGES ARE NOT INCLUDED IN THE LICENCE FEE		
HCV REAR QUARTER NUMBERS / REPLACEMENT		£10.00
PHV INTERNAL STICKER / REPLACEMENT		£5.00
PHV DOOR STICKERS (PAIR) / REPLACEMENT		£35.00

Full details as to all of the charges made by the Cowley Marsh Depot can be found in the Hackney Carriage & Private Hire Vehicle Application Pack, which can be obtained from Reception at Aldate's Chambers or from our website.

PROCEDURE FOR NEW HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

1. **Once you have obtained your DSA Certificate and are able to provide evidence of your recognised qualification in the English Language (both written and oral)** you will need to book an appointment with the Licensing Team, on: 01865 252115.
2. **At this appointment, you must bring with you:** (if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment.):
 - **The necessary documents to complete the CRB check**
 - **Passport**
 - **DVLA licence**
 - **National Insurance number card or other document**
 - **2 x proofs of address**
 - **Proof of your recognised qualification in written and spoken English**
 - **Proof that you have passed the Driver Standards Agency assessment for taxis and Private Hire vehicles.**
 - **The completed application form**
 - **The completed DVLA mandate**
 - **The completed CRB mandate**
 - **The completed Medical Report (certified by your GP / Doctor)**
 - **4 x passport standard sized photographs**
 - **Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa**
 - **DVLA licence**
 - **Payment for the full application fees**
3. If all of the above documents are valid, and you make your payment in full, you will be booked on the next available Knowledge Test and Disability Awareness Course. You will be given confirmation of the time and date for the Test and Course at your appointment; and the Licensing Team will send your completed DVLA Mandate and CRB Disclosure to the relevant authorities to carry out their necessary checks.
4. It may be that you take the Knowledge Test and Disability Awareness Course before these checks are returned to us. However, the grant of a licence is dependent upon the Licensing Officer being satisfied with the results of the CRB and DVLA checks. Should you not pass the Knowledge Test, you are able to apply to retake the test (please be aware that questions set for the Tests are changed monthly).
5. Upon receipt of your satisfactory DVLA ,CRB and Medical Disclosures, and upon the passing of the Knowledge Test and sitting of the Disability Awareness Course, your licence will be granted for a maximum period of one year. Should the Licensing Officer have any concerns over you being deemed “fit and proper” to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined. The Sub-Committee may determine that the licence not be granted, or that it be granted for a period of less than one year.
6. If you are granted a licence, your licence and badge will be posted by First Class post to your home address.

NOTE: A person already licensed by the Authority as a Private Hire Driver, who wishes to acquire a licence to drive Hackney Carriage vehicles, shall be subject to the criteria and procedure applicable to New Applicants.

PROCEDURE FOR RENEWING A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

1. You will be sent a “**Reminder Letter**” approximately 3 months before the expiry of your current drivers licence. The letter will include an application pack. You will then need to book an appointment at least 6 weeks before your licence is due to expire with the Licensing Team on: 01865 252115.
2. **At this appointment, you must bring with you:** you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment.):
 - **The necessary documents to complete the CRB check (if applicable)**
 - **Passport**
 - **DVLA licence**
 - **National Insurance number card or other document**
 - **2 x proofs of address**
 - **The completed application form**
 - **The completed DVLA mandate**
 - **The completed CRB mandate (if applicable)**
 - **The completed medical certificate * (if applicable)**
 - **2 x passport standard sized photographs**
 - **Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa**
 - **DVLA Licence**
 - **Payment for the full application fees**

* (The medical certificate can be one of the last documents you provide with reference to your application. It does not have to be submitted on the day of application but in the case of a new applicant would be required before a licence could be issued.)
3. If all of the above documents are valid, and you make your payment in full, the Licensing Team will send your completed DVLA Mandate and CRB Disclosure to the relevant authorities to carry out their necessary checks.
4. Upon receipt of your satisfactory DVLA check, and if required your CRB and Medical checks, your licence will be granted for a maximum period of one year. Should the Licensing Officer have any concerns over you being deemed “fit and proper” to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined. The Sub-Committee may determine that the licence not be granted, or that it be granted for a period of less than one year.
5. If you are granted a licence, your licence and badge will be posted by First Class post to your home address.

HACKNEY CARRIAGE & PRIVATE HIRE DRIVER (DUAL) LICENCE: CONDITIONS

The Council attaches the following conditions to a driver's licence: In these conditions "the Council" means the Oxford City Council, "Driver" means a person holding a drivers licence issued by the Council. "Vehicle" means a vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. *The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:*
 - *Cause any person to take offence at their actions*
 - *Cause any person to believe their actions are inappropriate*
 - *Cause any person to fear for their physical safety*
 - *Cause any person to doubt their integrity*
 - *Bring in to disrepute the integrity of the Council for having issued a licence to such person*
2. *The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.*
3. *The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.*
4. *The Driver shall not at any lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.*
5. *The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.*
6. *The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.*
7. *The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver's licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.*
8. *The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.*
9. *The Driver shall not drive a vehicle if he or she is not insured to do so.*
10. *The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).*
11. *The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.*
12. *The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.*
13. *The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.*
14. *The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.*
15. *The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.*
16. *The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.*
17. *The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.*
18. *The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).*
19. *The Driver shall not carry any other person in the vehicle without the permission of the hirer.*
20. *The Driver shall when asked by a passenger, indicate the route they are going to take.*
21. *The Driver shall: -*
 - *Take a reasonable amount of luggage including wheelchairs and children's pushchairs;*
 - *Give reasonable assistance in loading and unloading luggage;*
 - *Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.*
 - *Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.*
22. *The Driver shall not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey.*
23. *The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.*

24. *The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.*
25. *The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.*
26. *The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.*
27. *The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.*
28. *The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.*
29. *The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.*
30. *The Driver shall provide a written receipt to the hirer if requested to do so.*
31. *The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.*
32. *The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council's district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it.*
33. *The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.*
34. *The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.*
35. *The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.*
36. *The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.*
37. *The Driver shall not use a handheld mobile phone without a suitable hands-free connection, whilst the vehicle is in motion.*
38. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.*
39. *The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.*
40. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.*
41. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).*
42. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.*
43. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.*
44. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.*
45. *The Driver shall not travel on any restricted road within the Oxford City boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger.*
46. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code*
47. *The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).*
48. *The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).*
49. *The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.*

50. *The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.*
51. *The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.*
52. *The Driver shall if arrested, released on Police Bail, charged or convicted of an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the conviction) give full details of it to the Council in writing.*
53. *The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.*
54. *The Driver shall when driving or in charge of a Private Hire vehicle shall record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:*
 - *her/his name and badge number prior to the commencement of each hiring;*
 - *the date and time the hiring was allocated to that vehicle;*
 - *the name of the hirer;*
 - *the time and place of pick-up;*
 - *the destination.*
 - *And upon completion of each hiring, the fare charged.**And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.*
55. *The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.*
56. *The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.*
57. *The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a booking having been made for him or her to be at such a location, that may give rise to any person having cause to believe that the vehicle is available for immediate public hire.*
58. *The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.*
59. *The Driver shall not whilst driving or in charge of a Private Hire vehicle park on a taxi rank.*
60. *The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.*
61. *The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.*
62. *The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.*
63. *The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.*
64. *The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer*
65. *The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.*
66. *The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.*
67. *The Driver of a Hackney Carriage does not have to accept journeys that end outside the City of Oxford boundaries. If the journey is accepted the fare or rate for the journey should be agreed between the driver and the hirer before the start of the journey. Where no such agreement takes place the charge should be the correct tariff for the time of day.*
68. *The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.*
69. *The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.*

70. *The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to hire at once by any person.*
71. *The Driver shall when driving a Hackney Carriage not park on a rank for any purpose other than for standing for hire.*
72. *The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.*

PRIVATE HIRE DRIVER LICENCE: CONDITIONS

The Council attaches the following conditions to Private Hire driver's licenses: In these conditions "the Council" means the Oxford City Council, "Driver" means a person holding a Private Hire drivers licence issued by the Council and acting as a Private Hire driver "Vehicle" means a Private Hire vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. *The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:*
 - *Cause any person to take offence at their actions*
 - *Cause any person to believe their actions are inappropriate*
 - *Cause any person to fear for their physical safety*
 - *Cause any person to doubt their integrity*
 - *Bring in to disrepute the integrity of the Council for having issued a licence to such person*
2. *The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.*
3. *The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.*
4. *The Driver shall not at any lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.*
5. *The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.*
6. *The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.*
7. *The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver's licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.*
8. *The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.*
9. *The Driver shall not drive a vehicle if he or she is not insured to do so.*
10. *The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).*
11. *The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.*
12. *The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.*
13. *The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.*
14. *The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.*
15. *The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.*
16. *The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.*
17. *The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.*
18. *The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).*
19. *The Driver shall not carry any other person in the vehicle without the permission of the hirer.*
20. *The Driver shall when asked by a passenger, indicate the route they are going to take.*
21. *The Driver shall: -*
 - *Take a reasonable amount of luggage including wheelchairs and children's pushchairs;*
 - *Give reasonable assistance in loading and unloading luggage;*
 - *Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.*
 - *Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.*
22. *The Driver shall not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey.*
23. *The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.*

24. *The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.*
25. *The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.*
26. *The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.*
27. *The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.*
28. *The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.*
29. *The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.*
30. *The Driver shall provide a written receipt to the hirer if requested to do so.*
31. *The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.*
32. *The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council's district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it.*
33. *The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.*
34. *The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.*
35. *The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.*
36. *The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.*
37. *The Driver shall not use a handheld mobile phone without a suitable hands-free connection, whilst the vehicle is in motion.*
38. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.*
39. *The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.*
40. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.*
41. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).*
42. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.*
43. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.*
44. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.*
45. *The Driver shall not travel on any restricted road within the Oxford City boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger.*
46. *The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code*
47. *The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).*
48. *The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).*
49. *The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.*

50. *The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.*
51. *The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.*
52. *The Driver shall if arrested, released on Police Bail, charged or convicted of an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the conviction) give full details of it to the Council in writing.*
53. *The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.*
54. *The Driver shall when driving or in charge of a Private Hire vehicle shall record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:*
 - *her/his name and badge number prior to the commencement of each hiring;*
 - *the date and time the hiring was allocated to that vehicle;*
 - *the name of the hirer;*
 - *the time and place of pick-up;*
 - *the destination.*
 - *And upon completion of each hiring, the fare charged.**And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.*
55. *The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.*
56. *The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.*
57. *The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a booking having been made for him or her to be at such a location, that may give rise to any person having cause to believe that the vehicle is available for immediate public hire.*
58. *The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.*
59. *The Driver shall not whilst driving or in charge of a Private Hire vehicle park on a taxi rank.*
60. *The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.*
61. *The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.*
62. *The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.*
63. *The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.*
64. *The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer*
65. *The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.*
66. *The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.*
67. *The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.*

ENFORCEMENT PROCEDURES

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Environmental Development**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

You will find details of the Warnings and further actions that the Licensing Authority may take contained within the section entitled "Policy on the Relevance of Warnings, Offences, Cautions and Convictions" that is contained within this Application Pack.

OFFENCES

OFFENCES UNDER SECTIONS 37-68 TOWN POLICE CLAUSES ACT 1847

1. Plying for Hire without Licence. **STALKING (this can even be parking near a rank or in a prominent position)**
2. Driving Hackney Carriage without Hackney Carriage driver's licence.

OFFENCES UNDER LOCAL GOVERNMENT (MISCELLANIOUS PROVISIONS) ACT 1976

1. Owning unlicensed vehicle used as Private Hire vehicle.
2. Driving a Private Hire vehicle without a Private Hire driver's licence.
3. Owning licensed Private Hire vehicle driven by unlicensed driver.
4. Operating Private Hire vehicles without operator licence.
5. Operating unlicensed Private Hire vehicles.
6. Operating unlicensed Private Hire vehicles driven by unlicensed drivers
7. Failure to exhibit vehicle licence plate.
8. Failure to notify (in writing within 14 days) transfer of Hackney Carriage or Private Hire vehicle.
9. Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.
10. Failure to report (within 72 hours) accident involving Hackney Carriage or Private Hire vehicle.
11. Failure to produce Hackney Carriage or Private Hire vehicle licence and insurance when requested.
12. Failure to produce Hackney Carriage or Private Hire driver's licence when requested.
13. Failure to wear Private Hire driver's badge.
14. Failure of Private Hire operator to keep record of bookings
15. Failure to produce such record when requested.
16. Failure of Private Hire operator to keep records required by local authority
17. Failure to produce such records when requested.
18. Failure to produce Private Hire operator's licence when requested.
19. Making of false statement or omission of material information in application for any licence.
20. Failure to return, after due notice, licence plate issued in respect of revoked, expired or suspended Hackney Carriage or Private Hire vehicle licence
21. Failure to return, after due notice, driver's badge issued in respect of suspended or revoked Hackney Carriage or Private Hire drivers licence
22. Unauthorised parking on Hackney Carriage stand
23. Unreasonable prolongation of journeys.
24. Misuse of taximeters.
25. Obstruction of authorised officers.

TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well intentioned but clumsy assistance that has caused them discomfort and pain. The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. **Always** ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. **Ask the customer if they are all right before you start the journey.**

If the passenger is in a wheelchair you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture. In the case of a London type cab this position will be facing the rear of the vehicle. **The wrong travelling position is unsafe;**
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- **Always secure** the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps; two people are needed for safety.

Although all Oxford City Council Hackney Carriage vehicles are wheelchair accessible you should be aware that they are not accessible to all wheelchair users. There are a number of wheelchair designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a Hackney Carriage vehicle. **However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it. It is against the law and the conditions attached to a drivers licence to refuse a wheelchair passenger. It could lead to prosecution and your Hackney Carriage driver's licence being revoked.**

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

Both the restraint system for the wheelchair and the safety belt for the passenger **must be used on every occasion.** Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must **never** travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the "off" position before the journey begins. If it is left in the "on" position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided. Unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.

EQUALITY ACT 2010

HOW DOES THIS AFFECT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER?

There are some changes in the law which will come into effect in October 2010 which might affect you. The Equality Act 2010 includes provisions relating specifically to Hackney Carriages and Private Hire vehicles and disability. The Government brought into force several provisions of the Act in October 2010 other provisions will come into force later – but not before April 2011.

The information below provides details of the provisions that came in to force in October 2010 in relation to Hackney Carriages and Private Hire vehicles, and what the implications will be for Hackney Carriage and Private Hire vehicle drivers; and details of the further measures that are due to be implemented at a future date yet to be determined.

DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS

The Equality Act is due to place duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs. A further announcement will be made on when the duties will come into force, but it will not be before April 2011.

The duties will apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which are on the licensing authority's list of "designated vehicles". Oxford City Council will be maintaining a list of designated vehicles and therefore the following duties will apply to you. Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance. The opportunity to apply for exemptions started on 1 October 2010.

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES

Section 167 of the Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. This section will be commenced at a later date (not before April 2011).

When section 167 comes into force, and the lists of designated vehicles have a statutory effect, it will be possible for the owner of a vehicle to appeal against a licensing authority's decision to include his or her vehicle on the list. This appeal will also go to the magistrates' court.

WHAT ARE THE DUTIES PLACED ON HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS?

The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):

- **to carry the passenger while in a 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.**

WHAT DOES MOBILITY ASSISTANCE MEAN?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT THESE DUTIES?

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

WHO DECIDES IF A DRIVER IS EXEMPT?

The local licensing authority decides if a driver should be exempt from the duties.

WHAT IF THE LICENSING AUTHORITY SAYS THAT I AM OK TO CARRY OUT THE DUTIES AND I DISAGREE?

The legislation allows a driver to appeal to the magistrates' court within 28 days if the licensing authority decides not to issue an exemption certificate.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?

The Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

GUIDE DOGS

The other thing that will happen on the 1st of October 2010 is that the duties placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. In practice, the duties will remain exactly the same as they are now. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

I HAVE AN EXEMPTION CERTIFICATE WHICH SAYS THAT IT WAS ISSUED UNDER THE DISABILITY DISCRIMINATION ACT 1995 – DO I HAVE TO GET A NEW ONE?

No, you do not have to get a new certificate; the certificate which you have been granted remains valid until its expiry date.

I HAVE A SPECIAL NOTICE IN MY HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE WHICH SAYS THAT I AM EXEMPT FROM CARRYING GUIDE DOGS AND MENTIONS THE DISABILITY DISCRIMINATION ACT 1995 SO WILL I NEED TO GET A NEW ONE?

No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.

CRIMINAL RECORDS BUREAU ENHANCED DISCLOSURE INFORMATION

The CRB Disclosure form must be completed before your appointment. However it will be checked at your appointment and you are free to ask any questions that you may have at the appointment.

Confirming your identity

Your identity needs to be confirmed. You need to provide original documentation (no photocopies) to the Licensing Officer.

Which documents do you need to provide?

You must bring to the appointment documents (from the list below) to verify:

- Your name
- Date of birth
- National insurance number
- Driving licence number
- Passport number
- Current address

Acceptable identity documents

Group A

- Valid passport (any nationality)
- UK Driving Licence (either photo card or paper)
- Original UK Birth Certificate (issued within 12 months of the date of birth) (full or short form acceptable)
- Valid photo identity card (EU countries only)
- UK Firearms Licence

Group B

- P45/P60 statement*
- Bank or building society statement**
- Utility Bill*
- Valid TV licence
- Credit Card Statement*
- Store Card Statement*
- Mortgage Statement**
- Valid insurance certificate
- Certificate of British nationality
- British work permit/visa**
- Connexions card
- Child benefit book **
- Exam certificate (e.g. GCSE, NVQ)
- Correspondence or a document from: the Benefits Agency, the Employment Service, the Inland Revenue, or a Local Authority*
- Financial statement**
- Valid vehicle registration document
- Mail order catalogue statement*
- Court summons**
- Valid NHS Card
- Addressed payslip*
- National insurance number card

*less than 3 months old

**issued within past 12 months

Please note that these documents must be from different sources e.g. one bank statement and one Council Tax Bill, not, one bank statement and one credit card bill from the same bank.

PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK. For this reason the following documentation must be provided.

List A – documents which show an ongoing right to work. If you can provide documents from list A, you do NOT need to provide any from list B.

1. A passport showing that the holder is a British citizen
2. A passport showing that the holder is a citizen of the UK and Colonies having the right to abode in the UK – passport has a 'certificate of entitlement to the right of abode' in it.
3. A passport showing that the holder is a national of a European Economic Area (EEA) country or Switzerland
4. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office (HO), the Border and Immigration Agency (BIA), a national of an EEA or Switzerland
5. A permanent residence card issued by the HO or BIA to the family member of a national of EEA or Switzerland
6. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
7. A passport or other travel document endorsed to show that the holder is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit to their stay in the UK

Document combinations – one of the following:

8. An official document issued by a previous employer or Government agency i.e. HM Revenue and Customs, Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person
Plus:
 - a. An immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
Or:
 - b. A full birth certificate/full adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents
Or:
 - c. A birth certificate/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
Or:
 - d. A certificate of registration or naturalisation as a British citizen
Or:
 - e. A letter issued by the HO or the BIA to the holder which indicates that the person named

List B – Documents which show a right to work for up to 12 months (where this is applicable the applicant will have to prove their right to work annually otherwise their licence will be revoked) (If you can provide documents from list B, you do NOT need to provide any from list A). You will need to provide either 1 or 2, with a combination of the following i.e. 3 + a or 3 + b; 4 or 5; 6; 7 or 8.:

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit
2. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.

Document combinations – first combination:

3. A work permit or other approval to take employment issued by the HO or BIA with:
 - a. A passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question
Or:
 - b. A letter issued by the HO or the BIA to the holder or the employer or prospective employer confirming the same

Second combination – must be checked by the BIA Employer Checking Service:

4. A certificate of application issued by the HO or the BIA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old
Or:
5. An application registration card issued by the HO or the BIA stating that the holder is permitted to take employment

Third combination:

6. A document issued by a previous employer or Government agency e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder

One of the following must be provided, if a document showing your National Insurance number has previously been provided:

7. An Immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question
Or:
8. A letter issued by the HO or BIA to the holder or the employer or prospective employer, which indicates that the person named in it can

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Licences, and Private Hire Operator Licences.

Introduction

Hackney Carriage and Private Hire 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 outside "normal hours" of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council's powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- **Safety and health of drivers and the public;**
- **The promotion of a professional and respected Hackney Carriage and Private Hire trade;**
- **To prevent crime and disorder and to protect consumers;**
- **Improve the local environment, economy and quality of life; and**
- **To promote the aims and vision of Oxford City Council and its Partners.**

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. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver's, operator's and proprietor's licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Environmental Development**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

Definitions

Appeal: A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

Offence: commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

Caution: A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

Conviction: Judicially determining that someone is guilty of a crime

Free of convictions: This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

Fit and Proper Person: A person who is of no threat to the general public, has a good City knowledge, is healthy, is of a good character (including driving record) and is therefore deemed fit and able to hold a licence.

Hackney Carriages: A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public Hire.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Environmental Development is unable to determine whether such a person meets the Authority's definition of a "fit and proper" person.

Head of Environmental Development: Who holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and the suspension of any licence holder.

Mitigating Circumstances: The circumstances surrounding an offence, caution or conviction. These may alter the seriousness of a crime.

Private Hire Vehicles: A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a rank, wait without a booking in a "prominent position" giving rise to the impression that the vehicle is available for hire, or undertake a journey that has not been pre-booked by the hirer with the Private Hire Operator).

Proprietor: The person in possession of a Hackney Carriage or Private Hire vehicle licence.

Operator: This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

Refusal: To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension).

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

Advisory Warning: Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

First Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

Second Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

Final Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver.

In order to assess an individual's suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Criminal Records Bureau Disclosure and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver's licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered "fit and proper" to hold a licence issued by the Authority.

Suitability

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:

- **Hackney Carriage & Private Hire Driver Licence Application Pack**
- **Hackney Carriage & Private Hire Vehicle Licence Application Pack**
- **Private Hire Operator Licence Application Pack**

Alternatively, the Council provides all such relevant information on its website at: www.oxford.gov.uk/taxilicensing

Offences, Cautions and Convictions

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person's suitability to hold a Hackney Carriage/Private Hire driver's licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters. The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken into consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court has found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination. **In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.**

A "Fit and Proper Person"

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine **each case on its own merits.**

History

The Licensing Officer may take into account a person's history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance

In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute ⁷⁴ Licensing has been taken into account.

GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.
3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
4. Cautions will be taken in to consideration for a period of five years.
5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.
6. Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers 'death by careless driving' or 'death by dangerous driving' to be a very serious and you should therefore refer to the **Major Traffic Offences** section. For information on alcohol and drug related offences see **Drunkenness & Drugs** sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

5 or less penalty points: For 5 or fewer points on an applicant's driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

"Totting Up" under S35 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the "totting up" procedures, the Licensing Officers will normally consider refusal until there has been a **period of 12 months** free of relevant convictions. If an applicant has agreed "exceptional hardship" and avoided disqualification, refusal will still be considered and a **period of 12 months** free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at **least 3 years** after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.

Major traffic offences

E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a **period of 12 months** free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a **period of 2 years** free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider 'death by careless driving' or 'death by dangerous driving' to be a very serious offence. If the applicant has been convicted of such an offence a **period of 3 years** free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

Plying for Hire

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer's case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as "Test Purchase" Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Drunkenness (With Motor Vehicle)

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants' fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkenness (Not in Motor Vehicle)

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating critical examination.

Drugs

A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail

Hackney Carriage and Private Hire drivers are expected to adhere to this Policy's definition of a "fit and proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender's Register.

Violence

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty

Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

Complaints Against Drivers

Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer's discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued By The Licensing Officers

The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority's policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Environmental Development.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within **21 days of the Warning being issued**.

Conclusion

Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority's policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer's assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates' Court within **21 days of the notice of decision**.

APPENDICES

Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note that it is from **the date of conviction** that the time commences for the Rehabilitation of Offenders Act.

Adult

	Sentence	Rehabilitation Period
1.	2 ½ years (30 months) imprisonment and over whether sentence was suspended or not	Never spent
2.	6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not	10 years
3.	Under 6 months imprisonment/youth custody whether sentence was suspended or not	7 years
4.	A Fine, Compensation or Community Service Order	5 years
5.	Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)	1 year or period of probation sentence, whichever is longer
6.	Absolute Discharge	6 months
7.	Disqualification, disability or prohibition	Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)
8.	Remand Home/Approval School/ Attendance Centre Orders	1 year after Order expires
9.	Hospital Order Under Mental Health Acts	The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)

Youths

For applicants aged under 17 when the date of conviction took place 2, 3 and 4 above of the fixed rehabilitation periods are halved. Sentences which can only be passed on young offenders remain **fixed** and cannot be halved.

	Sentence	Rehabilitation Period
10.	Borstal	7 years
11.	6 months – 2 ½ years detention in a place determined by the Secretary of State	5 years
12.	6 months detention and less as above	3 years
13.	Detention Centre Orders	3 years

The period of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. **The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.**

APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

Preamble: We may get information about you from certain third parties, or give information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other local authorities and Government departments.

To: The Head of Environmental Development, Oxford City Council, Ramsay House, St Ebbe's Street, Oxford, OX1 1PT

ALL QUESTIONS BELOW MUST BE ANSWERED AND NOT CROSSED OUT. PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS

THIS APPLICATION FORM MUST BE COMPLETED BY THE APPLICANT.

NAME:	
ADDRESS:	
HOME TELEPHONE:	MOBILE TELEPHONE:
EMAIL ADDRESS:	
DATE OF BIRTH:	NATIONALITY:
I am applying to: GRANT / RENEW (delete as applicable)	
a: HACKNEY CARRIAGE / PRIVATE HIRE (delete as applicable) drivers licence	
CURRENT BADGE NUMBER:	NATIONAL INSURANCE NO.:
NUMBER OF YEARS YOU HAVE HELD A UK DRIVING LICENCE:	
PROOF OF ENTITLEMENT TO WORK:	YES / NO (delete as applicable)
PROOF OF COMPETENCY IN ENGLISH LANGUAGE: (New applicants only)	YES / NO (delete as applicable)
WHICH PRIVATE HIRE OPERATOR DO / WILL YOU WORK FOR?	
HAS THERE BEEN ANY CHANGE IN YOUR HEALTH OR EYESIGHT SINCE THE GRANT OF YOUR PREVIOUS LICENCE:	
YES / NO (delete as applicable) IF YOU HAVE ANSWERED YES, PLEASE GIVE DETAILS:	
HAS YOUR DRIVER'S LICENCE BEEN SUSPENDED / REVOKED / ENDORSED FOR ANY OFFENCE IN THE LAST 3 YEARS?	
YES / NO (delete as applicable)	
IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS:	
HAVE YOU EVER BEEN CONVICTED, OR ARE ANY PROCEEDINGS PENDING FOR ANY OFFENCE (INCLUDING SPENT OFFENCE CAUTIONS, REPRIMANDS & WARNINGS)?	
YES / NO (delete as applicable)	
IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS:	

DECLARATION:

I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. This means that if you as the applicant, or anyone else gives false information or leaves out any information to help you get a licence, you and/or they can be prosecuted in court. I declare that I have checked the details given and to the best of my knowledge and belief they are correct. I am entitled to the licence for which I apply.

DATE:..... **SIGNATURE:**.....

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitertools/privacy.cfm>.

FOR OFFICE USE ONLY: PARIS INCOME CODE: K9571 COST CENTRE: ED26

Notes for guidance

Please read the notes before filling in this form.

- 1 **This form should only be filled in to confirm an individual's entitlement to drive.** It must be filled in and signed in all cases by the driver. Forms without a signature will not be accepted.
- 2 If the details on your driving licence are not up to date, return it to us and tell us what changes are needed. It is a legal requirement that you tell us immediately of a change to your permanent address or name. You could be fined up to £1000 if you do not notify us of these changes.
- 3 If you are a bus or lorry driver and have passed driver certificate of professional competence (CPC) initial test modules, or completed periodic training since 10 September 2008 (for bus drivers), or 10 September 2009 (for lorry drivers) and you need these details included in your response please fill in section 3 with your driver qualification card (DQC) number if known. **Please do not fill in section 3 if you do not hold a CPC qualification. The driver CPC information will be sent to the company separately from your driver record details.**
If you have any queries regarding driver CPC please contact the Driving Standards Agency in the following ways:
 - Phone **0300 200 1122**
 - Email **customer.services@dsa.gsi.gov.uk** (referring to 'Driver CPC Enquiry')
- 4 In some instances, the company requesting details of your driver record may be making the request on behalf of the company you have a relationship with.
- 5 DVLA has a duty under the Data Protection Act 1998 to protect personal information. To ensure adequate protection, DVLA require the specific consent of the driver before releasing information. This information will only be released for the purpose of confirming entitlement to drive and will be held in accordance with the Data Protection Act 1998.
- 6 If you wish to withdraw consent you may do this at anytime under the Data Protection Act 1998. Check with your employer whether they would prefer your withdrawal of consent verbally or in writing. It is your responsibility to obtain acknowledgement of your withdrawal of consent.
- 7 If you leave your current employer **or cease to drive in connection with the named company** your consent becomes automatically invalid. If you are re-employed by the same company a new consent form will be required.

Warning

Failure to provide sufficient information about your company or the driver you are enquiring about, or failure to sign the declaration will result in your application being rejected.

It is a criminal offence under section 55 of the Data Protection Act 1998 to unlawfully obtain or disclose (or procure the disclosure of) personal data from Data Controllers without the data subject's consent. It is also an offence to sell personal data that is illegally obtained. Convictions for offences are punishable in a Magistrates Court by a fine of up to £5000 or by an unlimited fine in a Crown Court.

Any legitimate complaints received from a driver whose details have been obtained unlawfully may be passed to the Information Commissioner to consider prosecution. If we have evidence that information has been obtained or used inappropriately we may refuse future applications.

IMPORTANT: Please read the notes over the page before filling in this form – Please write clearly in BLACK INK using CAPITAL LETTERS.

1

Company details (to be filled in by the company making the enquiry):

Company name and address (the company):

Oxford City Council, Taxi Licensing
Ramsay House
10 St Ebbes Street
OXFORD
Postcode: OX1 1PT

Account number:

Reference number:

Please delete as appropriate:

Are you making an enquiry on behalf of another company?

Yes No

If yes, company name must be entered below.

2

Driver details (to be filled in by the driver):

Surname:

First name:

Middle name(s)

Date of birth:

Driver number:

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Current address:

Line 1
Line 2
Line 3
Post town
Postcode:

Address on licence (if different):*

Line 1
Line 2
Line 3
Post town
Postcode:

* You must tell DVLA of any changes to your address. Failure to do so could result in a fine of up to £1000

3

CPC information (please see notes over the page):

Please delete as appropriate:

Do you require CPC information?

Yes No

DQC number

4

Driver declaration (to be filled in by the driver):

IMPORTANT: Please read the notes over the page before signing this form

Declaration:

Being the person referred to in section 2 above, I authorise the company or companies listed in Section 1 above to ask DVLA for my driver record information as and when they require, at a frequency they shall determine. I understand that the company I authorise to ask for my driver record information may use an intermediary company to make the enquiry with DVLA on their behalf.

I authorise and direct DVLA to disclose to the company or companies in Section 1, all relevant information relating to my driver record from the computerised register of drivers maintained by DVLA. This includes personal details, driving entitlements, endorsement details, disqualifications, convictions, photo images and CPC details (where appropriate). Medical information is not to be provided.

This authority will expire when I cease to drive in connection with the company and in any case three years from the date of my signature.

82

SIGNATURE:

DATE:

OXFORD CITY COUNCIL - TAXI LICENSING

MEDICAL REPORT

Hackney Carriage and Private Hire Drivers

THE MEDICAL EXAMINATION MUST BE CARRIED OUT BY YOUR G.P. OR A MEMBER OF THE MEDICAL PRACTICE WHO HAS ACCESS TO YOUR MEDICAL RECORDS.

A. What you have to do:-

1. Before consulting your doctor you must read the notes at C below. If you have any of these conditions you may not be granted a licence
2. If you have any doubts about your ability to meet the medical standards, consult your Doctor before you arrange for this medical form to be completed. The Doctor will charge you for completing it but should not charge more than the charge for DVLA Group 2 medical. In the event of your application being refused, the fee you pay the Doctor is not refundable. Oxford City Council has no responsibility for the fee payable to the Doctor.
3. Fill in **Section 9** of this report in the presence of the Doctor carrying out the examination.
4. For new applicants this report, together with your application, must be submitted to Oxford City Council within 4 months of the Doctor signing the report, For existing licence holders, this report must not be dated more than 4 months before your licence is due to expire.

B. What the Doctor has to do:-

1. Unless special arrangements have been made through the Taxi Licensing Office you must be a member of the practice holding the applicant's medical records. Please arrange for a full medical examination undertaken, applying the same standards as the DVLA apply to PCV/LGV drivers (Group 2)
2. Fill in **Section 1 - 8** of this report. You may find it helpful to consult the DVLA's "At a Glance" booklet. Alternatively, up to date standards can be obtained of the DVLA website: www.dvla.gov.uk.
3. Applicants who may be asymptomatic at the time of the examination should be advised that, if in future symptoms of a medical condition develop, likely to affect safe driving, and a Driver's Licence is held, the Taxi Licensing Office, Oxford City Council, should be informed immediately.
4. Please ensure that you have completed all the sections, written the applicants name at the bottom of each page and included your surgery/practice stamp

C. Group 2: Medical Standards for HC and PHV Drivers:-

Standards for HC and PHV drivers are higher than for car drivers. Specific conditions that are a bar to obtaining or holding a hackney carriage or private hire driving licence are as follows:

1. **Epilepsy/Seizure** -an applicant must NOT "have a liability to epileptic seizures". If he/she does have such a liability Oxford City Council must refuse or revoke the licence.
2. **Diabetes:** A new applicant with insulin treated diabetes cannot obtain a licence. Drivers already licensed may continue to drive under the conditions below.
 - i. You must have had no episodes of hypoglycaemia which have required assistance whilst driving within the last 12 months.
 - ii. You must undertake to regularly monitor your blood sugar levels at least twice a day and at times relevant to your driving. If your application is successful, then you will need to continue to monitor in this way, particularly at times relevant to your driving of hackney carriages or private hire vehicles.
 - iii. Every 12 months, you will need to arrange to be medically examined. At the time of this examination, the doctor will need to review your blood glucose records for the previous 3-month period.
 - iv. The cost of the examination is to be met by the licence holder.
 - v. You must have no other medical condition which would bar you from driving these vehicles.

3. **Eyesight:** All drivers, for whatever category of vehicle, must be able to read in good daylight a number plate at 20.5 metres (67 feet), and, if glasses or contact lenses are required to do so, these must be worn while driving. In addition:
- i. An applicant who has not held a vocational Driver's licence before must by law have both
- a visual acuity of at least 6/9 in the better eye; and
 - a visual acuity of at least 6/12 in the other eye. He/She must also
 - have satisfactory uncorrected visual acuity. Any applicant who has uncorrected acuity of less than 3/60 in both eyes will **not** be able to meet the required standard. A driver who has an uncorrected acuity of less than 3/60 in only one eye **may** be able to meet the required standard and should check with Drivers Medical Unit, DVLC, Swansea, SA99 1TU, or telephone 01792 304000, about the requirement, informing the unit the Council's standards are those set out for LGV/PCV Licences.

An applicant or licence holder failing to meet the epilepsy, diabetes or eyesight regulations must be refused in law from obtaining a Vocational Driver's Licence.

4. In addition to those medical conditions covered by law, an applicant or licence holder is likely to be refused if he/she is unable to meet the national recommended guidelines in cases of:-
- within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
 - a significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met
 - suffering from or being treated for angina or heart failure
 - established hypertension where the BP is persistently 180 systolic or over or 100 diastolic or over
 - a stroke, TIA or unexplained loss of consciousness within the past 5 years
 - Meniere's and other diseases causing disabling vertigo, within the past 2 years
 - severe head injury with serious continuing after effects, or major brain surgery
 - Parkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
 - being treated for or suffering a psychotic or schizophrenic illness in the past 3 years, or suffering from dementia
 - alcohol dependency or continued misuse, or illicit drug or substance dependency or use in the past 3 years
 - serious difficulty in communicating by telephone in an emergency
 - insuperable diplopia, pathological visual field defect or loss of normal binocular field of vision
 - any other serious medical condition which may cause problems for road safety and HC and PH driving

MEDICAL EXAMINATION

to be completed by the Doctor

(Please answer all questions)

Section 1	Vision	YES	NO												
a.	Is the visual acuity as measured by the Snellen chart at least 6/9 in the better eye and at least 6/12 in the other														
b.	If corrective lenses have to be worn to achieve this standard.														
i)	Is the UNCORRECTED acuity at least 3/60 in the LEFT eye														
ii)	Is the UNCORRECTED acuity at least 3/60 in the RIGHT eye														
c.	Please state all the visual acuities for all applicants measured														
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UNCORRECTED		CORRECTED													
Left:	Right:	Left:	Right:												
d.	If there is no degree of vision whatsoever in one eye, on what date did the applicant become monocular or develop sight in one eye only?														
e.	Is there documented evidence of a pathological field defect e.g. hemianopia, scotoma or quadrantanopia														
f.	Is there uncontrolled diplopia														
g.	Is there full binocular field of vision on confrontation														
Section 2	Nervous System	YES	NO												
a.	Has the applicant a 'liability to epileptic seizures'?														
b.	Does the applicant suffer from epilepsy?														
c.	Is there a history of a sudden and disabling episode or episodes of unexplained impaired consciousness within the past 5 years?														
d.	Is there a history of stroke, TIA or vertebrobasilar insufficiency within the past 5 years?														
e.	Is there a history of uncontrolled Meniere's disease or other causes of sudden disabling vertigo within the last 2 years?														
f.	Is there evidence, with documented signs of neurological or cognitive impairment, of multiple sclerosis?														
g.	Is there Parkinson's Disease or other muscle or Movement disorder likely to affect vehicle control?														
h.	Is there a history of brain surgery since the last licence was issued?														
i.	Is there a history of serious head injury associated with an intra-cerebral haematoma or compound depressed skull fracture since the last licence was issued?														
	<i>(Note: in the case of a first applicant for licence please answer h or i above).</i>														
j.	Is there a history of brain tumour, either benign or malignant, primary or secondary?														
Section 3	Diabetes Mellitus	YES	NO												
	Does the applicant have diabetes mellitus? (if "no" please proceed to Section 4)														
	If YES please answer the following.														
a.	Is the diabetes managed by Insulin? If YES, date started on insulin														
b.	Oral hypoglycaemic agents and diet?														
c.	Diet only?														
d.	Is the diabetic control generally satisfactory?														
e.	Is there any evidence of loss of visual field?														
f.	Is there any evidence of severe peripheral neuropathy?														
g.	significant impairment of limb function or joint position sense?														
h.	uncontrolled episodes of hypoglycaemia?														
i.	complete loss of warning symptoms of hypoglycaemia?														
Section 4	Psychiatric Illness	YES	NO												
a.	Has the applicant suffered or required treatment for a psychotic illness in the past 3 years														
b.	Has the applicant required treatment for a psychoneurotic disorder with psychotropic medication within the past 6 months? (If "yes" please answer below)														
i)	does the medication cause side effects likely to affect driving ability?														
ii)	is the condition stable or resolved?														
c.	Is there confirmed evidence of dementia?														
d.	In the past 3 years has there been:														
i)	a history of continued alcohol abuse or alcohol dependency?														
ii)	a history of illicit drug or substance use or dependency?														
	If you have answered "yes" to either i) or ii) above, please provide dates/details of alcohol intake or type of illicit drug, treatment and compliance with advice (below)														

Section 5		General		YES	NO
a.	Has the applicant a significant disability of the spine or limbs which is likely to interfere with the efficient discharge of his/her duties as a vocational driver?				
b.	Is there a history within the past two years of bronchogenic or other malignant tumour with a significant liability to metastasise Cerebrally?				
	If YES, please give dates and diagnosis and state whether there is current evidence of dissemination (below)				
c.	Is there serious difficulty preventing adequate communication by telephone in an emergency?				
Section 6		Cardiac		YES	NO
a.	Coronary artery disease: Is there a history, or evidence of:				
i)	angina pectoris or heart failure (whether or not maintained symptom free by the use of medication)				
ii)	myocardial infarction/any episode of unstable angina				
iii)	Coronary artery by pass graft (CABG)/coronary angioplasty?				
	If YES to i, ii, or iii please give details/dates (below)				
b.	Has a resting ECG been performed previously				
c.	If you have answered YES for the above question, did it show pathological Q waves present in 3 leads or more, or left bundle branch block?				
d.	Please enter the date that the ECG was performed (if you have answered YES to the above questions) (Note: an ECG does not need to be performed for this examination)				
e.	Other vascular disorders: Is there a history, or evidence of:				
i)	Aortic aneurysm, thoracic or abdominal, with a transverse diameter of 5cm or more (whether or not it has been repaired)?				
ii)	Confirmed symptomatic peripheral arterial disease?				
iii)	Any other significant vascular disorder (ie. Marfans)?				
f.	Cardiac arrhythmia and heart block: Is there a history, or evidence, of:				
i)	significant disturbance of cardiac rhythm within the past 5 years If yes, please give details (below)?				
ii)	pacemaker or cardioverter defibrillator insertion?				
g.	Is the resting blood pressure consistently 180 systolic or more and/or 100 diastolic or more?				
h.	Is there a history, or evidence, of acquired valvular heart disease, with or without heart valve replacement?				
j.	Is there a history, or evidence, of established cardiomyopathy, heart or lung transplant, cardiac surgery other than above, or significant congenital heart disorder?				
Section 7		Drugs		YES	NO
a.	Is the applicant currently taking any drug likely to effect safe driving				
	If you have answered "Yes" to the above question, please give further details below				
	Since the application is for the grant of a driving licence, the applicant could usefully be reminded that Section 4 of the Road Traffic Act 1988 does not differentiate between illicit or prescribed drugs. Therefore any person driving or attempting to drive whilst unfit through any drug is liable to prosecution.				

PLEASE TURN OVER

Section 8 Medical Practitioner Details

To be completed by Doctor carrying out the examination who must be the applicant's general practitioner or a member of the Group Practice holding the applicant's medical records.

About your GP/Group Practice

Name
Address
.....
.....
Tel
.....

SURGERY STAMP

<p>Section 8B Medical Practitioner Certification (to be completed by Doctor carrying out examination)</p> <p>I certify that I have today examined the applicant in Section 8 of this Report and in my opinion the applicant is FIT / UNFIT * to drive a Hackney Carriage or Private Hire Vehicles. <i>*delete as necessary</i></p> <p>NAME</p> <p>SIGNATURE</p> <p>DATE</p>
--

The Applicant's Consultant/Specialist (If applicable)

Consultant's Name

Address
.....
.....

Tel

Date Last Seen

This part to be completed by applicant in the presence of the Medical Practitioner carrying out the examination

Section 9 Applicant Details

ABOUT YOU (the applicant)

Your Name

Address
.....
.....

Date of Birth

Phone Numbers

This section MUST be completed and must NOT be altered in any way

Consent and Declaration

You should be aware that if you have knowingly given false information in this examination you are liable to Prosecution

Please sign the statement below:

I declare that I have checked the details I have given and that to the best of my knowledge and belief they are correct. If a medical condition is declared I authorise my Doctor(s) and Specialist(s) to release reports to Oxford City Council's Medical Adviser about my condition.

Signature

Date

Please remember to sign and date this form

ENVIRONMENTAL DEVELOPMENT

www.oxford.gov.uk



**APPLICATION PACK FOR:
HACKNEY
CARRIAGE &
PRIVATE HIRE
VEHICLE
LICENCE**



OXFORD CITY COUNCIL

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENSING APPLICATION PACK

CONTAINED WITHIN THIS APPLICATION PACK YOU WILL FIND:

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INTRODUCTION

It is important that you read this application pack in full before applying for a Hackney Carriage or Private Hire vehicle Licence. This application pack should be kept for future reference so that you are fully aware of the procedures in obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.

The Council licences Hackney Carriage and Private Hire drivers, vehicles and Private Hire Operators. The authority for doing so was adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847, and the Public Health Act 1875.

Appointments

Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain or renew a licence must be made by a **pre-booked appointment only** with the Licensing Officer.

Licence

Licences are currently issued annually, subject to the Licensing Authority being satisfied that the applicant is "fit and proper" to be issued with the licence, and that the vehicle meets with the guidelines, criteria, conditions and regulations as described within this Application Pack. Private Hire vehicles are not permitted to be licensed to carry more than 8 passengers.

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Renewal of Licence

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Licence renewals will not be granted until all of the relevant checks have been completed. **To avoid delay, applicants are advised to book an appointment to submit their application to the Licensing Officer approximately 2 to 4 weeks before the expiry of their current licence.** Should your licence expire, the Council permits a maximum period of 8 weeks for the licence to be renewed. If more than 8 weeks has passed since the licence expired your vehicle will have to meet the criteria that is set for a new licence.

Suitability

The Council reserves the right to require any applicant or existing licence holder to provide additional disclosures or other relevant information if the Licensing Officer has reason to believe that circumstances have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper and that the vehicle meets with the relevant criteria applicable – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence

It must be clearly understood that the Hackney Carriage or Private Hire Vehicle Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. The Council reserves the right to consider other matters which it feels are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Transfers of Ownership – Registered Holder of Licence: You have a legal obligation under Section 49 of the Local Government (Miscellaneous Provisions Act) 1976 to notify the licensing authority of a transfer of ownership. The notification must be in writing sent within 14 days of the transfer. Failure to comply may result in the Council taking legal action against you.

Interpretation: For the purpose of the conditions detailed in this application pack, **The Licensing Officer** means an officer of Oxford City Council for the time being authorised in writing by the council for the purposes of part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the bye laws made thereunder.

NOTE: The council being in possession of a certificate of exemption granted by the Secretary of State for Transport is required to issue a certificate of compliance in respect of each licensed Private Hire Vehicle operating within the district. By virtue of the said certificate of exemption, the council may not accept anything other than a certificate of compliance as evidence of the satisfactory condition of the vehicle which is to be licensed. The test may only be carried out at a testing station appointed by the council and authorised by the Department of Transport. The test must be at least to M.O.T. standard before the certificate can be issued. When presenting the vehicle for licensing or re-licensing you must ensure that the date of issue of the certificate of compliance is not more than 28 days prior to the date of issue of the licence.

The approved testing station is the Cowley Marsh Depot, who can also provide further details to the compliance test carried out on the vehicle. Details of the testing station can be found elsewhere on this page.

Nothing in this document shall be interpreted as over riding the provisions of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made thereunder.

CONTACT DETAILS:

OXFORD CITY COUNCIL LICENSING TEAM

Licensing Team, Oxford City Council, St. Aldate's Chambers, St. Aldate's, Oxford. OX1 1DS

Tel / Fax: 01865 252115

Email: licensing@oxford.gov.uk

Website: www.oxford.gov.uk/taxilicensing

OXFORD CITY COUNCIL'S MOTOR TRANSPORT SECTION

Cowley Marsh Depot, Marsh Road, Cowley, Oxford, OX4 2HH.

Tel / Fax: 01865 252946

FEES AND CHARGES

Fees once paid will on no account be refunded, and fees and charges may also be amended from time to time to meet the reasonable cost of issue and administration.

Please note that the vehicle licence fee does not include the costs of livery required for vehicles to meet with the Councils Conditions of Fitness (as described within this Application Pack). All required livery must be purchased from the Cowley Marsh Depot.

No vehicle will be deemed to meet with the criteria of the Certificate of Compliance unless it meets with the Councils Conditions of Fitness.

Payment must be made at the time of the pre-booked appointment with the Licensing Officer. Payment must be by way of Debit / Credit card, Postal Order or Cheque only. Please note that any failure to pay the appropriate fee, may result in the vehicle licence being suspended, until such time as payment has been made.

FEES & CHARGES: PAYABLE TO OXFORD CITY COUNCIL		
VEHICLE LICENCE FEES		
HACKNEY CARRIAGE	NEW HACKNEY CARRIAGE VEHICLE LICENCE	£450.00
	RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE	£400.00
PRIVATE HIRE	NEW PRIVATE HIRE VEHICLE LICENCE	£312.00
	RENEWAL OF PRIVATE HIRE VEHICLE LICENCE	£262.00
VEHICLE ADMINISTRATION CHARGES		
PLATE DEPOSIT (NEW VEHICLE)		£50.00
CHANGE OF VEHICLE FEE		£100.00
TRANSFER OF OWNERSHIP FEE		£100.00
REPLACEMENT TEMPORARY VEHICLE FEE		£75.00
EXEMPTION NOTICE FEE (PRIVATE HIRE VEHICLE)		£50.00
ADDITIONAL VEHICLE CHARGES		
EXEMPT VEHICLE INTERNAL PLATES (PAIR)		£25.00
HCV INTERNAL PLATE		£5.00
HCV FARE CHART		£2.00
REPLACEMENT EXTERNAL PLATE		£25.00
DUPLICATE LICENCE		£2.00
RETURNED CHEQUE FEE		£30.00
VEHICLE LIVERY CHARGES PAID TO COWLEY MARSH DEPOT (APPLICABLE TO ALL VEHICLES) IT SHOULD BE NOTED THAT THESE LIVERY CHARGES ARE NOT INCLUDED IN THE LICENCE FEE		
HCV REAR QUARTER NUMBERS / REPLACEMENT		£10.00
PHV INTERNAL STICKER / REPLACEMENT		£5.00
PHV DOOR STICKERS (PAIR) / REPLACEMENT		£35.00
FEES PAID DIRECTLY TO THE COWLEY MARSH DEPOT		
HACKNEY CARRIAGE VEHICLE COMPLIANCE TEST		£66.20
PRIVATE HIRE VEHICLE COMPLIANCE TEST		£61.20
HACKNEY CARRIAGE VEHICLE RETEST		£30.00
PRIVATE HIRE VEHICLE RETEST		£30.00
DUPLICATE CERTIFICATE OF COMPLIANCE		£15.00
NON-SCHEDULED METER TESTING AND SEALING		£15.00
HCV REAR QUARTER NUMBERS / REPLACEMENT		£10.00
PHV INTERNAL STICKER / REPLACEMENT		£5.00
PHV DOOR STICKERS (PAIR) / REPLACEMENT		£35.00

PROCEDURE FOR A NEW HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE

It is your responsibility to ensure that the vehicle meets the conditions and criteria detailed in this document relating to Hackney Carriage and Private Hire vehicles. The full specifications are contained within this document. Therefore you should ensure that any vehicle you wish to purchase is suitable to be licensed before you buy it.

You will see from the full licensing conditions that the maximum age for a new vehicle is five years when it is licensed (not when the application is made). No allowance is made for the vehicle's age when it is and as it must be in an "as new" condition.

The procedure below relates to the licensing of all new vehicle licences, renewing a vehicle licence, and interim inspections:

1. You will need to contact the Licensing Team on 01865 252115 to be allocated an "Available Number", and then you will need to contact the Council's Motor Transport Section, Marsh Road, Cowley, Oxford, OX4 2HH. Tel. No. 01865 252946 to book an appointment for the vehicle to undergo a Compliance Test (M.O.T.).
2. If the vehicle passes the test, the Testing Station will issue a **CERTIFICATE OF COMPLIANCE** for the vehicle.
3. You will then need to book an appointment with the Licensing Team, on 01865 252115, informing them of the make, model, colour, registration number, passenger seating capacity of the vehicle.
4. You must then attend this appointment (held at St. Aldate's Chambers), and bring with you (if you fail to bring any of these documents, you will need to rebook your appointment):
 - **COMPLETED APPLICATION FORM**
 - **INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTOCOPY)**
 - **VEHICLE OWNERSHIP DOCUMENT / LOG BOOK**
 - **CERTIFICATE OF COMPLIANCE**
 - **PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)**
5. If all of the above documents are valid, and you make your payment in full, you will be issued with a licence plate*. The paper licence will be posted to your home address.
6. Upon receipt of your licence plate, you will need to contact the Testing Station, who will affix the licence plate* to the vehicle, and issue you with the relevant new stickers for your vehicle (if applicable).

PROCEDURE FOR INTERIM INSPECTION OF LICENSED VEHICLE

This procedure relates to the 6 monthly Certificate of Conformity that must be submitted to the Licensing Team. This process is known commonly as the "Interim Inspection".

1. Approximately 4 months in to your vehicle licence, the Licensing Team will send you a "Reminder Letter" (there is no legal obligation on the Council to do this, and it is your responsibility to ensure that the conditions of the vehicle licence are complied with) that the vehicle is due an "INTERIM INSPECTION". This is because the conditions applicable to vehicle licences state that your vehicle will need to be re-tested every 6 months

It is advisable to book this test before leaving the Testing Station at your original Test. The new Certificate of Compliance must not be dated any earlier than 28 days prior to the 6 month anniversary of your vehicle licence.

2. Upon completing the interim Certificate of Compliance Test, you will need request that the Test Station forward a copy of the Certificate to the Licensing Team.
3. Upon receipt of the interim Certificate of Compliance, the Licensing Team will update your records. If we have not received your Interim M.O.T. within 28 days of the date it was due to be taken, the vehicle licence may be suspended, until such time as a satisfactory M.O.T. Test Certificate is produced.

PROCEDURE FOR RENEWING AN EXISTING VEHICLE LICENCE

1. Approximately 2 months before the annual vehicle licence is due to expire, the Licensing Team will send you a "Reminder Letter". There is no legal obligation on the Council to do this, and it is your responsibility to ensure that the vehicle licence is renewed in a timely manner.
2. Upon receipt of the reminder letter, you should book your next Certificate of Compliance Test (if had have not already done with the Cowley Marsh Depot). **The new Certificate of Compliance must not be dated any earlier than 28 days prior to the expiry of your vehicle licence.**
3. You will then need to contact the Licensing Team to book an appointment to renew the vehicle licence.
4. You must then attend this appointment (at St. Aldate's Chambers), and bring with you (if you fail to bring any of these documents, you will need to rebook your appointment):
 - **COMPLETED APPLICATION FORM**
 - **INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTOCOPY)**
 - **VEHICLE OWNERSHIP DOCUMENT / LOG BOOK**
 - **CERTIFICATE OF COMPLIANCE**
 - **PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)**
 - **THE EXPIRING VEHICLE LICENCE PLATE**
5. If all of the above documents are valid, and you make your payment in full, you will be issued with your new licence plate. The paper licence will be posted to your home address.

PROCEDURE FOR CHANGING AN EXISTING LICENCE TO A NEW VEHICLE

The procedure below relates to the licensing of a vehicle when the proprietor purchases a vehicle to replace his current licensed vehicle:

1. You will need to contact the Council's Motor Transport Section, Marsh Road, Cowley, Oxford, OX4 2HH. Tel. No. 01865 252946 to book an appointment for the vehicle to undergo a Compliance Test.
2. If the vehicle passes the test, the Testing Station will issue a **CERTIFICATE OF COMPLIANCE** for the vehicle.
3. You will then need to book an appointment with the Licensing Team on 01865 252115, informing them of the make, model, colour, registration number, passenger seating capacity of the vehicle.
4. You must then attend this appointment (at St. Aldate's Chambers), and bring with you (if you fail to bring any of these documents, you will need to rebook your appointment):
 - **COMPLETED APPLICATION FORM**
 - **INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTCOPY)**
 - **VEHICLE OWNERSHIP DOCUMENT**
 - **THE BILL OF SALE**
 - **CERTIFICATE OF COMPLIANCE (ISSUED NO MORE THAN 28 DAYS PRIOR TO YOUR APPOINTMENT)**
 - **PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)**
 - **THE EXISTING LICENCE PLATE OF THE VEHICLE BEING REPLACED**
5. If all of the above documents are valid, and you make your payment in full, you will be issued with a licence plate. The paper licence will be posted to your home address.

PROCEDURE FOR TRANSFER OF OWNERSHIP OF A LICENSED VEHICLE

You have a legal obligation under Section 49 of the Local Government (Miscellaneous Provisions Act) 1976 to notify the licensing authority of a transfer of ownership. The procedure below relates to the licensing of a vehicle when the proprietor sells a vehicle to another licensed driver for his / her use:

1. You (the new owner) will need to book an appointment with the Licensing Team on 01865 252115.
2. You must then attend this appointment (at St. Aldate's Chambers), and bring with you (if you fail to bring any of these documents, you will need to rebook your appointment):
 - **COMPLETED APPLICATION FORM (BY THE NEW OWNER)**
 - **INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTCOPY)**
 - **VEHICLE OWNERSHIP DOCUMENT (LOG BOOK OR OTHER PROOF OF OWNERSHIP)**
 - **CERTIFICATE OF CONFORMITY (PASSED ON TO YOU BY THE PREVIOUS PROPRIETOR)**
 - **A SIGNED LETTER FROM THE PREVIOUS OWNER STATING:**
 - **THE MAKE / MODEL / COLOUR / REGISTRATION NUMBER / VEHICLE LICENCE NUMBER**
 - **THE DATE THE VEHICLE WAS SOLD TO YOU**
 - **TO WHOM THE VEHICLE WAS SOLD**
 - **THE BILL OF SALE**
 - **PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)**
3. If all of the above documents are valid, and you make your payment in full, you will be issued with a paper licence posted to your home address. The licence plate will not need to be changed.

PROCEDURE FOR REPLACEMENT VEHICLE FOLLOWING AN ACCIDENT

The procedure below relates to the licensing of a vehicle that will be used as a replacement vehicle should your current vehicles not be useable following an accident.

1. You will need to contact the Licensing Team on 01865 252115 to advise us that you have been involved in an accident. You must report this within 72 hours of the accident and provide a letter confirming this and give the vehicle licence plate back to the Licensing Team.
2. You must give the Licensing Team details of the company that will be providing you with a replacement vehicle. The Licensing Team will liaise directly with the company providing you with a replacement vehicle.
3. The replacement vehicle company will complete an application form to licence the replacement vehicle.
4. They will need to contact the Council's Motor Transport Section, Marsh Road, Cowley, Oxford, OX4 2HH. Tel. No. 01865 252946 to book an appointment for the vehicle to undergo a Compliance Test.
5. If the vehicle passes the test, the Testing Station will issue a **CERTIFICATE OF COMPLIANCE** for the vehicle.
6. The replacement vehicle company then need to book an appointment with the Licensing Team on 01865 252115.
7. When they then attend this appointment (at St. Aldate's Chambers), they will need to bring with them:
 - **COMPLETED APPLICATION FORM**
 - **INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTCOPY)**
 - **VEHICLE OWNERSHIP DOCUMENT**
 - **CERTIFICATE OF COMPLIANCE**
 - **PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)**
8. If all of the above documents are valid, and payment has been made in full, the paper licence will be posted to the Replacement Vehicle Company, and they will contact you to inform you that the vehicle is now licensed.
9. Upon receiving this confirmation, you will need to book an appointment with the Licensing Team to obtain the vehicle plate (and to surrender your original plates). Upon receipt of your **96** e plate, you will need to book an appointment with the Testing Station to collect and affix any additional stickers / livery required).

BYELAWS RELATING TO HACKNEY CARRIAGE VEHICLES

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Lord Mayor, Alderman and Citizens of Oxford, acting by the Council, with respect to Hackney Carriages in Oxford.

INTERPRETATION

1. Throughout these byelaws "the Council" means the Lord Mayor, Alderman and Citizens of Oxford, acting by the Council, and "the district" means the City of Oxford.

PROPRIETORS AND DRIVERS

2. Every proprietor or driver of a Hackney Carriage shall, at times, when standing, plying, or driving for hire, conduct himself in an orderly manner. He shall also conduct himself with civility and propriety towards every person seeking to hire or hiring or being conveyed in such carriage, and shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage.
3. Every driver of a Hackney Carriage shall be clean in person and shall, when standing, driving, or plying for hire, wear clean and respectable clothes.
4. Every driver of a Hackney Carriage of a description for which stands are fixed by any byelaw in that behalf shall:
 - a. if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - b. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction;
 - c. from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - d. whilst his carriage is the first carriage stationed on a stand constantly attend such carriage and be ready to be hired at once by any person.
5. Every proprietor or driver of a Hackney Carriage who shall agree or shall have been hired to be in attendance with the carriage at an appointed time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
6. A driver of a Hackney Carriage shall not carry more than the number of passengers for which his carriage is licensed to carry.
7. Every driver of a Hackney Carriage shall at all times when standing, plying, or driving for hire, wear attached to his outer clothing in such a manner as to be clearly visible a badge to be provided by the Council. He shall not permit any other person to wear such badge.
8. Every driver of a Hackney Carriage shall when requested by any person hiring or seeking to hire the carriage:
 - a. convey a reasonable quantity of luggage;
 - b. afford reasonable assistance in loading and unloading;
 - c. afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take up or set down such person.
9. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Medical officer of Health of the Council.
10. Every driver of a Hackney Carriage provided with a taximeter shall:
 - a. when standing or plying for hire keep the flag or other device of the taximeter bearing the words "FOR HIRE" locked in the position in which the words are horizontal and legible;
 - b. as soon as the carriage is hired by distance and before commencing the journey bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible.
12. A proprietor or driver of a Hackney Carriage shall not, with intent to deceive, tamper with or permit any person to tamper with any taximeter with which the carriage is provided.

HACKNEY CARRIAGES

13.
 - a. Every proprietor of a Hackney Carriage shall cause to be fixed to the rear of such carriage in such a manner as to be at all times plainly visible a metal plate bearing the number of such Hackney Carriage corresponding to its licence.
 - b. The proprietor or driver shall not wilfully or negligently cause such number to be concealed from the public view when such carriage is standing, driving or plying for hire.
14. Every proprietor of a Hackney Carriage shall cause such carriage to be fitted with a taximeter so constructed, attached, and maintained as to comply with the following rules, viz:
 - i. The taximeter shall be fitted with a flag or other device bearing the words "FOR HIRE" on each side thereof in plain letters at least 2 inches in height, and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - ii. when the flag or other device is so locked the machinery of the taximeter shall not be in action, and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible.
 - iii. when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - iv. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - v. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - vi. the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be suitably illuminated when the carriage is in use during the hours of darkness.
 - vii. The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances.

15. No advertisements or written matter of any kind shall be exhibited on the inside or outside of any Hackney Carriage, except by special permission of the Council. Provided that this byelaw shall not apply to any sign which is required by law to be displayed in or upon such carriage.

STANDS

16. Each of the several places specified in the First Schedule to these byelaws shall be a stand for such number and description of Hackney Carriages as are specified in that said Schedule.

FARES AND OTHER CHARGES

17. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed in the table set out in the Second Schedule to these byelaws, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time. Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table in the said Schedule which it may not be possible to record on the face of the taximeter.
18. 1) Every proprietor of a Hackney Carriage plying for hire of a description for which any fares are fixed by any byelaw in that behalf shall:
- cause a statement of such fares to be displayed on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures;
 - renew such letters and figures as often as is necessary to keep them clearly visible.
- 2) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
19. In the case of journeys which end or start outside the City boundary, the driver of every Hackney Carriage shall before starting the journey inform his passengers that the fares laid down in these byelaws do not apply and shall state the manner in which he proposes to assess the fare or quote the fare for the whole journey.

LOST PROPERTY

20. Every proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.
21. Every proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to a Police Station, and leave it in the custody of the Police on obtaining a receipt for it;
 - be entitled to receive from any person to whom the property shall be redelivered an amount equal to one shilling in the pound of its estimated value but not more than five pounds or less than one shilling.

PENALTIES

22. Every proprietor or driver of a Hackney Carriage who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of twenty pounds and in the case of a continuing offence to a further penalty of two pounds for each day after written notice of the offence from the Council: Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this byelaw.

REPEAL OF BYELAWS

23. The byelaw relating to Hackney Carriages in the City of Oxford which were made by the Council:
- on the third day of June 1929, allowed by the Minister of Health on the first day of August 1929;
 - on the seventh day of June 1937, and confirmed by the Minister of Health on the fourth day of August 1937;
 - on the twenty-first day of April 1958, and confirmed by the Secretary of State on the ninth day of June 1958;
 - on the sixteenth day of May 1964, and confirmed by the Secretary of State on the fourth day of June 1964;
- are hereby repealed.

FIRST SCHEDULE: STANDS FOR HACKNEY CARRIAGES IN THE CITY OF OXFORD

Queen Street / Carfax : For 3 Carriages

High Street : On the west side of Turl Street. **For 2 Carriages**

Gloucester Green : **For 12 Carriages**

Park End Street : **For 3 Carriages**

St Giles : In the centre of the road, immediately to the north of the public lavatory. **For 20 carriages**

The Plain : On the east side of the roundabout. **For 3 Carriages**

Cowley Road : On the west side of Manzil Way **For 2 Carriages**

Barns Road : Near the entrance to Templar Square. **For 4 Carriages**

Between Towns Road : Near the entrance to Templar Square. **For 2 Carriages**

London Road : South side of Kennett Road. **For 1 Carriage**

London Road : North east side of Old High Street . **For 1 Carriage**

Oakthorpe Road : **For 2 Carriages**

Oxford Rail Station : Subject to the consent of the land owner **98**

SECOND SCHEDULE: FARES AND OTHER CHARGES

Fares for Distance Travelled and time		
Tariff 1	For the first 80 metres or part thereof	£2.45
06.00 - 22.00	Each subsequent 80 metres or part thereof until 1600 metres	£0.10
Monday to Saturday	each subsequent 125 metres or part thereof	£0.10
Waiting Time: For each period of 20.3 seconds or part thereof	£0.10	For each trunk carried
Tariff 2	For the first 53 metres or part thereof	£2.50
22.00 - 06.00 Monday to Saturday all day Sunday	each subsequent 53 metres or part thereof until 2120 metres	£0.10
All Public Holidays (except Tariff 3) from 00.01 until 06.00 the following day	each subsequent 130 metres or part thereof	£0.10
WAITING TIME For each period of 18.9 seconds or part thereof	£0.10	For each trunk carried
Tariff 3	For the first 80 metres or part thereof	£2.65
Christmas From 20.00 24th Dec Until 06.00 27th Dec	each subsequent 80 metres or part thereof until 1600 metres	£0.15
New Year From 20.00 31st Dec Until 06.00 2nd Jan	each subsequent 125metres or part thereof	£0.15
WAITING TIME For each period of 20.3 seconds or part thereof	£0.15	For each trunk carried
For each passenger in excess of one		£0.20
For each article of baggage carried outside the passenger compartment of the cab		£0.10
For each adult pedal cycle carried (except folding)		£1.00
For each wheeled vehicle carried (except mobility impaired persons vehicle)		£0.10
PAYMENT by cheque credit card or debit card		£0.50
SOILAGE CHARGE * To cover cleaning and loss of income, where the interior of the vehicle is soiled due to the excessive consumption of alcohol etc. or by the carriage of an animal, excluding guide dogs.		£30.00

LIMITING THE NUMBER OF LICENSED HACKNEY CARRIAGE VEHICLES

Full Council has decided that the Council's policy of quantity control on the number of Hackney Carriage vehicle licences should be maintained. It considers that the Council is best placed to determined local transport needs and that those needs must be determined in the context of the (long standing and consistent) traffic and transport policies in Oxford.

The City Council has maintained quantity control over the numbers of Hackney Carriage licences it issues for well over twenty years. However, it commissions regular surveys, conducted by independent specialist consultants, into whether there is, at the time of the survey, unmet demand for the services of Hackney Carriages in Oxford. Where the survey has found that there is unmet demand, the Council has issued additional licences so that supply equates with demand. In addition, both in connection with the survey and at other times, the Council has reviewed the amount and location of taxi stands. The Council has both full-time and part-time taxi stands, in the City centre and elsewhere.

In terms of quality control, the Council has driven up the quality of Hackney Carriages and Private Hire vehicles, and their drivers, so that the Council believes the quality and safety of the services provided by Hackney Carriages and Private Hire vehicles in Oxford is that of other leading local authorities. All Oxford's Hackney Carriages are wheelchair accessible. The Council is not complacent however, and continually reviews quality control, by enforcement and by other means.

At present there are 107 Oxford City licensed Hackney Carriages. An independent "unmet demand" survey is commissioned every 3 years, and it's results are presented to the Full Council to determine whether the number of licensed Hackney Carriages in Oxford should be increased.

EUROPEAN EMISSION STANDARDS INFORMATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

On 15th June 2009 the General Purposes Licensing Committee approved the adoption of the European Emissions Standards in the City, this regulation determines the maximum age for vehicles permitted to be licensed by this Authority. European emission standards define the acceptable limits for exhaust emissions of new vehicles sold in EU member states. The emission standards are defined in a series of European Union directives staging the progressive introduction of increasingly stringent standards.

New Vehicle Licences: Following the adoption of the European Standards on vehicle emissions, at present any vehicle not already licensed by this Authority, in order to meet the current regulations, must not be older than 5 years of age at the date of the grant of the vehicle licence. Further changes to the Euro Emissions standards are expected to come in to force on 1st October 2012, which will mean that any person applying for a new vehicle licence after that date, will need to purchase a vehicle registered no earlier than 1st October 2009.

Renewal of existing Vehicle Licences: Following the adoption of the European Emissions Standard, all vehicles that are currently licensed must meet Euro 3 Emissions regulations. From 1st January 2013, all vehicles submitted for a licence renewal will need to be Euro 4 Emissions compliant, which in effect means that any vehicle first registered prior to 1st January 2005 will not meet current regulations.

Further information relating to the European Emissions Standards can be found on the European Commission website.

AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES

From the 1st April 2012 it is a mandatory requirement for Audio and Visual Recording Equipment to be fitted in all Hackney Carriage and Private Hire vehicles (save for those Private Hire vehicles that are granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed by this Authority.

Listed below is a summary of the timescale for the scheme, and the eligibility criteria for financial assistance with the reimbursement of fitting costs.

- i) Audio and Visual Recording Equipment will be a mandatory requirement for all Hackney Carriages and Private Hire vehicles (save for those Private Hire vehicles that are granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed for the first time by this Authority from 1st April 2012.
- ii) Audio and Visual Recording Equipment will be a mandatory requirement for all Hackney Carriage and Private Hire vehicles (save for those Private Hire vehicles that are granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed by this Authority prior to 1st April 2012, allowing until 31st March 2015 for the equipment to be fitted to the vehicle.
- iii) Any vehicle proprietor who holds a licence prior to 1st April 2012 and will have a licence in force after this date, will be eligible to apply for reimbursement of a maximum of £100 towards the fitting costs of Audio and Visual Recording Equipment to the vehicle (upon proof of receipt of payment for the fitting of the Audio and Visual Recording Equipment), restricted to no more than one payment per licensed vehicle.
- iv) Any Audio and Visual Recording Equipment system fitted to any licensed vehicle must comply with the criteria laid out in the Minimum Standard Specification for Audio and Visual Recording Equipment installed in licensed vehicles.
- v) Upon the fitting of Audio and Visual Recording Equipment to any Private Hire vehicle licensed from 1st April 2011 which is permitted to carry 5 or more passengers, there shall be no requirement for the need to replace the standard manufactured rear window of the vehicle.
- vi) Upon the fitting of Audio and Visual Recording Equipment to any Hackney Carriage, advertisements shall be permitted to be displayed on a screen placed behind the driver, on the partition of the Hackney Carriage. Guidelines relating to internal advertisements in Hackney Carriages can be found within the Conditions of Fitness.

MINIMUM STANDARD SPECIFICATION FOR AUDIO AND VISUAL RECORDING EQUIPMENT SYSTEMS

1. Meet the current Information Commissioner Data protection requirements, at the time of installation
2. Capable of date, time and vehicle identification test information
3. Capable of capturing images during daylight and darkness of sufficient quality to enable identification of any person travelling in the vehicle and be of such a quality that can be used for prosecution purposes where necessary
4. Capable of providing voice recording
5. The recording must be event activated (e.g. door or ignition) and continue to record 30 minutes after the ignition is switched off.
6. Capable of recording and storing images for a minimum of 28 days
7. A panic button which will then save all recording for a minimum of 10 minutes before activation in a separate part of the hard drive
8. Have the integrity to prevent images being reviewed, removed and/or downloaded except by a system administrator and/or an authorised council or police officer
9. The system must be digitally encrypted
10. Ensure that the hard disk or data card is not accessible to the driver or any other person travelling in the vehicle
11. The data unit must be securely fixed and stored separately from the camera(s) and out of view of any person travelling in the vehicle
12. All equipment must not present any risk to any person travelling in the vehicle and as far as possible cannot be tampered or damaged by any person travelling in the vehicle
13. All equipment installed in the vehicle must be capable of withstanding and functioning if the vehicle stops suddenly or there is any impact
14. The equipment must be marked as complying with European Industry Standards.
15. The camera(s) must be capable of recording all passengers travelling in the vehicle, including the driver. For vehicles other than a saloon car this may require more than 1 camera
16. All images and sound recorded must be in a format that is easily useable by police and the Court system (DVD format recommended)
17. The system must be fitted by an approved installer, specified by the manufacturer, and serviced and maintained as specified by the manufacturer

CONDITIONS APPLICABLE TO THE LICENSING OF HACKNEY CARRIAGE VEHICLES

Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

No vehicle shall be licensed as a Hackney Carriage unless it complies with the Council's Conditions of Fitness.

It must be understood that although the conditions of fitness set out may have been complied with, approval will be withheld if the Council is of the opinion that the vehicle is unsuitable for use as a Hackney Carriage.

You should be fully aware that it is the policy of this Authority to only permit Hackney Carriages that are "manufactured as purpose-built nationally recognised taxis" to be deemed suitable for use as a licensed Hackney Carriage vehicle, and such vehicles must meet with all of the criteria, conditions and regulations applicable to the licensing of Hackney Carriage vehicles in Oxford. Details as to the makes and models of vehicles already deemed acceptable to be licensed by this Authority can be found on our website: www.oxford.gov.uk/taxilicensing.

Information relating to Audio and Visual Recording Equipment Systems, Euro Emissions Regulations, and the regulation of the number of Hackney Carriage vehicle licences permitted by this Authority can be found elsewhere in this application pack, and on our website: www.oxford.gov.uk/taxilicensing.

CONDITIONS OF FITNESS

1. Age of Vehicle

- a. No vehicle will be first licensed as a Hackney Carriage unless it is less than five years of age from the date of first registration.
- b. Date of first registration will mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.
- c. For vehicles older than the maximum age for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.
- d. The minimum engine size for a vehicle is 1975cc.
- e. All vehicles re-licensed after the 1st September 2010 must be Euro 3 emissions compliant (this will affect vehicles registered before 1st January 2000). All vehicles re-licensed after 1st January 2013 must be Euro 4 emissions compliant (This will affect vehicles registered after 1st January 2005). **If an Emissions System is fitted :-**
 - Only companies on an up to date list from the Public Carriage Office can supply an Emissions System. Each approved supplier provides an agreed and recognised certificate as to the correct fitting of the system to the proprietor of the vehicle.
 - The proprietor of a licensed vehicle that has a system fitted provide a copy of the certificate issued by the company to the Taxi Licensing Office to be recorded and kept on file.
 - If the Council have any concerns at any time as to the effectiveness of an Emissions System fitted to a licensed vehicle that licence may be suspended or revoked by an authorised officer.
- f. For vehicles older than the maximum age for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.

2. General Construction

- a. **Every Hackney Carriage must be manufactured as a purpose-built nationally recognised taxi.**
- b. Every Hackney Carriage must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing and must, in all respects, be "exceptionally well maintained" to a level so as to meet with the requirements of the Certificate of Compliance Test at all times when it is being used to carry out licensable duties. As a guide (but not an exhaustive list) "**Exceptionally well maintained**" means:
 - The vehicle to be in excellent mechanical condition.
 - The vehicle to be in all respects, safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
 - The exterior of the vehicle to be clean and in excellent condition with no dents or damage of significance.
 - The paintwork to be in excellent condition, of professional standard and consistent with the colour scheme of the vehicle.
 - The interior of the vehicle to be in good condition. The upholstery, linings, seats and floor coverings to be clean with no holes, tears or signs of wearing.
 - The boot and luggage compartment to be in good condition, clean and uncluttered.
- c. Every Hackney Carriage must have been granted a whole vehicle type approval certificate.
- d. Hackney Carriages offered for type approval must be so constructed as to be capable of admitting, with assistance from the driver only, a person in a wheelchair without that person having to vacate the wheelchair and convey them in their wheelchair in comfort and safety.

3. Audio and Visual Recording Equipment

- a. No Audio and Visual Recording Equipment system shall be installed in a vehicle unless it fully meets with the Minimum Specification Standard as detailed by the Licensing Authority. A vehicle licensed for the first time by this Authority from 1st April 2012 must be fitted with a Audio and Visual Recording Equipment. No vehicle licensed by this Authority prior to 1st April 2012, shall be granted a licence after 31st March 2015 if an Audio and Visual Recording Equipment has not been fitted to it.
- b. No additional cameras shall be installed in the vehicle unless fitted by an approved installer. The number and location of cameras shall not be varied without the prior written consent of the Council.
- c. Advisory signage, provided by the Council / approved installer, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition. In any event, the driver shall ensure that any passengers are informed that Audio and Visual Recording Equipment is in operation (both video and audio) throughout the duration of the journey.
- d. The vehicle proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for the duration of the ownership of the vehicle. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
- e. Upon request for image retrieval by an authorised officer of the Council or a Police officer the proprietor shall ensure that the Audio and Visual Recording Equipment system or hard-drive is made available to the relevant personnel at either the Council or Police, as soon as reasonably practicable, and in any event within 7 days of the request.
- f. The proprietor of the vehicle shall take all reasonable steps to ensure that every driver of the vehicle is made aware of all of the conditions in relation to any installed Audio and Visual Recording Equipment system, and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

- g. The Audio and Visual Recording Equipment system shall remain in full working order and should the system develop a fault, the vehicle proprietor must make arrangements for the system to be rectified immediately. In the event of an Audio and Visual Recording Equipment system developing a fault during a fare paying journey, a period not exceeding 12 hours is permitted for the vehicle to continue being used in its capacity as a licensed vehicle. Upon the 12 hour limit being reached, the vehicle shall not be made available to carry out its licensed duties until the fault is rectified.
- h. Should any Audio and Visual Recording Equipment system or camera be found not to be fully operational during either a Certificate of Compliance Test, or during an inspection by an authorised officer of the Council or a Police Officer, the vehicle licence shall be suspended with immediate effect unless the proprietor can provide evidence at the time of the inspection that the fault occurred within the permitted 12 hour period that the vehicle may continue to be used in its capacity as a licensed vehicle.

4. Steering

- a. The steering wheel must be on the offside of the vehicle.
- b. The steering mechanism must be so constructed or arranged that NO over-lock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
- c. The steering arms and connections must be of adequate strength and, as far as possible, protected from damage by collision.

5. Brake and Steering Connections

Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pins must be uppermost.

6. Wheels and Tyres

- a. All wheels and the tyres fitted, must be of the correct type, size and at the correct pressure for the vehicle they are fitted to. The spare wheel and tyre, which must be carried must also be of the same type and be at the correct pressure. Tools sufficient to allow the wheel to be changed during a journey will be carried in the vehicle in a safe and secure position.
- b. All tyres, at normal pressure under load, must be approved as having a suitable minimum circumference for correct operation of the taximeter.

7. Brakes

- a. All brakes must act directly on the wheels of the vehicle.
- b. The brakes of one of the braking systems must be applied by pedal.
- c. The pedal operated braking system must be designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.
- d. Cable connections are not permitted in the pedal operated system.

8. Suspension

- a. Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
- b. Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension system is not likely to cause the driver to lose control of the vehicle.

9. Transmission

Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a drive or reverse position.

10. Nuts or Bolts

All moving parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

11. Fuel Tanks

- a. Fuel tanks must not be placed under the bonnet and must be adequately protected from damage by collision.
- b. All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking there from can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- c. The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they form an adequate seal to prevent leakage and cannot be dislodged by accident.
- d. A device must be provided by means of which the supply of fuel to the engine can be immediately cut off. Its situation together with the means of operation and 'OFF' position must be clearly marked on the outside of the vehicle. In the case of an engine powered by L.P.G. or petrol the device must be visible and readily accessible at all times from outside the vehicle.

12. Interior Lighting

Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passengers and driver must be provided. In the case of the passengers compartment an illuminated switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

13. Electrical Equipment

- a. All leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil must be adequately protected.
- b. All electrical circuits must be protected by a suitable fuse.
- c. Batteries must be so placed, secured, protected that they cannot be a source of danger.

14. Accessories

- a. **Fire Appliances:** A fire extinguisher which complies with E.E.C. Standard EN3, which has a minimum capacity of 1.0 Kg must be carried securely in such a position as to be readily available for use. ***The apparatus shall be clearly marked with the vehicle licence number.***

- b. **First Aid Equipment:**

- i) A first aid kit must be carried securely in the vehicle and maintained at all times. The contents must be within the manufacturer's expiry date. It must be carried in such a way as to be readily available for immediate use by a qualified person or volunteer in an emergency.

- ii) The first aid kit, which complies with the table set out below, must be carried securely in the vehicle and a first aid window sticker must be prominently displayed on the vehicle.

Contents of First Aid Kit	Requirements for Vehicle Licensed to Carry Passengers
	Minimum number of
Individually wrapped sterile plasters, assorted sizes	20
Sterile eye pads	2
Sterile individually wrapped triangular bandages	4
Safety pins	6
Large sterile individually wrapped wound dressing	2
Medium sterile individually wrapped wound dressing	6
A pair of disposable gloves	1

15. Exhaust Pipe

The exhaust pipe must be so fitted or shielded that no inflammable material can be or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be so placed at the rear of the vehicle on the offside and in such a position as to prevent fumes from entering the vehicle.

16. Body

- a. The body must be of the fixed head type with a partially glazed partition separating the passenger compartment from the driver.
- b. Outside Dimensions
 - i. The overall width of the vehicle exclusive of driving mirrors must not exceed 1.8 metres.
 - ii. **The overall length of the vehicle must not exceed 5.00 metres.**
- c. Internal Dimensions of Passengers Compartment
 - i. The vertical distance between the point of maximum deflection of the seat cushion to the roof immediately above that point must not be less than 96.5 cm.
 - ii. Any curvature of the floor of the passengers' compartment must be continuous and must not exceed 2 cm at the partition and 5 cm at the base of the rear seat when measured between the centre line and sills.
 - iii. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm.
 - iv. The minimum angle of the door when opened must be 90 degrees.
 - v. The clear height of the doorway must not be less than 1.195 metres.
 - vi. Grab handles must be placed at door entrances to assist the elderly and persons with disabilities.
 - vii. Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.

17. Steps

- a. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen.
- b. The outer edge of the floor at each entrance must be fitted with non-slip treads and must be colour contrasted to an approved type to aid partially sighted persons.
- c. An additional, if standard step height is more than 19 cm, removable step must be provided which must not exceed 19 cm above ground level when the vehicle is unladen. The step must be fitted with non-slip treads and must be colour contrasted to an approved type to aid persons with disabilities to enter the vehicle. The step must be of an approved design and be designed in such a way as to make it impossible for the door to be closed when the step is in place.

18. Wheelchair Facilities

- a. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 200 x 200 mm which must be used beneath the floor.
- b. Approved restraints must be provided for the wheelchair and the person using the wheelchair. These restraints must be independent of each other.
- c. Approved anchorages must also be provided for the safe storage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment.
- d. All anchorages and restraints must be so designed that they do not cause a foreseeable danger to other passengers.
- e. An approved ramp or ramps or other apparatus for the loading and unloading of a wheelchair and occupant must be available at all times for use at an approved position. An adequate locating device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be capable of being stowed safely when not in use.
- f. Only in exceptional circumstances will a vehicle with rear loading wheelchair access be granted a licence.

19. Seat Belts

Every vehicle must be fitted with seat belts of a type that conform to the British Standards Institution standards. A seat belt must be provided for every passenger and the driver.

20. Passenger Seats

- a. The measurements from the upholstery at the back to the front edge of the back seat must be at least 40 cm and for each person carried a minimum of 40 cm must be available when measured along the front parallel edge of the seat cushion.
- b. The width of each front seat must not be less than 40 cm and such seats must be at least 35.5 cm when measured from the back to the front of the upholstery.
- c. The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 cm.
- d. Where seats are placed facing each other there must be a clear space of 48 cm between any part of the front of a seat and any part of any other seat that faces it. This measurement may be reduced to 43.5 cm provided adequate foot room is maintained at floor level. Where seats are placed facing to the front of the vehicle there must be a clear space of at least 66 cm in front of every part of each seat squab.
- e. Front seats (rear facing) must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart.
- f. When not in use, seats must not obstruct doorways.
- g. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly people and people with disabilities.

- h. The nearside front seat must be capable of swivelling on its axis to a position where a person with disabilities or an elderly person may seat themselves prior to entering the vehicle. The seat should be capable of resting securely in its travelling position with minimum effort from the passenger or minimum assistance from the driver only.
- i. Every vehicle must carry a booster cushion of a type that conforms to BSI standards, for use when carrying a child.

21. Driver's Compartment

- a. The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- b. The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- c. The driver's seat must be designed to accommodate the driver only and be adjustable for height and reach.
- d. The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor adjustable by the driver.
- e. Direction indicators of an approved type must be fitted.
- f. Every vehicle must be provided with an approved means of communication between the passengers and the driver.
- g. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 11.5 cm.

22. Windows

- a. Windows must be provided at the sides and at the rear of the vehicle. The light transmission of any window in any position must not be less than that currently required of the front windscreen and side windows by The Road Vehicles (Construction & Use) Regulations 1986. For the sake of clarity, all windows must allow 70% of light through as tested by a light meter.
- b. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
- c. The light transmission through the windows of vehicles, including those licensed prior to the introduction of this regulation may not be reduced in any way from that present when the vehicle was approved for licensing.
- d. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
- e. Where electrically operated windows are fitted they must be approved and comply with the following:-
 - i. Switches must be available for passengers to operate the windows as required, but the driver's controls must be capable of overriding and locking out the passengers' controls when unescorted children are being carried.
 - ii. An approved sensing device must be fitted that will stop the window closing when an obstruction is present.

23. Heating and Ventilation

An adequate heating and ventilation system must be fitted for the driver and passengers. The driver and passengers must be provided with means for independent control.

24. Glass

The windscreen must be of laminated construction and not be tinted. All other windows and glass must be an approved safety type.

25. Door Fittings

- a. An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism. The interior door handle must be easily identifiable so as not to be mistaken for any other control.
- b. Double catches of approved type must be fitted to all doors.

26. Fare Table Frame

A frame must be provided for the fare table that must be fitted in an approved position.

27. Floor Covering

The flooring of the passengers' compartment must be covered with non-slip material which can easily be cleaned.

28. Horn

A horn of approved pattern must be fitted.

29. Taximeter

- a. A taximeter, which conforms to the Council's criteria for taximeters must be fitted in an approved position.
- b. Criteria for Taximeters Fitted in Hackney Carriages in Oxford
 - i. Taximeters must:-
 - ii. Conform to the standards set by the EU/ British Standards Institution for taximeters.
 - iii. Be approved by the licensing Authority for the Metropolitan area.
 - iv. Only display tariff rates or other charges set by the Council.
 - v. Be tested and approved prior to usage.
 - vi. Not be used for any reason, the seal has been removed or the meter tampered with until such time as the meter has been re-tested, resealed and approved for use.

30. "TAXI" Signs

A "TAXI" sign of approved pattern, must be fitted and must be an integral part of the original construction of the vehicle. It must be clearly visible, both by day and night, when the Hackney Carriage is not hired,

31. Radio Apparatus

- a. Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus may be fixed in the passengers' compartment or in the rear boot compartment if L.P.G. tanks are situated therein.
- b. Any other radio equipment either in the passenger or driver compartment, must be approved.

32. Luggage

Provision must be made for carrying luggage and an efficient method of securing it must be provided.

33. Fittings

No fitting other than those approved may be attached to or carried upon the inside or outside of the vehicle.

34. Certificate of Insurance

A current certificate of insurance as required by an Acts or Regulations relating to motor vehicles and as required by any Acts or Regulations relating to Hackney Carriages, must be in force at all times.

35. Licence Plates

A plate, as supplied by the Council, must be securely affixed to the vehicle in approved position, at the rear of the vehicle.

The plate will bear the following information:-

- i. The number of the licence issued in respect of the vehicle.
- ii. The maximum number of passengers allowed to be carried.
- iii. The registration number of the vehicle to which the licence has been issued.
- iv. The expiry date of the licence.

36. Additional Number Identification

The Hackney Carriage licence number, in a form prescribed by the Head of Environmental Development responsible for the licensing of Hackney Carriages, will be displayed on both rear side windows.

37. Advertisements

- a. Advertisements concerning a radio circuit or taxi business to which the proprietor belongs may be displayed on the rear window of the vehicle only measuring a maximum of 4" x 48". It must not obscure the driver's view to the rear.
- b. Suitable commercial advertisements may be allowed on the inside and outside of the vehicle subject to the approval of the Head of Environmental Development responsible for the licensing of Hackney Carriages. An application form may be requested from the Licensing Team.
- c. Interior advertisements may be displayed only on the bulkhead on top of the passenger/driver partition or on the base of the front seats. All such advertisements must be encapsulated in clear non-flammable plastic.
- d. Exterior advertisements may be displayed on a purpose-built taxi only:-
 1. As a full-livery advertisement.
 2. On the lower panels of the front two or all four doors, or on the full side lower panels and doors of the vehicle as a continuous item.
 3. On the rear window subject to the advertisement being of such a form as not to obscure the driver's view to the rear. If such advertisements are displayed, no other matter may be displayed.
 4. Mixtures of advertisers or subject matter are not permitted.
- e. Advertisements must be of such a form as not to become easily soiled or detached.
- f. All materials and adhesives used in the manufacture of and for the purpose of affixing advertisements to vehicles must be non-flammable.
- g. Applications for approval of advertisements must be made in writing to the Head of Environmental Development responsible for the licensing of Hackney Carriages and, if approval is granted, the approval will be for the duration of the Hackney Carriage licence and such shorter time, which may be decided at the time of the application.
- h. The Head of Environmental Development is authorised to grant or refuse any such application provided he/she feels may be unsuitable.
- i. Permission will not be granted for the display of any advertisement that does not comply with the Council's criteria for the display of advertisements in or on Hackney Carriages.
- j. Advertisements displayed in or on Hackney Carriages licensed by Oxford City Council must not be, racist or sexist; and should not cause offence to persons with any form of disability, to the general public or any section of the community. Advertisements must not refer to tobacco or alcohol products unless as part of a health education or similar campaign.

38. Internal Advertisement Criteria

- a. All advertisements must be approved by the Head of Environmental Development and fulfil the criteria for advertisements.
- b. No sound for an advertisement may be permitted.
- c. All film/video material must:
 - i) be classified by the BBFC as U, Uc or exempt from classification
 - ii) comply with the criteria contained in the Councils advertising policy
- d. Prior to the approval of any advertisement, any equipment required for the viewing of a video advertisement will be at the expense of the advertiser's agent. All maintenance and any associated costs will be at the expense of the advertiser's agent.
- e. A charge will be made for confirming the suitability of all advertisements or other material intended to be shown. The Head of Environmental Development may review charges at any time.
- f. All systems complying with the following design and construction criteria:
 - i) All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
 - ii) All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
 - iii) The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle
 - iv) The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
 - v) All equipment must be installed in the driver's compartment and should not be visible from the driver position.
 - vi) The installation must not be such as to weaken the structure or any component part of the vehicle.
 - vii) The design must be discreet and complement the interior furnishing of the vehicle.
 - viii) The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
 - ix) Passengers MUST be able to switch the system off and once so switched off; the system MUST remain off for the rest of that passenger's journey. This condition is necessary both to accommodate passengers who may be susceptible to having flickering image induced fits and those who choose not to watch the advertisements.
 - x) A notice should be displayed within prominent view giving instructions to passengers as to switching off the system.
 - xi) All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the luggage carrying capacity of the hackney carriage.

EXEMPTION FROM DISPLAYING PLATES & STICKERS: PRIVATE HIRE VEHICLE

Some customers prefer to be driven in executive vehicles that are low profile and represent their organisation - especially when meeting a client. Many chauffeur companies and some Private Hire Operators employ section 75(3) of the Act. Using this section of the law, allows for specific vehicles to be granted dispensation from displaying their Private Hire plates. Vehicles issued with this "Exemption Notice" are not required to meet with the Authority's requirement for an Audio and Visual Recording Equipment system to be fitted.

Criteria: The work undertaken must not be conventional Private Hire work but regarded as specific 'chauffeur-driven' work, and that the vehicle to be used for such work is an "executive and prestigious" type vehicle of a higher standard than that of a 'normal' vehicle used for private hire work. This must be proved through the procedures detailed below.

Renewal of Exemption: Such an exemption must be reapplied for at the time of each vehicle licence renewal application. This exemption does not include school contracts or similar work for which a fully signed vehicle must be used.

Internal Plates: Exempt vehicles will be required to display two Oxford City Council vehicle internal plates showing that the vehicle is a licensed Private Hire Vehicle. Each internal plate must be displayed within its holder, one to be displayed at the top of the windscreen on the nearside and the second at the top of the rear window on the offside.

Revocation of Exemption: Exempt vehicles that undertake standard private hire work without an invoiced contract in place may have their Exempt status withdrawn.

PROCEDURE TO OBTAIN EXEMPTION FROM DISPLAYING PLATES & STICKERS

The procedure below relates to the application for Private Hire Vehicle licence holders seeking to be granted exemption from displaying door stickers and licence plates, or the renewal of the exemption:

1. You will need to submit to the Licensing Team the following:
 - **A LETTER FROM THE VEHICLE PROPRIETOR DETAILING THE FOLLOWING INFORMATION:**
 - **THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL**
 - **MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE**
 - **THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF INVOICED CONTRACT WITH THE BUSINESS USER**
 - **THE NAME OF THE PRIVATE HIRE OPERATOR THROUGH WHOM BOOKINGS ARE PROVIDED**
 - **PAYMENT OF THE FEE**
2. The Private Hire Operator who holds the written contracts for the work that the vehicle seeking the exemption notice, needs to also submit to the Licensing Team the following:
 - **A LETTER ON COMPANY HEADED PAPER CONFIRMING THE FOLLOWING INFORMATION:**
 - **THE NAME OF THE VEHICLE LICENCE HOLDER**
 - **THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL**
 - **MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE**
 - **THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF INVOICED CONTRACT WITH THE BUSINESS USER**
3. The decision to grant or refuse an exemption for the display of an identification plate and door stickers will be delegated to the Licensing Team Leader.
4. If granted, 2 internal plates and an Exemption Notice will be sent to the proprietor granting the exemption request, detailing the proprietor and vehicle to which the exemption is granted, and the conditions attached to the exemption. This letter must be kept in the vehicle at all times, and produced at the request of an Authorised Officer.

CONDITIONS APPLICABLE TO THE GRANT OF AN EXEMPTION NOTICE

1. The vehicle shall not undertake standard private hire bookings.
2. All bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
3. The vehicle shall be of an "executive and prestigious" type of a higher standard than that of a 'normal' vehicle used for private hire work.

CONDITIONS ATTACHED TO AN EXEMPTION NOTICE

1. A copy of the Exemption Notice is kept in the vehicle at all times
2. The standard licence plates once issued are to be kept inside the vehicle and must be produced on demand to an Authorised Officer.
3. The vehicle is not used on conventional private hire work but is operated only on 'chauffeur-driven' work
4. There is no change as to who the proprietor of the vehicle is.
5. The vehicle is only operated through the Private Hire Operator named at the time of application.
6. The vehicle must display internal plates issued by the Licensing Authority that indicates to an Authorised Officer that the vehicle is indeed a licensed vehicle.
7. Exempt vehicles shall not display any Operators details in the vehicle.
8. The display of 'No Smoking' stickers inside the vehicle is still a condition of any exemption granted.

CONDITIONS APPLICABLE TO THE LICENSING OF PRIVATE HIRE VEHICLES

Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

No vehicle shall be licensed as a Private Hire vehicle unless it complies with the Council's Conditions of Fitness.

Private Hire Vehicles can be licensed for up to eight passengers. If your vehicle seats more than 8 passengers you will need to contact the Department of Transport.

It must be understood that although the conditions of fitness set out may have been complied with, approval will be withheld if the Council is of the opinion that the vehicle is unsuitable for use as a Private Hire vehicle.

Details as to the makes and models of vehicles already deemed acceptable to be licensed by this Authority can be found on our website: www.oxford.gov.uk/taxilicensing.

Information relating to Audio and Visual Recording Equipment Systems can be found elsewhere in this application pack, and on our website: www.oxford.gov.uk/taxilicensing.

Information relating to the Euro Emissions Regulations can be found elsewhere in this application pack, and on our website: www.oxford.gov.uk/taxilicensing.

A. General

1. It must be understood that although the conditions of fitness set out may have been complied with, approval will be withheld if the Council is of the opinion that the vehicle is unsuitable for use as a Private Hire vehicle.
2. Vehicles offered for licensing as Private Hire vehicles in Oxford must not be the subject of a Private Hire vehicle licence issued by another Licensing Authority or be the subject of a Hackney Carriage licence issued by this or another Licensing Authority.
3. It must be understood that although the conditions set out may have been complied with and a certificate of compliance and Private Hire vehicle licence issued, full payment of the current fee for the issue of a Private Hire vehicle licence must be made or the licence will cease to be valid.
4. It is the responsibility of the proprietor(s) of the Private Hire vehicle to ensure that all conditions of fitness are complied with at all times and that there is in existence for the vehicle a valid and current insurance policy, a current certificate of compliance and a current licence.
5. The Council does not accept responsibility for informing licence holders of the need to re-licence before a particular date nor for inspecting vehicles before a particular date, although every effort will be made to inspect vehicles prior to the expiry of the licence or certificate if an application is made in good time.
6. At all times, the vehicle should be maintained in exceptional condition. The bodywork should be kept in a clean condition and the interior, including the floor, seats and any covers must be in good condition, clean and tidy. Any damage caused to the vehicle materially affecting its safety performance or appearance must be notified to the Licensing Office within 72 hours.

B. Type of Vehicle and Conditions of Fitness

No vehicle will be licensed as Private Hire vehicle unless it complies with the Council's Conditions of Fitness

1. Age of Vehicle

- a. No vehicle will be first licensed as a Private Hire vehicle unless it is less than five years of age from the date of first registration.
- b. "Date of first registration" will mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.
- c. For vehicles older than the maximum age for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.

2. General Construction

- a. Every Private Hire vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing and must, in all respects, be "exceptionally well maintained" to a level so as to meet with the requirements of the Certificate of Compliance Test at all times when it is being used to carry out licensable duties. As a guide (but not an exhaustive list) "**Exceptionally well maintained**" means:
 - The vehicle to be in excellent mechanical condition;
 - The vehicle to be in all respects, safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work;
 - The exterior of the vehicle to be clean and in excellent condition with no dents or damage of significance. The paintwork to be in excellent condition, of professional standard and consistent with the colour scheme of the vehicle;
 - The interior of the vehicle to be in good condition. The upholstery, linings, seats and floor coverings to be clean with no holes, tears or signs of wearing;
 - The boot or luggage compartment to be in good condition, clean and uncluttered.
- b. Vehicles offered for licensing as Private Hire vehicles must be:
 - Fitted with an engine of a cubic capacity of not less than 1375cc.
 - Fitted with a minimum of four passenger doors
 - Allow unrestricted access and egress for every passenger, including access to the rear row of seats without tilting or moving a seat is required. (In most people carriers this is normally achieved by the removal of the nearside seat of the middle row).
 - Be safe and comfortable
 - Be suitable in type, size and design for use as a Private Hire vehicle.
 - Not of such design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage.

3. Audio and Visual Recording Equipment

- a. No Audio and Visual Recording Equipment system shall be installed in a vehicle unless it fully meets with the Minimum Specification Standard as detailed by the Licensing Authority. A vehicle licensed for the first time by this Authority from 1st April 2012 must be fitted with an Audio and Visual Recording Equipment system. No vehicle licensed by this Authority prior to 1st April 2012, shall be granted a licence after 31st March 2015 if an Audio and Visual Recording Equipment system has not been fitted to it. A Private Hire vehicle that is granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, shall be exempt from this requirement.
- b. No additional cameras shall be installed in the vehicle unless fitted by an approved installer. The number and location of cameras shall not be varied without the prior written consent of the Council.

- c. Advisory signage, provided by the Council / approved installer, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition. In any event, the driver shall ensure that any passengers are informed that Audio and Visual Recording Equipment is in operation (both video and audio) throughout the duration of the journey.
- d. The vehicle proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for the duration of the ownership of the vehicle. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
- e. Upon request for image retrieval by an authorised officer of the Council or a Police officer the proprietor shall ensure that the Audio and Visual Recording Equipment system or hard-drive is made available to the relevant personnel at either the Council or Police, as soon as reasonably practicable, and in any event within 7 days of the request.
- f. The proprietor of the vehicle shall take all reasonable steps to ensure that every driver of the vehicle is made aware of all of the conditions in relation to any installed Audio and Visual Recording Equipment system, and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
- g. The Audio and Visual Recording Equipment system shall remain in full working order and should the system develop a fault, the vehicle proprietor must make arrangements for the system to be rectified immediately. In the event of an Audio and Visual Recording Equipment system developing a fault during a fare paying journey, a period not exceeding 12 hours is permitted for the vehicle to continue being used in its capacity as a licensed vehicle. Upon the 12 hour limit being reached, the vehicle shall not be made available to carry out its licensed duties until the fault is rectified.
- h. Should any Audio and Visual Recording Equipment system or camera be found not to be fully operational during either a Certificate of Compliance Test, or during an inspection by an authorised officer of the Council or a Police Officer, the vehicle licence shall be suspended with immediate effect unless the proprietor can provide evidence at the time of the inspection that the fault occurred within the permitted 12 hour period that the vehicle may continue to be used in its capacity as a licensed vehicle.

4. Colour of Vehicles

A vehicle submitted for licensing as a Private Hire Vehicle, to carry more than five passengers or of a non-saloon type will not be approved for licensing if it is black in colour.

5. Alterations to vehicles

- a. All motor vehicles are required to have a type approval certificate before they can be licensed and used upon the public roads.
- b. No alterations to a vehicle as approved and granted the original manufacturers type approval certificate will be permitted, with the following exceptions.
- c. A conversion for which a whole vehicle type approval certificate has been granted.
- d. Following the grant of a whole vehicle type approval certificate, with the approval of the Council, the simple removal of a seat to allow the easy access to all seats, required by Council regulations

6. Passengers

- a. Every passenger must have a minimum of 40cm seat space. (If it is intended to licence a vehicle to carry 4 passengers then the rear seat must be at least 120cm).
- b. The minimum leg-room for passengers using the rear seats shall be 17cm. The measurement to be taken from the front edge of the rear seat to the back of the front seat when it is placed in the furthest possible position from the dashboard and the backrest part of the seat is at a 90% angle with the seat.
- c. The minimum clear space in front of every part of each seat squab, in the case of non-saloon car with forward facing seats, shall be 66cm.
- d. The minimum clear space in the case of non-saloon cars where seats are placed facing each other, between every part of the front of a seat and any part of any other seat with faces it shall be 48cm.
- e. Suitable measures must be provided to assist persons to rise from the rear seats with particular attention to the needs of elderly people and people with disabilities.

7. Seat Belts

Every vehicle must be fitted with seat belts of a type that conform to the British Standards Institution standards. A seat belt must be provided for every passenger and the driver.

8. Steering

The steering wheel must be on the offside of the vehicle.

9. Wheels and Tyres

- a. All wheels and the tyres fitted must be of the correct type, size and the correct pressure for the vehicle.
- b. Unless the vehicle is supplied by the manufacturer with approved run-flat tyres or a spare wheel and tyre of a compact design as original equipment, or supplied with the manufacturers approved repair kit (in place of a spare wheel), a spare wheel and tyre of the same type as that fitted to the vehicle and at the correct pressure must be carried.
- c. It is essential that vehicles with run flat tyres be fitted with a working tyre pressure monitoring system.
- d. Where a wheel and tyre of compact design (space saver) is carried, tools sufficient to allow the spare wheel to be fitted during a journey will be carried in the vehicle in a safe and secure position.
- e. The vehicle must only be used with a space saver tyre, or when normal pressure has been lost from a run flat tyre, or when a tyre has been repaired with the use of the manufacturers approved repair kit (in place of a spare wheel) to enable a hiring to be completed and then must only be used in accordance with the parameters prescribed by the manufacturer. The vehicle may not be used for any further hirings until the "temporary" wheel and tyre has been replaced by ones of the correct type.

10. Windows

- a. Windows must be provided at the sides and at the rear of the vehicle. The light transmission of any window in any position must not be less than that currently required of the front windscreen and side windows by The Road Vehicles (Construction & Use) Regulations 1986. For the sake of clarity, all windows must allow 70% of light through as tested by a light meter, with the exception that upon the fitting of Audio and Visual Recording Equipment to any Private Hire vehicle licensed from 1st April 2011 which is permitted to carry 5 or more passengers, there shall be no requirement for the need to replace the standard manufactured rear window of the vehicle. A Private Hire vehicle that is granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, shall be exempt from the requirement to replace the standard manufactured rear quarter windows and rear window of the vehicle.
- b. The light transmission through the windows of vehicles, including those licensed prior to the introduction of this regulation may not be reduced in any way from that present when the vehicle was approved for licensing.

- c. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
 - d. Where electrically operated windows are fitted they must be approved and comply with the following:
 - i. Switches must be available for passengers to operate the windows as required, but the driver's controls must be capable of overriding and locking out the passenger's controls when unescorted children are being carried.
 - ii. An approved sensing device must be fitted that will stop the window closing when an obstruction is present.
- 11. Glass**
The windscreen must be of laminated construction and not be tinted. All other windows and glass must be an approved safety type.
- 12. Luggage**
Provision must be made for carrying a reasonable amount of luggage and an efficient method of securing it must be provided.
- 13. Fittings**
No fitting other than those approved may be attached to or carried upon the inside or outside of the vehicle.
- 14. Certificate of Insurance and Form of Holder**
A current certificate of insurance as required by any Acts or Regulations relating to Private Hire Vehicles, must be carried in a holder securely affixed to the vehicle in an approved position and be positioned in the holder in such a manner that the details of commencement, expiry and details of cover are clearly visible.
- 15. Licence Plates**
A plate, as supplied by the Council, must be securely affixed to the vehicle in approved position, at the rear of the vehicle. The plate will bear the following information:
 - a. the number of the licence issued in respect of the vehicle.
 - b. the maximum number of passengers allowed to be carried.
 - c. the registration number of the vehicle to which the licence has been issued.
 - d. the expiry date of the licence.
- 16. Door stickers**
Door stickers in a form supplied by the council, identifying the vehicle and bearing the words 'Office and Telephone Bookings Only' and listing the "licence number of the vehicle" shall be affixed directly to the front doors on both sides of the vehicle. No method of attachment to the vehicle other than that intended or supplied by the council shall be used.
- 17. Plying for Hire Sticker**
A sticker in a form supplied by the council, indicating that the Private Hire vehicle is not available for public hire shall be affixed to the windscreen.
- 18. Operator's Sign**
 - a. A sign must be displayed on the rear doors on both sides of the vehicle containing details of the name of the Operator of the vehicle and any telephone number, fax number or email or web address of that firm.
 - b. The sign shall be no larger than the door sign supplied by the Council to identify the vehicle and required under condition introduced in April 1993 and amended in September 2000, to be fitted on the front doors of the vehicle.
 - c. The sign shall not contain the words "tax", "taxi", "cab", "taxi-cab" or "for hire", whether or not as part of another word.
 - d. Exemption for the display of the sign will be granted to those vehicles, which have been granted exemption for the display of a licence plate under s74 (3) Local Government (Miscellaneous Provisions) Act 1976 and with the same conditions contained in legislation for that exemption.
- 19. Steps (for non-saloon vehicles)**
 - a. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38cm above ground level when the vehicle is unladen.
 - b. The outer edge of the floor at each entrance must be fitted with non-slip treads and must be colour contrasted to an approved type to aid partially sighted persons.
 - c. An additional, if standard step height is more than 19cm, removable step must be provided which must not exceed 19cm above ground level when the vehicle is unladen. The step must be fitted with non-slip treads and must be colour contrasted to an approved type to aid persons with disabilities to enter the vehicle. The step must be of an approved design and be designed in such a way as to make it impossible for the door to be closed when the step is in place.
- 20. Wheelchair Facilities (where fitted)**
 - a. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 200 x 200mm which must be used beneath the floor.
 - b. Approved restraints must be provided for the wheelchair and the person using the wheelchair. These restraints must be independent of each other.
 - c. Approved anchorages must also be provided for the safe storage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment.
 - d. All anchorages and restraints must be so designed that they do not cause a foreseeable danger to other passengers.
 - e. An approved ramp or ramps or other apparatus for the loading and unloading of a wheelchair and occupant must be available at all times for use at an approved position. An adequate locating device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be capable of being stowed safely when not in use.
- 21. Swivel Seat (where fitted)**
The nearside of the front seat must be capable of swivelling on its axis to a position where a person with disabilities or an elderly person may seat themselves prior to entering the vehicle. The seat should be capable of re-siting securely in its travelling position with minimum effort from the passenger or minimum assistance from the driver only.
- 22. Accessories**
 - a. **Fire Appliances:** A fire extinguisher which complies with E.E.C. Standard EN3, which has a minimum capacity of 1.0 Kg must be carried securely in such a position as to be readily available for use. ***The apparatus shall be clearly marked with the vehicle licence number.***
 - b. **First Aid Equipment:**
 - i) A first aid kit must be carried securely in the vehicle and maintained at all times. The contents must be within the manufacturer's expiry date. It must be carried in such a way as to be readily available for immediate use by a qualified person or volunteer in an emergency.

- ii) The first aid kit, which complies with the table set out below, must be carried securely in the vehicle and a first aid window sticker must be prominently displayed on the vehicle.

Contents of First Aid Kit	Requirements for Vehicle Licensed to Carry Passengers
	Minimum number of
Individually wrapped sterile plasters, assorted sizes	20
Sterile eye pads	2
Sterile individually wrapped triangular bandages	4
Safety pins	6
Large sterile individually wrapped wound dressing	2
Medium sterile individually wrapped wound dressing	6
A pair of disposable gloves	1

c. Booster Cushion

Every vehicle must carry a booster cushion of a type that conforms to BSI standards, for use when carrying a child.

23. Taximeter (where fitted)

- a. A taximeter, which conforms to the Council's criteria for taximeters may be fitted and if fitted must be fitted in an approved position.
- b. Taximeters fitted in Private Hire vehicles in Oxford must:
 - i. Conform to the standards set by the British Standards Institution and E.E.C. for taximeters and be certified by the manufactures that it does conform.
 - ii. Be approved by the Public Carriage Office
 - iii. only display tariff rates or other charges set out in the table of fares which must be displayed in a clearly visible position in the vehicle.
 - iv. be tested, sealed and approved prior to usage.
 - v. not be used if, for any reason, the seal has been removed or the meter tampered with until such time as the meter has been retested, resealed and approved for use.

C. DURATION OF CERTIFICATES OF COMPLIANCE

1. Certificates of Compliance will be issued with duration of a minimum of four months and a maximum of six months. In general certificates will be issued with duration of six months.
2. Certificates of Compliance may be renewed up to 14 days in advance of expiry, when, and only upon immediate production of the expiring certificate by the person presenting the vehicle for testing, the new certificate will be dated to expire six months (four months) from the expiry date of the previous certificate.
3. The Council reserves the right to extend or shorten the above periods subject to a minimum and maximum durations given above. Each case will be decided upon its own merits.
4. It must be understood that it is unlawful for a Private Hire vehicle licensed by the Council to be driven on the highway without a current Certificate of Compliance.

CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE

In these conditions 'the Council' means the Oxford City Council, 'Operator' means the holder of a Private Hire operator's licence issued by the Council, 'Vehicle' means a Private Hire vehicle licensed by the Council, 'Proprietor' means the holder of a Private Hire vehicle licence. 'Driver's Licence' means a Private Hire vehicle driver's licence issued by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. The proprietor of a Private Hire vehicle shall not within the Council's district the following permit the display on or in any vehicle:
 - a) any sign, notice or advertisement on the roof;
 - b) any sign, notice or advertisement which is illuminated;
 - c) any sign, notice or advertisement, **press release, web content, business card or other manner of public display** whatsoever that includes the words whatsoever that includes the words, "tax", "taxi", "Cab", "taxi-cab" or "for hire" whether or not as part of another word.
2. The proprietor of a Private Hire vehicle shall not permit to be displayed on or in that vehicle any advertisement or notice whatsoever except:
 - a) not more than one REAR window strip measuring a maximum 4" x 48" indicating only the name of the Private Hire operator and the corresponding telephone number;
 - b) on the outside of the rear off-side and near-side doors signs indicating only the name of the Private Hire operator and corresponding telephone number. The dimensions of such signs must not be greater than the dimensions of the signs described in paragraph 3(c) below;
 - c) notices or signs that are required to be displayed by this Council.
3. The proprietor of a Private Hire vehicle shall securely affix in a conspicuous position:
 - a) outside the Vehicle at the rear a licence plate, which will be issued in respect of the vehicle by the Council;
 - b) inside the Vehicle a notice which will be issued in respect of the vehicle by the Council;
 - c) on the outside of the front off-side and near-side doors, signs, which will be issue din respect of the vehicle by the Council;
 - d) if the vehicle is equipped with a meter, a table of fares charged by the Private Hire Operator.
4. The proprietor of a Private Hire vehicle shall ensure:
 - a) that the Vehicle is provided with sufficient means by which any person in the vehicle may communicate with the driver and that such means of communication is maintained;
 - b) that the vehicle is kept clean, safe, tidy and mechanically sound, and that all relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations 1978 or any statutory modifications or replacement of them are complied with;
 - c) that no material alteration or change in the specification, design, condition or appearance of the Vehicle is made without prior written approval of the Council; and

- d) where a taxi-meter is fitted to the vehicle and is used to record the fare for hiring, the Proprietor shall ensure;
 - i) that a table indicating the fare scale is prominently displayed in the Vehicle;
 - ii) that the taxi-meter is fitted in such a position as to enable the fare recorded to be clearly visible to passengers.
5. The Proprietor of a Private Hire vehicle shall provide a suitable book, the pages of which are numbered consecutively, to enable the driver of that Private Hire vehicle to record the following particulars:
 - a) At the start of each shift - the driver's name and badge number;
 - b) Prior to commencement of each hiring:
 - i) The date and time the hiring was allocated that vehicle;
 - ii) The name and address of the hirer;
 - iii) The pick-up point and time;
 - iv) The destination;
 - c) On completion of each hiring - the fare charged; and shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum of 12 months.
 6. *The proprietor of a Private Hire vehicle shall ensure that a copy of the following documents are kept in the vehicle at all times whilst it carries out licensable duties, and that all Private Hire Drivers are aware of the documents are located, should they be asked to produce it to an Authorised Officer:*
 - *Certificate of Insurance*
 - *Certificate of Conformity (M.O.T.)*
 - *Ownership Document (V5 Log Book)*
 7. *The proprietor of a Private Hire vehicle shall provide the Private Hire Operator to whom he or she supplies the vehicle to undertake journeys with a copy of his or her Private Hire Vehicle Licence during the period that the vehicle is utilised so.*
 8. *The proprietor of a Private Hire Vehicle must report to the Licensing Officer as soon as reasonably practicable, and in any case within 72 hours, the occurrence of any accident involving the vehicle.*
 9. *The proprietor of a Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires replacing, and who wishes to continue to use the vehicle as a licensed Private Hire Vehicle shall make the vehicle available to the Licensing Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service. If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken these must be undertaken within 28 days of the damage occurring. If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.*
 10. *The proprietor of a Private Hire vehicle shall report the loss of the licence and/or plate to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.*
 11. *The proprietor of a Private Hire Vehicle shall cease to allow the use of such vehicle which at any time fails in any way to comply with the conditions under which it was licensed.*
 12. *The proprietor of a Private Hire vehicle shall maintain a record that provides information as to which driver has use of the vehicle at all times.*
 13. *The proprietor of a Private Hire vehicle shall only permit drivers licensed by Oxford City Council and who are insured by the proprietor, to drive the vehicle.*
 14. *The proprietor of a Private Hire vehicle shall contact the Licensing Officer in the event that he or she sells or disposes of the vehicle, and in any event within 7 days of such sale or disposal.*
 15. *The proprietor of a Private Hire vehicle shall in the event of transferring the ownership of the vehicle to another person, ensure that he or she contacts the Licensing Officer within 7 days of the transfer occurring, and provide to the new proprietor:*
 - *A signed letter stating:*
 - *The make / model / colour / registration number / vehicle licence number*
 - *The date of sale*
 - *To whom the vehicle was sold*
 - *A bill of sale for the vehicle*
 - *The Certificate of Conformity (M.O.T.)*
 16. *The proprietor of a Private Hire vehicle shall upon obtaining the vehicle by means of having the ownership transferred to him or her, contact the Licensing Officer in order to make an appointment for the licence to be amended within 14 days of the transfer having occurred.*
 17. *The proprietor of a Private Hire vehicle shall notify the Council in advance, in writing, if he or she is to be away from the address shown of the licence, for a period of more than 28 days.*
 18. *The proprietor of a Private Hire vehicle shall not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.*
 19. *The proprietor of a Private Hire vehicle shall within 7 days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.*
 20. *The proprietor of a Private Hire vehicle shall ensure that a copy of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.*

EQUALITY ACT 2010

HOW DOES THIS AFFECT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER?

There are some changes in the law which will come into effect in October 2010 which might affect you. The Equality Act 2010 includes provisions relating specifically to Hackney Carriages and Private Hire vehicles and disability. The Government brought into force several provisions of the Act in October 2010, Further provisions will come into force later – but not before April 2011.

The information below provides details of the provisions that came in to force in October 2010 in relation to Hackney Carriages and Private Hire vehicles, and what the implications will be for Hackney Carriage and Private Hire vehicle drivers; and details of the further measures that are due to be implemented at a future date yet to be determined.

DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS

The Equality Act is due to place duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs. A further announcement will be made on when the duties will come into force, but it will not be before April 2011.

The duties will apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which is on the licensing authority's list of "designated vehicles". Oxford City Council will be maintaining a list of designated vehicles and therefore the following duties will apply to you. Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance. The opportunity to apply for exemptions started on 1 October 2010.

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES

Section 167 of the Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. This section will be commenced at a later date (not before April 2011).

When section 167 comes into force, and the lists of designated vehicles have a statutory effect, it will be possible for the owner of a vehicle to appeal against a licensing authority's decision to include his or her vehicle on the list. This appeal will also go to the magistrates' court.

WHAT ARE THE DUTIES PLACED ON HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS?

The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):

- to carry the passenger while in a 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.

WHAT DOES MOBILITY ASSISTANCE MEAN?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT THESE DUTIES?

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

WHO DECIDES IF A DRIVER IS EXEMPT?

The local licensing authority decides if a driver should be exempt from the duties.

WHAT IF THE LICENSING AUTHORITY SAYS THAT I AM OK TO CARRY OUT THE DUTIES AND I DISAGREE?

The legislation allows a driver to appeal to the magistrates' court within 28 days if the licensing authority decides not to issue an exemption certificate.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?

The Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

GUIDE DOGS

The other thing that will happen on the 1st of October 2010 is that the duties placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. In practice, the duties will remain exactly the same as they are now. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

I HAVE AN EXEMPTION CERTIFICATE WHICH SAYS THAT IT WAS ISSUED UNDER THE DISABILITY DISCRIMINATION ACT 1995 – DO I HAVE TO GET A NEW ONE?

No, you do not have to get a new certificate, the certificate which you have been granted remains valid until its expiry date.

I HAVE A SPECIAL NOTICE IN MY HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE WHICH SAYS THAT I AM EXEMPT FROM CARRYING GUIDE DOGS AND MENTIONS THE DISABILITY DISCRIMINATION ACT 1995 SO WILL I NEED TO GET A NEW ONE?

No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.

APPLICATION FORM: HACKNEY CARRIAGE VEHICLE

REQUEST TO DISPLAY ADVERTISEMENTS (INTERNAL / EXTERNAL)

To: The Head of Environmental Development, Oxford City Council, Ramsay House, St Ebbes Street, Oxford, OX1 1PT

ALL QUESTIONS BELOW MUST BE ANSWERED AND NOT CROSSED OUT. PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS

THIS APPLICATION FORM MUST BE COMPLETED BY THE OWNER(S) OF THE VEHICLE:

ALL ADVERTISEMENTS MUST ADHERE TO THE CONDITIONS APPLICABLE TO THE LICENSING OF HACKNEY CARRIAGE VEHICLES (Please refer to the Hackney Carriage & Private Hire Licensing Application Pack for information relating to the relevant conditions).

NAME OF PROPRIETOR:	
ADDRESS OF PROPRIETOR:	
HOME TELEPHONE:	MOBILE TELEPHONE:
EMAIL ADDRESS:	
LICENCE NUMBER OF HACKNEY CARRIAGE VEHICLE:	
DATE VEHICLE LICENCE IS DUE TO EXPIRE:	
REGISTRATION NUMBER OF HACKNEY CARRIAGE VEHICLE:	
MAKE & MODEL OF HACKNEY CARRIAGE VEHICLE:	
NAME OF ADVERTISING AGENCY:	
ADDRESS OF AGENCY:	
DETAILS OF PRODUCT TO BE ADVERTISED:	
PROPOSED POSITION OF ADVERTISEMENT:	

I declare that I have read and understand the criteria and conditions applicable to the licensing of Hackney Carriage vehicles in Oxford and the advertisement described above complies with those criteria and conditions. I am aware that the request to provide advertisements either internally or externally must be applied for annually at the time of renewing the Hackney Carriage vehicle licence, or upon the request to transfer the ownership of the Hackney Carriage vehicle, or upon the request to change the currently licensed Hackney Carriage vehicle to another vehicle intended to be licensed as a Hackney Carriage vehicle. I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. I declare that I have checked the details given on this application form and to the best of my knowledge and belief they are correct. I am entitled to the grant of permission for which I apply.

DATE:..... SIGNATURE:.....

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE

Preamble: We may get information about you from certain third parties, or give information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other local authorities and Government departments.

To: The Head of Environmental Development, Oxford City Council, Ramsay House, St Ebbe's Street, Oxford, OX1 1PT

ALL QUESTIONS BELOW MUST BE ANSWERED AND NOT CROSSED OUT. PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS

THIS APPLICATION FORM MUST BE COMPLETED BY THE OWNER OF THE VEHICLE. IF THE VEHICLE IS OWNED BY MORE THAN ONE PERSON, PLEASE PROVIDE DETAILS OF ALL OTHER OWNERS.

NAME:		
ADDRESS:		
HOME TELEPHONE:	MOBILE TELEPHONE:	
EMAIL ADDRESS:		
DATE OF BIRTH:	NATIONALITY:	
I am applying to: GRANT / RENEW / CHANGE VEHICLE / TRANSFER OWNER / TEMPORARY VEHICLE (delete as applicable) a: HACKNEY CARRIAGE / PRIVATE HIRE (delete as applicable) VEHICLE		
VEHICLE MAKE:	MODEL:	COLOUR:
REGISTRATION NUMBER:	ENGINE CAPACITY (cc):	
DIESEL / PETROL:	REGISTRATION DATE:	
HACKNEY CARRIAGE / PRIVATE HIRE PLATE NO.:		
PASSENGER SEATING CAPACITY:		
WHEELCHAIR ACCESSIBLE?:	YES / NO (delete as applicable)	
IS THE VEHICLE TO BE DRIVEN BY ANY OTHER LICENSED DRIVER(S)?:	YES / NO (delete as applicable)	
IF YOU HAVE ANSWERED "YES" ABOVE, PLEASE GIVE DETAILS OF THE DRIVERS NAME & BADGE NUMBER: (If you need to amend your insurance certificate at any time, you must inform the Licensing Officer in writing and submit your Certificate of Insurance (not a photocopy) as proof – failure to do so is an offence)		
DETAILS OF THE LICENCED OPERATOR FOR THIS VEHICLE (i.e. 001 Cars, ABC, Royal Cars, etc):		

PLEASE PROVIDE DETAILS OF ANY OTHER OWNERS OF THIS VEHICLE, IF NOT JUST YOURSELF

NAME:	
ADDRESS:	
HOME TELEPHONE:	MOBILE TELEPHONE:
EMAIL ADDRESS:	

Please continue on a separate sheet if there is more than 1 owner of the vehicle.

I declare that I have read and understand the criteria and conditions of fitness for Hackney Carriage / Private Hire Vehicles in Oxford and the vehicle described above complies with those criteria and conditions. I am aware of and accept the duties and responsibilities in respect of the licensing and maintenance of the vehicle, the supervision of the driver, duty to provide information when required to do so and all other requirements under statute, byelaw and local regulations. I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. I declare that I have checked the details given on this application form and to the best of my knowledge and belief they are correct. I am entitled to the licence for which I apply.

DATE:..... SIGNATURE:.....

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

FOR OFFICE USE ONLY: PARIS CODE: K9571 COST CENTRE: ED25

ENVIRONMENTAL DEVELOPMENT

www.oxford.gov.uk



**APPLICATION PACK FOR:
PRIVATE HIRE
OPERATOR
LICENCE**



OXFORD CITY COUNCIL

PRIVATE HIRE OPERATOR LICENCE APPLICATION PACK

CONTAINED WITHIN THIS APPLICATION PACK YOU WILL FIND:

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INTRODUCTION

It is important that you read this application pack in full before applying for a Private Hire Operator Licence. This application pack should be kept for future reference so that you are fully aware of the procedures in obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.

The Council licences Hackney Carriage and Private Hire drivers, vehicles and Private Hire Operators. The authority for doing so was adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847, and the Public Health Act 1875.

Appointments

Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain a licence must be made by a **pre-booked appointment only** with the Licensing Officer. The renewal of a Private Hire Operators licence may be done by post.

Licence

Licences are currently issued annually, subject to the Licensing Authority being satisfied that the applicant is "fit and proper" to be issued with the licence.

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Renewal of Licence

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Licence renewals will not be granted until all of the relevant checks have been completed. To avoid delay, applicants are advised to submit an application 1 - 2 months before the expiry of their current licence.

Suitability

The Council reserves the right to require any applicant or existing licence holder to provide additional DVLA Disclosures, Enhanced Criminal Record Bureau Disclosures or full Medical Reports if the Licensing Officer has reason to believe that circumstances have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence

It must be clearly understood that the Private Hire Operators Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. The licence may also be suspended if the drivers Department of Transport drivers licence is suspended or revoked by a Court of Summary Jurisdiction. That any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately. The Council reserves the right to consider other matters which do not amount to a conviction but which they feel are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Having previous convictions for either criminal or motoring offences will not necessarily bar you from obtaining a licence, it will depend upon what the offences are, and how long ago they occurred. You should note that it is an offence to not declare such matters on your application to the Council.

Ability to Work in the UK

The Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle. For this reason all applicants (new and those applying to renew their existing licence) must provide evidence to show that they are entitled to work in the UK (without restriction; those persons who have restricted ability to work in the UK will NOT be granted a licence). If you are granted full entitlement to work for 12 months at a time, you will be required to resubmit your documents every 12 months to show that your entitlement has been renewed/extended. If, at any time, your entitlement is removed, your licence will be revoked. Further information regarding what documents you can submit with your application to show your entitlement are given later in this document, 'Prevention of Illegal Working', and can be obtained from the website: www.bia.homeoffice.gov.uk.

Nothing in this document shall be interpreted as over riding the provisions of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made thereunder.

CONTACT DETAILS:

OXFORD CITY COUNCIL LICENSING TEAM

Licensing Team, Oxford City Council, St. Aldate's Chambers, St. Aldate's, Oxford. OX1 1DS.

Tel / Fax: 01865 252115

Email: licensing@oxford.gov.uk

Website: www.oxford.gov.uk/taxilicensing

OXFORD CITY COUNCIL'S MOTOR TRANSPORT SECTION

Cowley Marsh Depot, Marsh Road, Cowley, Oxford, OX4 2HH.

Tel / Fax: 01865 252946

FEES AND CHARGES

Fees once paid will on no account be refunded, and fees may also be amended from time to time to meet the reasonable cost of issue and administration.

FEES & CHARGES PAID TO OXFORD CITY COUNCIL: LICENSING TEAM	
PRIVATE HIRE OPERATOR LICENCE FEES	
PRIVATE HIRE OPERATOR LICENCE (3 vehicles or fewer)	£490.00
PRIVATE HIRE OPERATOR LICENCE (4 vehicles or more)	£980.00
ADDITIONAL PRIVATE HIRE OPERATOR CHARGES	
KNOWLEDGE TEST / RETEST (NEW APPLICANTS ONLY)	£75.00
DISABILITY AWARENESS COURSE (NEW APPLICANTS ONLY)	£45.00
ENHANCED CRB DISCLOSURE	£50.00
AMENDMENT TO EXISTING LICENCE	£25.00
DUPLICATE PAPER LICENCE	£2.00
RETURNED CHEQUE FEE	£30.00

CRITERIA APPLICABLE FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE

The following are the Council's criteria when considering applications for a Private Hire Operators Licence.

1. The applicant shall provide evidence that he / she / the partnership / the company is, of good character.
2. The applicant shall provide evidence that he / she / the partnership / the company is capable of running the business to the required standard.
3. The applicant shall provide evidence that he / she / the partnership / the company is, capable of keeping records to the required standard.
4. The applicant shall provide evidence that he / she / the partnership / the company is, capable of supervising drivers and proprietors, and has a full understanding of the criteria, conditions and regulations relating to such licences.
5. The applicant shall provide evidence that he / she / the partnership / the company has a good local knowledge.
6. The applicant shall provide evidence that he / she / the partnership / the company has an awareness of the needs of disabled passengers.

In order to meet the criteria 1 - 4, the applicant would need to provide full details of previous convictions (subject to the Rehabilitation of Offenders Act 1974), full details of previous employment and / or business activities, character references and be interviewed by a Licensing Officer. In order to meet criteria 3 – 6 the applicant would need to pass a Knowledge Test and attend a Disability Awareness Course – both provided by the Licensing Authority.

The following are considered relevant for carrying out an assessment of whether or not the facilities to be provided by a Private Hire Operator are adequate to meet the Council's standards:

- a) Planning permission for the premises to be used as a Private Hire Operator business
- b) Adequate parking facilities for the number of vehicles to be maintained at the premises
- c) Radio operator's licence
- d) Adequate telephone facilities
- e) Suitable customer waiting area

In order to meet considerations (a) and (c) above, the operator would need to provide the necessary documents as evidence. In order to meet considerations (b), (d) and (e) above, the premises will require an inspection by the Licensing Officer.

DISABILITY AWARENESS COURSE

New applicants are requested to attend a "Disability Awareness" training course held by the Council, or demonstrate that they have attended a similar course. The cost of this course is £45.00. This course must be attended prior to any licence being granted.

KNOWLEDGE TEST

New applicants must also undertake a Knowledge test. The test is devised so that an applicant can prove that they have sufficient knowledge of the City of Oxford, the conditions attached to the licenses of Operators, Drivers, Proprietors and local traffic regulations.

The test contains three sections:-

A. Identifications of building locations	5 questions
B. Rules and regulations	20 questions
C. Correct routes	5 questions
TOTAL	60 questions

A minimum of 24 correctly answered questions is required to pass the test. The test last for 30 minutes and is of a multiple choice answer format. This means that you are given a number of possible answers to each question and you must decide the correct answer.

If you fail the test you will be invited to take the test again after a further test fee has been paid, and then allocated a retest date. To assist you a list of all rules and regulations and a summary of other law applicable to Hackney Carriage and Private Hire can be found within this Application Pack. Details as to the roads and landmarks that may be included in the Private Hire Operator Knowledge Test can be found on the Councils website at: www.oxford.gov.uk/taxilicensing.

PROCEDURE FOR NEW PRIVATE HIRE OPERATOR LICENCE

This procedure relates to a person or persons who have never before held a Private Hire Operators Licence, or who have held such a licence longer than 24 months ago.

1. You will need to book an appointment with the Licensing Team at our St. Aldate's Chambers office (Tel. 01865 252115).
2. You must then attend this appointment, and bring with you (if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment.):
 - **The necessary documents to complete the CRB check (if you are not a licensed driver with this Authority)**
 - **Passport**
 - **DVLA licence**
 - **National Insurance number card or other document**
 - **2 x proofs of address**
 - **The completed application form**
 - **The completed CRB mandate**
 - **Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa**
 - **Proof of the planning permission for the use of your premises as a Private Hire Operator**
 - **Radio Operators Licence (if required)**
 - **Payment for the full application fees**
3. If all of the above documents are valid, and you make your payment in full, you will be booked on the next available Knowledge Test and Disability Awareness Course. You will be given confirmation of the time and date for the Test and Course at your appointment. Should you not pass the Knowledge Test, you are able to apply to retake the test (please be aware that questions set for the Tests are changed monthly).
4. The Licensing Team will send your completed CRB Mandate to the relevant authority to carry out the necessary checks.
5. Upon receipt of your satisfactory CRB checks, and upon the passing of the Knowledge Test and sitting of the Disability Awareness Course, and any other requirements that the Licensing Officer may have relating to you fulfilling the Criteria for Private Hire Operators your licence will be granted for a maximum period of one year.

Should the Licensing Officer have any concerns over you being deemed "fit and proper" to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined.

6. If you are granted a licence, your Operators Licence will be posted by First Class post to your home address.

PROCEDURE FOR RENEWING A PRIVATE HIRE OPERATOR LICENCE

This procedure applies where the application is for the renewal of an existing Operators Licence, or from a person who within the last 24 months previously held an Operators Licence.

1. You will be sent a "**Reminder Letter**" approximately 2 months before the expiry of your current Operators licence, by the Licensing Team. The letter will include an application pack.
2. You will need to post your completed application form and payment to Licensing Team.
3. If you are granted a licence, your licence will be posted by First Class post to your business address.

PROCEDURE TO AMEND AN EXISTING PRIVATE HIRE OPERATOR LICENCE

This procedure applies should you need to amend any details or records relevant to an existing Private Hire Operator Licence.

1. You will need to put your request in writing and enclose the relevant fee, and send it to the Licensing Team, who will be able to amend the existing records accordingly, or who will be able to inform you as to what further requirements you must undertake.
2. Upon consideration and approval of your request, your amended licence will be sent to you by first class post to your business address

EUROPEAN EMISSION STANDARDS INFORMATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

On 15th June 2009 the General Purposes Licensing Committee approved the adoption of the European Emissions Standards in the City, this regulation determines the maximum age for vehicles permitted to be licensed by this Authority. European emission standards define the acceptable limits for exhaust emissions of new vehicles sold in EU member states. The emission standards are defined in a series of European Union directives staging the progressive introduction of increasingly stringent standards.

New Vehicle Licences: Following the adoption of the European Standards on vehicle emissions, at present any vehicle not already licensed by this Authority, in order to meet the current regulations, must not be older than 5 years of age at the date of the grant of the vehicle licence. Further changes to the Euro Emissions standards are expected to come in to force on 1st October 2012, which will mean that any person applying for a new vehicle licence after that date, will need to purchase a vehicle registered no earlier than 1st October 2009.

Renewal of existing Vehicle Licences: Following the adoption of the European Emissions Standard, all vehicles that are currently licensed must meet Euro 3 Emissions regulations. From 1st January 2013, all vehicles submitted for a licence renewal will need to be Euro 4 Emissions compliant, which in effect means that any vehicle first registered prior to 1st January 2005 will not meet current regulations.

CONDITIONS ATTACHED TO A PRIVATE HIRE OPERATORS LICENCE

In these conditions "the Council" means the Oxford City Council. "Operator means the holder of a Private Hire Operator's Licence issued by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. The Operator shall record in a suitable book, or by use of a suitable computer programme, the particulars of all vehicles operated by the Operator, including details of the owners, registration and drivers of the vehicles.
2. The Operator shall, before a hiring starts, record in a suitable book, the pages of which are numbered consecutively, or by use of a suitable computer programme the following particulars:
 - a. the date and time of the booking;
 - b. the name and address of the hirer;
 - c. the manner in which the booking was made (i.e. whether by telephone or in person or by internet);
 - d. the time and place at which it is intended that the passenger shall be collected;
 - e. the destination;
 - f. the time at which the driver was allocated the booking;
 - g. the registration number of the vehicle allocated to the booking;
 - h. the details of any sub-contract.
3. The Operator shall keep the records referred to in the above conditions and make available for inspection on request by an authorised Officer of the Council or a Police Officer for a period of not less than 12 months. If the records are maintained by the use of a computer, the operator shall ensure that a print-out of any record kept can be provided at any time the business is in operation, on request by an authorised officer of the Council or a police officer for a period of not less than 12 months.
4. The Operator shall not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.
5. The Operator shall notify the Council:
 - a) immediately of any change in the Operator's business address, in the vehicles operated by the Operator or in the drivers employed to drive them;
 - b) as soon as is practicable, but in any case within 48 hours of its occurrence, of any accident involving a vehicle operated by the Operator which has caused damage materially affecting the safety, performance, or appearance of the vehicle, or the comfort or convenience of the persons conveyed.
6. **The Operator shall not provide any of the following to be displayed within the Council's district:**
 - a) **any sign, notice or advertisement on the roof of any vehicle licensed by Oxford City Council;**
 - b) **any sign, notice or advertisement which is illuminated in or on any vehicle licensed by Oxford City Council;**
 - c) **any sign, notice, advertisement, press release, web content, business card or other manner of public display whatsoever that includes the words, "tax", "taxi", "Cab", "taxi-cab" or "for hire" whether or not as part of another word.**
7. **The Operator shall hold a copy of the driver's Private Hire Driver's Licence (to be provided by the driver) during the period that he utilises such driver.**
8. **The Operator shall ensure that every driver employed to drive the vehicles operated by the Operator holds a licence and is acquainted with, understands and observes the conditions attached to that licence.**
9. **The Operators shall not take any bookings requested directly by the driver of the Private Hire vehicle.**
10. **The Operator shall hold a copy of the proprietor's Private Hire Vehicle Licence (to be provided by the proprietor) during the period that he utilises such driver.**
11. **The Operator shall ensure that every proprietor of a Private Hire vehicle operating under his / her Operator's licence is acquainted with, understands and observes the conditions attached to a Private Hire vehicle licence.**
12. **The Operator shall provide, and ensure that any vehicle in his employ that is fitted with a taxi-meter, carries and displays upon request a list of the tariffs charged by the Operator.**
13. **The Operator shall, when accepting a booking for a vehicle to attend at an appointed time and place, ensure that unless delayed or prevented by some sufficient cause, a suitable vehicle attends at that time and place.**
14. **The Operator shall maintain an adequate supply of door livery stickers, and that all vehicles provided with bookings by the Operator (save for those vehicles that have been granted an "Exemption Notice") display such livery before undertaking any booking.**
15. **The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.**
16. **The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent vehicles in its employment from parking in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near taxi ranks) without a prior booking for that location, that gives rise to any person believing that the vehicle is available for hire.**
17. **The Operator shall within 7 days of any request made by any Authorised Officer, make available any records or other information that would reasonably assist with an investigation. Any failure to comply with the reasonable request of the Licensing Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.**
18. **The Operator shall within 7 days of receipt, notify the Council in writing of any complaints concerning the cleanliness or condition of a vehicle, or of a complaint against a driver, in the employ of the Operator.**
19. **The Operator shall understand that Private Hire Operator licence is not transferable.**

20. The Operator shall keep a copy of the Private Hire Operator Application Pack at his or her place of business.

AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES

From the 1st April 2012 it is a mandatory requirement for Audio and Visual Recording Equipment to be fitted in all Hackney Carriage and Private Hire vehicles (save for those Private Hire vehicles that are granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed by this Authority.

Listed below is a summary of the timescale for the scheme, and the eligibility criteria for financial assistance with the reimbursement of fitting costs.

- i) Audio and Visual Recording Equipment will be a mandatory requirement for all Hackney Carriages and Private Hire vehicles (save for those Private Hire vehicles that are granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed for the first time by this Authority from 1st April 2012.
- ii) Audio and Visual Recording Equipment will be a mandatory requirement for all Hackney Carriage and Private Hire vehicles (save for those Private Hire vehicles that are granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed by this Authority prior to 1st April 2012, allowing until 31st March 2015 for the equipment to be fitted to the vehicle.
- iii) Any vehicle proprietor who holds a licence prior to 1st April 2012 and will have a licence in force after this date, will be eligible to apply for reimbursement of a maximum of £100 towards the fitting costs of Audio and Visual Recording Equipment to the vehicle (upon proof of receipt of payment for the fitting of the Audio and Visual Recording Equipment), restricted to no more than one payment per licensed vehicle.
- iv) Any Audio and Visual Recording Equipment system fitted to any licensed vehicle must comply with the criteria laid out in the Minimum Standard Specification for Audio and Visual Recording Equipment installed in licensed vehicles.
- v) Upon the fitting of Audio and Visual Recording Equipment to any Private Hire vehicle licensed from 1st April 2011 which is permitted to carry 5 or more passengers, there shall be no requirement for the need to replace the standard manufactured rear window of the vehicle.
- vi) Upon the fitting of Audio and Visual Recording Equipment to any Hackney Carriage, advertisements shall be permitted to be displayed on a screen placed behind the driver, on the partition of the Hackney Carriage. Guidelines relating to internal advertisements in Hackney Carriages can be found within the Conditions of Fitness.

MINIMUM STANDARD SPECIFICATION FOR AUDIO AND VISUAL RECORDING EQUIPMENT SYSTEMS

1. Meet the current Information Commissioner Data protection requirements, at the time of installation
2. Capable of date, time and vehicle identification test information
3. Capable of capturing images during daylight and darkness of sufficient quality to enable identification of any person travelling in the vehicle and be of such a quality that can be used for prosecution purposes where necessary
4. Capable of providing voice recording
5. The recording must be event activated (e.g. door or ignition) and continue to record 30 minutes after the ignition is switched off.
6. Capable of recording and storing images for a minimum of 28 days
7. A panic button which will then save all recording for a minimum of 10 minutes before activation in a separate part of the hard drive
8. Have the integrity to prevent images being reviewed, removed and/or downloaded except by a system administrator and/or an authorised council or police officer
9. The system must be digitally encrypted
10. Ensure that the hard disk or data card is not accessible to the driver or any other person travelling in the vehicle
11. The data unit must be securely fixed and stored separately from the camera(s) and out of view of any person travelling in the vehicle
12. All equipment must not present any risk to any person travelling in the vehicle and as far as possible cannot be tampered or damaged by any person travelling in the vehicle
13. All equipment installed in the vehicle must be capable of withstanding and functioning if the vehicle stops suddenly or there is any impact
14. The equipment must be marked as complying with European Industry Standards.
15. The camera(s) must be capable of recording all passengers travelling in the vehicle, including the driver. For vehicles other than a saloon car this may require more than 1 camera
16. All images and sound recorded must be in a format that is easily useable by police and the Court system (DVD format recommended)
17. The system must be fitted by an approved installer, specified by the manufacturer, and serviced and maintained as specified by the manufacturer

EXEMPTION FROM DISPLAYING PLATES & STICKERS: PRIVATE HIRE VEHICLE

Some customers prefer to be driven in executive vehicles that are low profile and represent their organisation - especially when meeting a client. Many chauffeur companies and some Private Hire Operators employ section 75(3) of the Act. Using this section of the law, allows for specific vehicles to be granted dispensation from displaying their Private Hire plates. Vehicles issued with this "Exemption Notice" are not required to meet with the Authority's requirement for an Audio and Visual Recording Equipment system to be fitted.

Criteria: The work undertaken must not be conventional Private Hire work but regarded as specific 'chauffeur-driven' work, and that the vehicle to be used for such work is an "executive and prestigious" type vehicle of a higher standard than that of a 'normal' vehicle used for private hire work. This must be proved through the procedures detailed below.

Renewal of Exemption: Such an exemption must be reapplied for at the time of each vehicle licence renewal application. This exemption does not include school contracts or similar work for which a fully signed vehicle must be used.

Internal Plates: Exempt vehicles will be required to display two Oxford City Council vehicle internal plates showing that the vehicle is a licensed Private Hire Vehicle. Each internal plate must be displayed within its holder, one to be displayed at the top of the windscreen on the nearside and the second at the top of the rear window on the offside.

Revocation of Exemption: Exempt vehicles that undertake standard private hire work without an invoiced contract in place may have their Exempt status withdrawn.

PROCEDURE TO OBTAIN EXEMPTION FROM DISPLAYING PLATES & STICKERS

The procedure below relates to the application for Private Hire Vehicle licence holders seeking to be granted exemption from displaying door stickers and licence plates, or the renewal of the exemption:

1. You will need to submit to the Licensing Team the following:
 - **A LETTER FROM THE VEHICLE PROPRIETOR DETAILING THE FOLLOWING INFORMATION:**
 - **THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL**
 - **MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE**
 - **THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF INVOICED CONTRACT WITH THE BUSINESS USER**
 - **THE NAME OF THE PRIVATE HIRE OPERATOR THROUGH WHOM BOOKINGS ARE PROVIDED**
 - **PAYMENT OF THE FEE**
2. The Private Hire Operator who holds the written contracts for the work that the vehicle seeking the exemption notice, needs to also submit to the Licensing Team the following:
 - **A LETTER ON COMPANY HEADED PAPER CONFIRMING THE FOLLOWING INFORMATION:**
 - **THE NAME OF THE VEHICLE LICENCE HOLDER**
 - **THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL**
 - **MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE**
 - **THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF INVOICED CONTRACT WITH THE BUSINESS USER**
3. The decision to grant or refuse an exemption for the display of an identification plate and door stickers will be delegated to the Licensing Team Leader.
4. If granted, 2 internal plates and an Exemption Notice will be sent to the proprietor granting the exemption request, detailing the proprietor and vehicle to which the exemption is granted, and the conditions attached to the exemption. This letter must be kept in the vehicle at all times, and produced at the request of an Authorised Officer.

CONDITIONS APPLICABLE TO THE GRANT OF AN EXEMPTION NOTICE

1. The vehicle shall not undertake standard private hire bookings.
2. All bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
3. The vehicle shall be of an "executive and prestigious" type of a higher standard than that of a 'normal' vehicle used for private hire work.

CONDITIONS ATTACHED TO AN EXEMPTION NOTICE

1. A copy of the Exemption Notice is kept in the vehicle at all times
2. The standard licence plates once issued are to be kept inside the vehicle and must be produced on demand to an Authorised Officer.
3. The vehicle is not used on conventional private hire work but is operated only on 'chauffeur-driven' work
4. There is no change as to who the proprietor of the vehicle is.
5. The vehicle is only operated through the Private Hire Operator named at the time of application.
6. The vehicle must display internal plates issued by the Licensing Authority that indicates to an Authorised Officer that the vehicle is indeed a licensed vehicle.
7. Exempt vehicles shall not display any Operators details in the vehicle.
8. The display of 'No Smoking' stickers inside the vehicle is still a condition of any exemption granted.

CONDITIONS APPLICABLE TO THE LICENSING OF PRIVATE HIRE VEHICLES

Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

A. General

1. It must be understood that although the conditions of fitness set out may have been complied with, approval will be withheld if the Council is of the opinion that the vehicle is unsuitable for use as a Private Hire vehicle.
2. Vehicles offered for licensing as Private Hire vehicles in Oxford must not be the subject of a Private Hire vehicle licence issued by another Licensing Authority or be the subject of a Hackney Carriage licence issued by this or another Licensing Authority.
3. It must be understood that although the conditions set out may have been complied with and a certificate of compliance and Private Hire vehicle licence issued, full payment of the current fee for the issue of a Private Hire vehicle licence must be made or the licence will cease to be valid.
4. It is the responsibility of the proprietor(s) of the Private Hire vehicle to ensure that all conditions of fitness are complied with at all times and that there is in existence for the vehicle a valid and current insurance policy, a current certificate of compliance and a current licence.
5. The Council does not accept responsibility for informing licence holders of the need to re-licence before a particular date nor for inspecting vehicles before a particular date, although every effort will be made to inspect vehicles prior to the expiry of the licence or certificate if an application is made in good time.
6. At all times, the vehicle should be maintained in exceptional condition. The bodywork should be kept in a clean condition and the interior, including the floor, seats and any covers must be in good condition, clean and tidy. Any damage caused to the vehicle materially affecting its safety performance or appearance must be notified to the Licensing Office within 72 hours.

B Type of Vehicle and Conditions of Fitness

No vehicle will be licensed as Private Hire vehicle unless it complies with the Council's Conditions of Fitness

1. Age of Vehicle

- a. No vehicle will be first licensed as a Private Hire vehicle unless it is less than five years of age from the date of first registration.
- b. "Date of first registration" will mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.
- c. For vehicles older than the maximum age for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.

2. General Construction

- a. Every Private Hire vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing and must, in all respects, be "exceptionally well maintained" to a level so as to meet with the requirements of the Certificate of Compliance Test at all times when it is being used to carry out licensable duties. As a guide (but not an exhaustive list) "**Exceptionally well maintained**" means:
 - The vehicle to be in excellent mechanical condition;
 - The vehicle to be in all respects, safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work;
 - The exterior of the vehicle to be clean and in excellent condition with no dents or damage of significance. The paintwork to be in excellent condition, of professional standard and consistent with the colour scheme of the vehicle;
 - The interior of the vehicle to be in good condition. The upholstery, linings, seats and floor coverings to be clean with no holes, tears or signs of wearing;
 - The boot or luggage compartment to be in good condition, clean and uncluttered.
- b. Vehicles offered for licensing as Private Hire vehicles must be:
 - Fitted with an engine of a cubic capacity of not less than 1375cc.
 - Fitted with a minimum of four passenger doors
 - Allow unrestricted access and egress for every passenger, including access to the rear row of seats without tilting or moving a seat is required. (In most people carriers this is normally achieved by the removal of the nearside seat of the middle row).
 - Be safe and comfortable
 - Be suitable in type, size and design for use as a Private Hire vehicle.
 - Not of such design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage.

3. Audio and Visual Recording Equipment

- a. No Audio and Visual Recording Equipment system shall be installed in a vehicle unless it fully meets with the Minimum Specification Standard as detailed by the Licensing Authority. A vehicle licensed for the first time by this Authority from 1st April 2012 must be fitted with an Audio and Visual Recording Equipment system. No vehicle licensed by this Authority prior to 1st April 2012, shall be granted a licence after 31st March 2015 if an Audio and Visual Recording Equipment system has not been fitted to it. A Private Hire vehicle that is granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, shall be exempt from this requirement.
- b. No additional cameras shall be installed in the vehicle unless fitted by an approved installer. The number and location of cameras shall not be varied without the prior written consent of the Council.
- c. Advisory signage, provided by the Council / approved installer, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition. In any event, the driver shall ensure that any passengers are informed that Audio and Visual Recording Equipment is in operation (both video and audio) throughout the duration of the journey.
- d. The vehicle proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for the duration of the ownership of the vehicle. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
- e. Upon request for image retrieval by an authorised officer of the Council or a Police officer the proprietor shall ensure that the Audio and Visual Recording Equipment system or hard-drive is made available to the relevant personnel at either the Council or Police, as soon as reasonably practicable, and in any event within 7 days of the request.
- f. The proprietor of the vehicle shall take all reasonable steps to ensure that every driver of the vehicle is made aware of all of the conditions in relation to any installed Audio and Visual Recording Equipment system, and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

- g. The Audio and Visual Recording Equipment system shall remain in full working order and should the system develop a fault, the vehicle proprietor must make arrangements for the system to be rectified immediately. In the event of an Audio and Visual Recording Equipment system developing a fault during a fare paying journey, a period not exceeding 12 hours is permitted for the vehicle to continue being used in its capacity as a licensed vehicle. Upon the 12 hour limit being reached, the vehicle shall not be made available to carry out its licensed duties until the fault is rectified.
- h. Should any Audio and Visual Recording Equipment system or camera be found not to be fully operational during either a Certificate of Compliance Test, or during an inspection by an authorised officer of the Council or a Police Officer, the vehicle licence shall be suspended with immediate effect unless the proprietor can provide evidence at the time of the inspection that the fault occurred within the permitted 12 hour period that the vehicle may continue to be used in its capacity as a licensed vehicle.

4. Colour of Vehicles

A vehicle submitted for licensing as a Private Hire Vehicle, to carry more than five passengers or of a non-saloon type will not be approved for licensing if it is black in colour.

5. Alterations to vehicles

- a. All motor vehicles are required to have a type approval certificate before they can be licensed and used upon the public roads.
- b. No alterations to a vehicle as approved and granted the original manufacturers type approval certificate will be permitted, with the following exceptions.
- c. A conversion for which a whole vehicle type approval certificate has been granted.
- d. Following the grant of a whole vehicle type approval certificate, with the approval of the Council, the simple removal of a seat to allow the easy access to all seats, required by Council regulations

6. Passengers

- a. Every passenger must have a minimum of 40cm seat space. (If it is intended to licence a vehicle to carry 4 passengers then the rear seat must be at least 120cm).
- b. The minimum leg-room for passengers using the rear seats shall be 17cm. The measurement to be taken from the front edge of the rear seat to the back of the front seat when it is placed in the furthest possible position from the dashboard and the backrest part of the seat is at a 90% angle with the seat.
- c. The minimum clear space in front of every part of each seat squab, in the case of non-saloon car with forward facing seats, shall be 66cm.
- d. The minimum clear space in the case of non-saloon cars where seats are placed facing each other, between every part of the front of a seat and any part of any other seat with faces it shall be 48cm.
- e. Suitable measures must be provided to assist persons to rise from the rear seats with particular attention to the needs of elderly people and people with disabilities.

7. Seat Belts

Every vehicle must be fitted with seat belts of a type that conform to the British Standards Institution standards. A seat belt must be provided for every passenger and the driver.

8. Steering

The steering wheel must be on the offside of the vehicle.

9. Wheels and Tyres

- a. All wheels and the tyres fitted must be of the correct type, size and the correct pressure for the vehicle.
- b. Unless the vehicle is supplied by the manufacturer with approved run-flat tyres or a spare wheel and tyre of a compact design as original equipment, or supplied with the manufacturers approved repair kit (in place of a spare wheel), a spare wheel and tyre of the same type as that fitted to the vehicle and at the correct pressure must be carried.
- c. It is essential that vehicles with run flat tyres be fitted with a working tyre pressure monitoring system.
- d. Where a wheel and tyre of compact design (space saver) is carried, tools sufficient to allow the spare wheel to be fitted during a journey will be carried in the vehicle in a safe and secure position.
- e. The vehicle must only be used with a space saver tyre, or when normal pressure has been lost from a run flat tyre, or when a tyre has been repaired with the use of the manufacturers approved repair kit (in place of a spare wheel) to enable a hiring to be completed and then must only be used in accordance with the parameters prescribed by the manufacturer. The vehicle may not be used for any further hirings until the "temporary" wheel and tyre has been replaced by ones of the correct type.

10. Windows

- a. Windows must be provided at the sides and at the rear of the vehicle. The light transmission of any window in any position must not be less than that currently required of the front windscreen and side windows by The Road Vehicles (Construction & Use) Regulations 1986. For the sake of clarity, all windows must allow 70% of light through as tested by a light meter, with the exception that upon the fitting of Audio and Visual Recording Equipment to any Private Hire vehicle licensed from 1st April 2011 which is permitted to carry 5 or more passengers, there shall be no requirement for the need to replace the standard manufactured rear window of the vehicle. A Private Hire vehicle that is granted an "Exemption Notice" in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, shall be exempt from the requirement to replace the standard manufactured rear quarter windows and rear window of the vehicle.
- b. The light transmission through the windows of vehicles, including those licensed prior to the introduction of this regulation may not be reduced in any way from that present when the vehicle was approved for licensing.
- c. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
- d. Where electrically operated windows are fitted they must be approved and comply with the following:
 - i. Switches must be available for passengers to operate the windows as required, but the driver's controls must be capable of overriding and locking out the passenger's controls when unescorted children are being carried.
 - ii. An approved sensing device must be fitted that will stop the window closing when an obstruction is present.

11. Glass

The windscreen must be of laminated construction and not be tinted. All other windows and glass must be an approved safety type.

12. Luggage

Provision must be made for carrying a reasonable amount of luggage and an efficient method of securing it must be provided.

13. Fittings

No fitting other than those approved may be attached to or carried upon the inside or outside of the vehicle.

14. Certificate of Insurance and Form of Holder

A current certificate of insurance as required by any Acts or Regulations relating to Private Hire Vehicles, must be carried in a holder securely affixed to the vehicle in an approved position and be positioned in the holder in such a manner that the details of commencement, expiry and details of cover are clearly visible.

15. Licence Plates

A plate, as supplied by the Council, must be securely affixed to the vehicle in approved position, at the rear of the vehicle. The plate will bear the following information:

- a. the number of the licence issued in respect of the vehicle.
- b. the maximum number of passengers allowed to be carried.
- c. the registration number of the vehicle to which the licence has been issued.
- d. the expiry date of the licence.

16. Door stickers

Door stickers in a form supplied by the council, identifying the vehicle and bearing the words 'Office and Telephone Bookings Only' and listing the "licence number of the vehicle" shall be affixed directly to the front doors on both sides of the vehicle. No method of attachment to the vehicle other than that intended or supplied by the council shall be used.

17. Plying for Hire Sticker

A sticker in a form supplied by the council, indicating that the Private Hire vehicle is not available for public hire shall be affixed to the windscreen.

18. Operator's Sign

- a. A sign must be displayed on the rear doors on both sides of the vehicle containing details of the name of the Operator of the vehicle and any telephone number, fax number or email or web address of that firm.
- b. The sign shall be no larger than the door sign supplied by the Council to identify the vehicle and required under condition introduced in April 1993 and amended in September 2000, to be fitted on the front doors of the vehicle.
- c. The sign shall not contain the words "tax", "taxi", "cab", "taxi-cab" or "for hire", whether or not as part of another word.
- d. Exemption for the display of the sign will be granted to those vehicles, which have been granted exemption for the display of a licence plate under s74 (3) Local Government (Miscellaneous Provisions) Act 1976 and with the same conditions contained in legislation for that exemption.

19. Steps (for non-saloon vehicles)

- a. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38cm above ground level when the vehicle is unladen.
- b. The outer edge of the floor at each entrance must be fitted with non-slip treads and must be colour contrasted to an approved type to aid partially sighted persons.
- c. An additional, if standard step height is more than 19cm, removable step must be provided which must not exceed 19cm above ground level when the vehicle is unladen. The step must be fitted with non-slip treads and must be colour contrasted to an approved type to aid persons with disabilities to enter the vehicle. The step must be of an approved design and be designed in such a way as to make it impossible for the door to be closed when the step is in place.

20. Wheelchair Facilities (where fitted)

- a. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 200 x 200mm which must be used beneath the floor.
- b. Approved restraints must be provided for the wheelchair and the person using the wheelchair. These restraints must be independent of each other.
- c. Approved anchorages must also be provided for the safe storage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment.
- d. All anchorages and restraints must be so designed that they do not cause a foreseeable danger to other passengers.
- e. An approved ramp or ramps or other apparatus for the loading and unloading of a wheelchair and occupant must be available at all times for use at an approved position. An adequate locating device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be capable of being stowed safely when not in use.

21. Swivel Seat (where fitted)

The nearside of the front seat must be capable of swivelling on its axis to a position where a person with disabilities or an elderly person may seat themselves prior to entering the vehicle. The seat should be capable of re-siting securely in its travelling position with minimum effort from the passenger or minimum assistance from the driver only.

22. Accessories

- a. **Fire Appliances:** A fire extinguisher which complies with E.E.C. Standard EN3, which has a minimum capacity of 1.0 Kg must be carried securely in such a position as to be readily available for use. The apparatus shall be clearly marked with the vehicle licence number.
- b. **First Aid Equipment:**
 - i) A first aid kit must be carried securely in the vehicle and maintained at all times. The contents must be within the manufacturer's expiry date. It must be carried in such a way as to be readily available for immediate use by a qualified person or volunteer in an emergency.
 - ii) The first aid kit, which complies with the table set out below, must be carried securely in the vehicle and a first aid window sticker must be prominently displayed on the vehicle.

Contents of First Aid Kit	Requirements for Vehicle Licensed to Carry Passengers
	Minimum number of
Individually wrapped sterile plasters, assorted sizes	20
Sterile eye pads	2
Sterile individually wrapped triangular bandages	4
Safety pins	6
Large sterile individually wrapped wound dressing	2
Medium sterile individually wrapped wound dressing	6
A pair of disposable gloves	1

c. Booster Cushion

Every vehicle must carry a booster cushion of a type that conforms to BSI standards, for use when carrying a child.

Taximeter (where fitted)

- a. A taximeter, which conforms to the Council's criteria for taximeters may be fitted and if fitted must be fitted in an approved position.
- b. Taximeters fitted in Private Hire vehicles in Oxford must:
 - i. Conform to the standards set by the British Standards Institution and E.E.C. for taximeters and be certified by the manufactures that it does conform.
 - ii. Be approved by the Public Carriage Office
 - i. only display tariff rates or other charges set out in the table of fares which must be displayed in a clearly visible position in the vehicle.
 - ii. be tested, sealed and approved prior to usage.
 - iii. not be used if, for any reason, the seal has been removed or the meter tampered with until such time as the meter has been retested, resealed and approved for use.

C. DURATION OF CERTIFICATES OF COMPLIANCE

1. Certificates of Compliance will be issued with duration of a minimum of four months and a maximum of six months. In general certificates will be issued with duration of six months.
2. Certificates of Compliance may be renewed up to 14 days in advance of expiry, when, and only upon immediate production of the expiring certificate by the person presenting the vehicle for testing, the new certificate will be dated to expire six months (four months) from the expiry date of the previous certificate.
3. The Council reserves the right to extend or shorten the above periods subject to a minimum and maximum durations given above. Each case will be decided upon its own merits.
4. It must be understood that it is unlawful for a Private Hire vehicle licensed by the Council to be driven on the highway without a current Certificate of Compliance.

CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE

In these conditions 'the Council' means the Oxford City Council, 'Operator' means the holder of a Private Hire operator's licence issued by the Council, 'Vehicle' means a Private Hire vehicle licensed by the Council, 'Proprietor' means the holder of a Private Hire vehicle licence. 'Driver's Licence' means a Private Hire vehicle driver's licence issued by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. The proprietor of a Private Hire vehicle shall not within the Council's district the following permit the display on or in any vehicle:
 - a) any sign, notice or advertisement on the roof;
 - b) any sign, notice or advertisement which is illuminated;
 - c) any sign, notice or advertisement, press release, web content, business card or other manner of public display whatsoever that includes the words whatsoever that includes the words, "tax", "taxi", "Cab", "taxi-cab" or "for hire" whether or not as part of another word.
2. The proprietor of a Private Hire vehicle shall not permit to be displayed on or in that vehicle any advertisement or notice whatsoever except:
 - a) not more than one REAR window strip measuring a maximum 4" x 48" indicating only the name of the Private Hire operator and the corresponding telephone number;
 - b) on the outside of the rear off-side and near-side doors signs indicating only the name of the Private Hire operator and corresponding telephone number. The dimensions of such signs must not be greater than the dimensions of the signs described in paragraph 3(c) below;
 - c) notices or signs that are required to be displayed by this Council.
3. The proprietor of a Private Hire vehicle shall securely affix in a conspicuous position:
 - a) outside the Vehicle at the rear a licence plate, which will be issued in respect of the vehicle by the Council;
 - b) inside the Vehicle a notice which will be issued in respect of the vehicle by the Council;
 - c) on the outside of the front off-side and near-side doors, signs, which will be issue din respect of the vehicle by the Council;
 - d) if the vehicle is equipped with a meter, a table of fares charged by the Private Hire Operator.
4. The proprietor of a Private Hire vehicle shall ensure:
 - a) that the Vehicle is provided with sufficient means by which any person in the vehicle may communicate with the driver and that such means of communication is maintained;
 - b) that the vehicle is kept clean, safe, tidy and mechanically sound, and that all relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations 1978 or any statutory modifications or replacement of them are complied with;
 - c) that no material alteration or change in the specification, design, condition or appearance of the Vehicle is made without prior written approval of the Council; and
 - d) where a taxi-meter is fitted to the vehicle and is used to record the fare for hiring, the Proprietor shall ensure;
 - i) that a table indicating the fare scale is prominently displayed in the Vehicle;
 - ii) that the taxi-meter is fitted in such a position as to enable the fare recorded to be clearly visible to passengers.
5. The Proprietor of a Private Hire vehicle shall provide a suitable book, the pages of which are numbered consecutively, to enable the driver of that Private Hire vehicle to record the following particulars:
 - a) At the start of each shift - the driver's name and badge number;
 - b) Prior to commencement of each hiring:
 - i) The date and time the hiring was allocated that vehicle;
 - li) The name and address of the hirer;
 - iii) The pick-up point and time;
 - iv) The destination;
 - c) On completion of each hiring - the fare charged; and shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum of 12 months.

6. The proprietor of a Private Hire vehicle shall ensure that a copy of the following documents are kept in the vehicle at all times whilst it carries out licensable duties, and that all Private Hire Drivers are aware of the documents are located, should they be asked to produce it to an Authorised Officer:
 - Certificate of Insurance
 - Certificate of Conformity (M.O.T.)
 - Ownership Document (V5 Log Book)
7. The proprietor of a Private Hire vehicle shall provide the Private Hire Operator to whom he or she supplies the vehicle to undertake journeys with a copy of his or her Private Hire Vehicle Licence during the period that the vehicle is utilised so.
8. The proprietor of a Private Hire Vehicle must report to the Licensing Officer as soon as reasonably practicable, and in any case within 72 hours, the occurrence of any accident involving the vehicle.
9. The proprietor of a Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires replacing, and who wishes to continue to use the vehicle as a licensed Private Hire Vehicle shall make the vehicle available to the Licensing Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service. If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken these must be undertaken within 28 days of the damage occurring. If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.
10. The proprietor of a Private Hire vehicle shall report the loss of the licence and/or plate to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.
11. The proprietor of a Private Hire Vehicle shall cease to allow the use of such vehicle which at any time fails in any way to comply with the conditions under which it was licensed.
12. The proprietor of a Private Hire vehicle shall maintain a record that provides information as to which driver has use of the vehicle at all times.
13. The proprietor of a Private Hire vehicle shall only permit drivers licensed by Oxford City Council and who are insured by the proprietor, to drive the vehicle.
14. The proprietor of a Private Hire vehicle shall contact the Licensing Officer in the event that he or she sells or disposes of the vehicle, and in any event within 7 days of such sale or disposal.
15. The proprietor of a Private Hire vehicle shall in the event of transferring the ownership of the vehicle to another person, ensure that he or she contacts the Licensing Officer within 7 days of the transfer occurring, and provide to the new proprietor:
 - A signed letter stating:
 - The make / model / colour / registration number / vehicle licence number
 - The date of sale
 - To whom the vehicle was sold
 - A bill of sale for the vehicle
 - The Certificate of Conformity (M.O.T.)
16. The proprietor of a Private Hire vehicle shall upon obtaining the vehicle by means of having the ownership transferred to him or her, contact the Licensing Officer in order to make an appointment for the licence to be amended within 14 days of the transfer having occurred.
17. The proprietor of a Private Hire vehicle shall notify the Council in advance, in writing, if he or she is to be away from the address shown of the licence, for a period of more than 28 days.
18. The proprietor of a Private Hire vehicle shall not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
19. The proprietor of a Private Hire vehicle shall within 7 days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.
20. The proprietor of a Private Hire vehicle shall ensure that a copy of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.

PRIVATE HIRE DRIVER LICENCE: CONDITIONS

The Council attaches the following conditions to Private Hire driver's licenses: In these conditions "the Council" means the Oxford City Council, "Driver" means a person holding a Private Hire drivers licence issued by the Council and acting as a Private Hire driver "Vehicle" means a Private Hire vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
 - Cause any person to take offence at their actions
 - Cause any person to believe their actions are inappropriate
 - Cause any person to fear for their physical safety
 - Cause any person to doubt their integrity
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person
2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver shall not at any lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.
6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver's licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.
8. The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
9. The Driver shall not drive a vehicle if he or she is not insured to do so.
10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).
11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.
12. The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.
13. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
14. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
15. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
16. The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.
17. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
18. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
19. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
20. The Driver shall when asked by a passenger, indicate the route they are going to take.
21. The Driver shall: -
 - Take a reasonable amount of luggage including wheelchairs and children's pushchairs;
 - Give reasonable assistance in loading and unloading luggage;
 - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
 - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.
22. The Driver shall not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey.
23. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.

24. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and **not make** any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.
25. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
26. The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.
27. The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.
28. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.
29. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
30. The Driver shall provide a written receipt to the hirer if requested to do so.
31. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
32. The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council's district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it.
33. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
34. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
35. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
36. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
37. The Driver shall not use a handheld mobile phone without a suitable hands-free connection, whilst the vehicle is in motion.
38. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
39. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
40. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
41. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
42. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.
43. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.
45. The Driver shall not travel on any restricted road within the Oxford City boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code
47. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
48. The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).
49. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.
50. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.

51. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
52. The Driver shall if arrested, released on Police Bail, charged or convicted of an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the conviction) give full details of it to the Council in writing.
53. The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
54. The Driver shall when driving or in charge of a Private Hire vehicle shall record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:
 - her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination.
 - And upon completion of each hiring, the fare charged.
 And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
55. The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
56. The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
57. The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a booking having been made for him or her to be at such a location, that may give rise to any person having cause to believe that the vehicle is available for immediate public hire.
58. The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
59. The Driver shall not whilst driving on in charge of a Private Hire vehicle park on a taxi rank.
60. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.
61. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
62. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.
63. The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.
64. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer
65. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.
66. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.
67. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

ENFORCEMENT PROCEDURES

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Environmental Development**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

You will find details of the Warnings and further actions that the Licensing Authority may take contained within the section relating to Warnings, Offences, Cautions and Convictions that starts on page 20 of this Application Pack.

OFFENCES

OFFENCES UNDER SECTIONS 37-68 TOWN POLICE CLAUSES ACT 1847

1. Plying for Hire without Licence. **STALKING (this can even be parking near a rank or in a prominent position)**
2. Driving Hackney Carriage without Hackney Carriage driver's licence.

OFFENCES UNDER LOCAL GOVERNMENT (MISCELLANIOUS PROVISIONS) ACT 1976

1. Owning unlicensed vehicle used as Private Hire vehicle.
2. Driving a Private Hire vehicle without a Private Hire driver's licence.
3. Owning licensed Private Hire vehicle driven by unlicensed driver.
4. Operating Private Hire vehicles without operator licence.
5. Operating unlicensed Private Hire vehicles.
6. Operating unlicensed Private Hire vehicles driven by unlicensed drivers
7. Failure to exhibit vehicle licence plate.
8. Failure to notify (in writing within 14 days) transfer of Hackney Carriage or Private Hire vehicle.
9. Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.
10. Failure to report (within 72 hours) accident involving Hackney Carriage or Private Hire vehicle.
11. Failure to produce Hackney Carriage or Private Hire vehicle licence and insurance when requested.
12. Failure to produce Hackney Carriage or Private Hire driver's licence when requested.
13. Failure to wear Private Hire driver's badge.
14. Failure of Private Hire operator to keep record of bookings
15. Failure to produce such record when requested.
16. Failure of Private Hire operator to keep records required by local authority
17. Failure to produce such records when requested.
18. Failure to produce Private Hire operator's licence when requested.
19. Making of false statement or omission of material information in application for any licence.
20. Failure to return, after due notice, licence plate issued in respect of revoked, expired or suspended Hackney Carriage or Private Hire vehicle licence
21. Failure to return, after due notice, driver's badge issued in respect of suspended or revoked Hackney Carriage or Private Hire drivers licence
22. Unauthorised parking on Hackney Carriage stand
23. Unreasonable prolongation of journeys.
24. Misuse of taximeters.
25. Obstruction of authorised officers.

TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer Hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well intentioned but clumsy assistance that has caused them discomfort and pain. The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. **Always** ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. **Ask the customer if they are all right before you start the journey.**

If the passenger is in a wheelchair you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture. In the case of a London type cab this position will be facing the rear of the vehicle. **The wrong travelling position is unsafe;**
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- **Always secure** the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps, two people are needed for safety.

Although all Oxford City Council Hackney Carriages are wheelchair accessible you should be aware that they are not accessible to all wheelchair users. There are a number of wheelchair designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a Hackney Carriage. **However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it. It is against the law and the conditions attached to a drivers licence to refuse a wheelchair passenger. It could lead to prosecution and your Hackney Carriage driver's licence being revoked.**

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

Both the restraint system for the wheelchair and the safety belt for the passenger **must be used on every occasion.** Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must **never** travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the "off" position before the journey begins. If it is left in the "on" position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided. Unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.

EQUALITY ACT 2010

HOW DOES THIS AFFECT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER?

There are some changes in the law which will come into effect in October 2010 which might affect you. The Equality Act 2010 includes provisions relating specifically to Hackney Carriages and Private Hire vehicles and disability. The Government brought into force several provisions of the Act in October 2010, Further provisions will come into force later – but not before April 2011.

The information below provides details of the provisions that came in to force in October 2010 in relation to Hackney Carriages and Private Hire vehicles, and what the implications will be for Hackney Carriage and Private Hire vehicle drivers; and details of the further measures that are due to be implemented at a future date yet to be determined.

DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS

The Equality Act is due to place duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs. A further announcement will be made on when the duties will come into force, but it will not be before April 2011.

The duties will apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which is on the licensing authority's list of "designated vehicles". Oxford City Council will be maintaining a list of designated vehicles and therefore the following duties will apply to you. Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance. The opportunity to apply for exemptions started on 1 October 2010.

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES

Section 167 of the Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. This section will be commenced at a later date (not before April 2011).

When section 167 comes into force, and the lists of designated vehicles have a statutory effect, it will be possible for the owner of a vehicle to appeal against a licensing authority's decision to include his or her vehicle on the list. This appeal will also go to the magistrates' court.

WHAT ARE THE DUTIES PLACED ON HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS?

The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):

- **to carry the passenger while in a 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.**

WHAT DOES MOBILITY ASSISTANCE MEAN?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT THESE DUTIES?

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

WHO DECIDES IF A DRIVER IS EXEMPT?

The local licensing authority decides if a driver should be exempt from the duties.

WHAT IF THE LICENSING AUTHORITY SAYS THAT I AM OK TO CARRY OUT THE DUTIES AND I DISAGREE?

The legislation allows a driver to appeal to the magistrates' court within 28 days if the licensing authority decides not to issue an exemption certificate.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?

The Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

GUIDE DOGS

The other thing that will happen on the 1st of October 2010 is that the duties placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. In practice, the duties will remain exactly the same as they are now. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

I HAVE AN EXEMPTION CERTIFICATE WHICH SAYS THAT IT WAS ISSUED UNDER THE DISABILITY DISCRIMINATION ACT 1995 – DO I HAVE TO GET A NEW ONE?

No, you do not have to get a new certificate, the certificate which you have been granted remains valid until its expiry date.

I HAVE A SPECIAL NOTICE IN MY HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE WHICH SAYS THAT I AM EXEMPT FROM CARRYING GUIDE DOGS AND MENTIONS THE DISABILITY DISCRIMINATION ACT 1995 SO WILL I NEED TO GET A NEW ONE?

No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.

CRIMINAL RECORDS BUREAU ENHANCED DISCLOSURE INFORMATION

The CRB Disclosure form must be completed before your appointment. However it will be checked at your appointment and you are free to ask any questions that you may have at the appointment.

Confirming your identity

Your identity needs to be confirmed. You need to provide original documentation (no photocopies) to the Licensing Officer.

Which documents do you need to provide?

You must bring to the appointment documents (from the list below) to verify:

- Your name
- Date of birth
- National insurance number
- Driving licence number
- Passport number
- Current address

Acceptable identity documents

Group A

- Valid passport (any nationality)
- UK Driving Licence (either photo card or paper)
- Original UK Birth Certificate (issued within 12 months of the date of birth) (full or short form acceptable)
- Valid photo identity card (EU countries only)
- UK Firearms Licence

Group B

- P45/P60 statement*
- Bank or building society statement**
- Utility Bill*
- Valid TV licence
- Credit Card Statement*
- Store Card Statement*
- Mortgage Statement**
- Valid insurance certificate
- Certificate of British nationality
- British work permit/visa**
- Connexions card
- Child benefit book **
- Exam certificate (e.g. GCSE, NVQ)
- Correspondence or a document from: the Benefits Agency, the Employment Service, the Inland Revenue, or a Local Authority*
- Financial statement**
- Valid vehicle registration document
- Mail order catalogue statement*
- Court summons**
- Valid NHS Card
- Addressed payslip*
- National insurance number card

*less than 3 months old

**issued within past 12 months

Please note that these documents must be from different sources e.g. one bank statement and one Council Tax Bill, not, one bank statement and one credit card bill from the same bank.

PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK. For this reason the following documentation must be provided.

List A – documents which show an ongoing right to work. If you can provide documents from list A, you do NOT need to provide any from list B.

1. A passport showing that the holder is a British citizen
2. A passport showing that the holder is a citizen of the UK and Colonies having the right to abode in the UK – passport has a 'certificate of entitlement to the right of abode' in it.
3. A passport showing that the holder is a national of a European Economic Area (EEA) country or Switzerland
4. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office (HO), the Border and Immigration Agency (BIA), a national of a EEA or Switzerland
5. A permanent residence card issued by the HO or BIA to the family member of a national of EEA or Switzerland
6. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
7. A passport or other travel document endorsed to show that the holder is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit to their stay in the UK

Document combinations – one of the following:

8. An official document issued by a previous employer or Government agency i.e. HM Revenue and Customs, Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person

Plus:

- a. An immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
Or:
- b. A full birth certificate/full adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents
Or:
- c. A birth certificate/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
Or:
- d. A certificate of registration or naturalisation as a British citizen
Or:
- e. A letter issued by the HO or the BIA to the holder which indicates that the person named

List B – Documents which show a right to work for up to 12 months (where this is applicable the applicant will have to prove their right to work annually otherwise their licence will be revoked) (If you can provide documents from list B, you do NOT need to provide any from list A). You will need to provide either 1 or 2, with a combination of the following i.e. 3 + a or 3 + b; 4 or 5; 6; 7 or 8.:

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit
2. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.

Document combinations – first combination:

3. A work permit or other approval to take employment issued by the HO or BIA with:
 - a. A passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question
Or:
 - b. A letter issued by the HO or the BIA to the holder or the employer or prospective employer confirming the same

Second combination – must be checked by the BIA Employer Checking Service:

4. A certificate of application issued by the HO or the BIA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old
Or:
5. An application registration card issued by the HO or the BIA stating that the holder is permitted to take employment

Third combination:

6. A document issued by a previous employer or Government agency e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder

One of the following must be provided, if a document showing your National Insurance number has previously been provided:

7. An Immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question
Or:
8. A letter issued by the HO or BIA to the holder or the employer or prospective employer, which indicates that the person named in it can

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Licences, and Private Hire Operator Licences.

Introduction

Hackney Carriage and Private Hire 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 outside "normal hours" of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council's powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- **Safety and health of drivers and the public;**
- **The promotion of a professional and respected Hackney Carriage and Private Hire trade;**
- **To prevent crime and disorder and to protect consumers;**
- **Improve the local environment, economy and quality of life; and**
- **To promote the aims and vision of Oxford City Council and its Partners.**

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. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver's, operator's and proprietor's licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Environmental Development**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

Definitions

Appeal: A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

Offence: commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

Caution: A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

Conviction: Judicially determining that someone is guilty of a crime

Free of convictions: This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

Fit and Proper Person: A person who is of no threat to the general public, has a good City knowledge, is healthy, is of a good character (including driving record) and is therefore deemed fit and able to hold a licence.

Hackney Carriages: A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public Hire.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Environmental Development is unable to determine whether such a person meets the Authority's definition of a "fit and proper" person.

Head of Environmental Development: Who holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and the suspension of any licence holder.

Mitigating Circumstances: The circumstances surrounding an offence, caution or conviction. These may alter the seriousness of a crime.

Private Hire Vehicles: A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a rank, wait without a booking in a "prominent position" giving rise to the impression that the vehicle is available for hire, or undertake a journey that has not been pre-booked by the hirer with the Private Hire Operator).

Proprietor: The person in possession of a Hackney Carriage or Private Hire vehicle licence.

Operator: This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

Refusal: To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension).

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

Advisory Warning: Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

First Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

Second Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

Final Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver.

In order to assess an individual's suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Criminal Records Bureau Disclosure and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver's licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered "fit and proper" to hold a licence issued by the Authority.

Suitability

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:

- **Hackney Carriage & Private Hire Driver Licence Application Pack**
- **Hackney Carriage & Private Hire Vehicle Licence Application Pack**
- **Private Hire Operator Licence Application Pack**

Alternatively, the Council provides all such relevant information on its website at: www.oxford.gov.uk/taxilicensing

Offences, Cautions and Convictions

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person's suitability to hold a Hackney Carriage/Private Hire driver's licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters. The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken into consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court has found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination. **In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.**

A "Fit and Proper Person"

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine **each case on its own merits.**

History

The Licensing Officer may take into account a person's history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance

In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.

GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.
3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
4. Cautions will be taken in to consideration for a period of five years.
5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.
6. Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers 'death by careless driving' or 'death by dangerous driving' to be a very serious and you should therefore refer to the **Major Traffic Offences** section. For information on alcohol and drug related offences see **Drunkenness & Drugs** sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

5 or less penalty points: For 5 or fewer points on an applicant's driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

"Totting Up" under S35 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the "totting up" procedures, the Licensing Officers will normally consider refusal until there has been a **period of 12 months** free of relevant convictions. If an applicant has agreed "exceptional hardship" and avoided disqualification, refusal will still be considered and a **period of 12 months** free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at **least 3 years** after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.

Major traffic offences

E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a **period of 12 months** free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a **period of 2 years** free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider 'death by careless driving' or 'death by dangerous driving' to be a very serious offence. If the applicant has been convicted of such an offence a **period of 3 years** free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

Plying for Hire

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer's case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as "Test Purchase" Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Drunkness (With Motor Vehicle)

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants' fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkness (Not in Motor Vehicle)

An isolated conviction for drunkness need not debar an applicant from gaining a licence. However, more than one conviction for drunkness could indicate a medical problem necessitating critical examination.

Drugs

A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail

Hackney Carriage and Private Hire drivers are expected to adhere to this Policy's definition of a "fit and proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender's Register.

Violence

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty

Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

Complaints Against Drivers

Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer's discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued By The Licensing Officers

The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority's policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Environmental Development.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within **21 days of the Warning being issued**.

Conclusion

Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority's policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer's assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended, revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates' Court within **21 days of the notice of decision**.

APPENDICES

Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note that it is from **the date of conviction** that the time commences for the Rehabilitation of Offenders Act.

Adult

	Sentence	Rehabilitation Period
1.	2 ½ years (30 months) imprisonment and over whether sentence was suspended or not	Never spent
2.	6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not	10 years
3.	Under 6 months imprisonment/youth custody whether sentence was suspended or not	7 years
4.	A Fine, Compensation or Community Service Order	5 years
5.	Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)	1 year or period of probation sentence, whichever is longer
6.	Absolute Discharge	6 months
7.	Disqualification, disability or prohibition	Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)
8.	Remand Home/Approval School/ Attendance Centre Orders	1 year after Order expires
9.	Hospital Order Under Mental Health Acts	The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)

Youths

For applicants aged under 17 when the date of conviction took place 2, 3 and 4 above of the fixed rehabilitation periods are halved. Sentences which can only be passed on young offenders remain **fixed** and cannot be halved, i.e.

	Sentence	Rehabilitation Period
10.	Borstal	7 years
11.	6 months – 2 ½ years detention in a place determined by the Secretary of State	5 years
12.	6 months detention and less as above	3 years
13.	Detention Centre Orders	3 years

The period of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. **The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.**

APPLICATION FORM: PRIVATE HIRE OPERATOR LICENCE

Preamble: We may get information about you from certain third parties, or give information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other local authorities and Government departments.

To: The Head of Environmental Development, Oxford City Council, Ramsay House, St Ebbe's Street, Oxford, OX1 1PT

ALL QUESTIONS BELOW MUST BE ANSWERED. PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS

THIS APPLICATION FORM MUST BE COMPLETED BY THE APPLICANT(S)

NAME:	
HOME ADDRESS:	
HOME TELEPHONE:	MOBILE TELEPHONE:
HOME EMAIL ADDRESS:	
DATE OF BIRTH:	NATIONALITY:
I am applying to: GRANT / RENEW (delete as applicable) a PRIVATE HIRE OPERATORS LICENCE	
CURRENT OPERATORS LICENCE NUMBER	
SOLE TRADER OR PARTNERSHIP:	
NAMES OF OTHER BUSINESS PARTNERS:	
BUSINESS TRADING NAME & ADDRESS:	
BUSINESS REGISTERED NAME & ADDRESS:	
OFFICE TELEPHONE:	OFFICE MOBILE:
OFFICE EMAIL ADDRESS:	
HAVE YOU OBTAINED PLANNING PERMISSION FOR ANY CHANGE OF USE OF THE PREMISES?	YES / NO (delete as applicable)
ARE YOU CURRENTLY ENGAGED IN THE OPERATION OF ANY BUSINESS OTHER THAN PRIVATE HIRE?	YES / NO (delete as applicable)
IF YOU HAVE ANSWERED YES, PLEASE PROVIDE DETAILS :	
HAVE YOU EVER BEEN CONVICTED, OR ARE ANY PROCEEDINGS PENDING FOR ANY OFFENCE (INCLUDING MOTORING OFFENCES, SPENT OFFENCES, CAUTIONS, REPRIMANDS & WARNINGS)?	
YES / NO (delete as applicable)	
IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS (INCLUDING COURT / POLICE STATION):	

DECLARATION:

I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. This means that if you as the applicant, or anyone else gives false information or leaves out any information to help you get a licence, you and/or they can be prosecuted in court. I declare that I have checked the details given on this application form and to the best of my knowledge and belief they are correct. I am entitled to the licence for which I apply.

DATE:..... SIGNATURE:.....

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

FOR OFFICE USE ONLY: PARIS INCOME CODE: K9571 COST CENTRE: ED24

ALL BUSINESS PARTNERS MUST COMPLETE THE FORM BELOW

SURNAME:	FIRST NAMES:
TITLE: MR/MRS/MISS/MS/OTHER:	DATE OF BIRTH:
PERMANENT RESIDENTIAL ADDRESS:	
DO YOU HOLD ANY OF THE FOLLOWING LICENCES:	
HACKNEY CARRIAGE DRIVERS LICENCE:	YES / NO (delete as applicable)
PRIVATE HIRE DRIVERS LICENCE:	YES / NO (delete as applicable)
PRIVATE HIRE OPERATORS LICENCE:	YES / NO (delete as applicable)
HAVE YOU PREVIOUSLY APPLIED FOR AN OPERATOR'S LICENCE :	YES / NO (delete as applicable)
IF YOU HAVE ANSWERED YES – PLEASE GIVE DETAILS BELOW:	
HAVE YOU ANY FINANCIAL COMMITMENTS OR COUNTY COURT JUDGEMENTS OUTSTANDING:	
IF YOU HAVE ANSWERED YES – PLEASE GIVE DETAILS BELOW:	
HAVE YOU EVER BEEN CONVICTED, OR ARE ANY PROCEEDINGS PENDING FOR ANY OFFENCE (INCLUDING MOTORING OFENCES, SPENT OFFENCES, CAUTIONS, REPRIMANDS & WARNINGS)?	
YES / NO (delete as applicable)	
IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS (INCLUDING COURT / POLICE STATION):	

To be signed and dated by each partner

DATE:..... SIGNATURE:.....

If there are more partners – please take copies of this page and ensure that each partner completes their application details.

To: General Purposes Licensing Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Request from a Private Hire Operator to amend the current condition relating to the permitted colour of Private Hire vehicles that seat 5 or more passengers or of a non-saloon type vehicle

Summary and Recommendations

Purpose of report: To seek the views of Committee in response to the request to amend to the current Taxi Licensing regulations, guidelines and criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers or are of a non-saloon type vehicle.

Report Approved by:

Finance: Emma Burson
Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendations:

Committee is recommended to:

- i) determine whether or not to authorise amendment of the regulations, guidelines, and criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers, to permit black coloured vehicles; and if having chosen to authorise such an amendment, to also:
- ii) delegate authority to the Head of Environmental Development to make the necessary textual changes to the current regulations, guidelines and criteria.

INTRODUCTION

1. Following a review in 2010 of the conditions, regulations and criteria previously in place within the Taxi Licensing function, on 1st March 2011 the General Purposes Licensing Committee approved the implementation of revised regulations, guidelines and criteria applicable to the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators.
2. Support had also been received from the City of Oxford Licensed Taxicab Association and the Private Hire Operators Association as to the implementation of all of the proposed revisions.

3. On 21st December 2011, a request to review the conditions, regulations and criteria relating to the licensing of Private Hire vehicles that seat more than 5 passengers (a historical condition that was implemented before the review in 2010) was received from Mr Niaz Mohammed, who holds a Private Hire Operator licence with this Authority.
4. Mr Mohammed's request seeks amendment of the conditions to allow black coloured vehicles and is attached as **Appendix One**.
5. The current criteria for Private Hire vehicles that seat more than 5 passengers is described within the Conditions applicable to the Licensing of Private Hire Vehicles at Condition 4, and states that:
 - **A vehicle submitted for licensing as a Private Hire Vehicle, to carry more than five passengers or of a non-saloon type will not be approved for licensing if it is black in colour.**
6. At the time the current condition was imposed, it was deemed appropriate in order that People Carriers and non-saloon style vehicles are not mistakenly identified as a Hackney Carriage.

BACKGROUND

7. As a Licensing Authority, the Council has a statutory power to licence vehicles and drivers who wish to provide Hackney Carriage and Private Hire services within Oxford. These powers are granted under two Acts: the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
8. The following types of licence are issued by Oxford City Council: Hackney Carriage and Private Hire Drivers, Hackney Carriage and Private Hire Vehicles, Private Hire Operators.
9. Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to impose any conditions on hackney carriage and private hire licences that it considers reasonably necessary:
 - **A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.**

CONSIDERATIONS

10. Oxford City Council is not alone in requesting that Hackney Carriage vehicles and Private Hire vehicles are not visibly alike, and a number of other Authorities seek to ensure that the colour of the coachwork of a Private Hire vehicle is different from that of a Hackney Carriage vehicle.

11. Whilst the Council requires all Hackney Carriage vehicles to be of the “Black Cab” variety, it does not require such vehicles to be of black coloured coachwork.
12. A number of other Authorities do not differentiate between the style or colour of vehicles to be licensed as either a Hackney Carriage vehicle or Private Hire vehicle.
13. When the matter was put to the Chair and Vice-Chair upon receipt of this latest request, their joint view was that it remains the Councils intention to ensure that Hackney Carriages and Private Hire vehicles can be clearly differentiated by the general public, without confusion.

FINANCIAL CONSIDERATIONS

14. There are no financial considerations contained within the content of this report that apply to the Authority.

LEGAL CONSIDERATIONS

15. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47 and 48 allows the licensing authority to attach to vehicle licences such conditions as it considers reasonably necessary. Committee must decide whether they consider that the current requirement for all Private Hire vehicles that seat more than 5 passengers or are of a non-saloon type vehicle remains reasonably necessary. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates’ Court.

RECOMMENDATIONS

16. Committee is recommended to:
 - i) determine whether or not to authorise amendment of the regulations, guidelines, and criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers, to permit black coloured vehicles ; and if having chosen to authorise such an amendment to also;
 - ii) delegate authority to the Head of Environmental Development and the Head of Law & Governance to make the necessary textual changes to the current regulations, guidelines and criteria.

Name and contact details of author: **Julian Alison**
Licensing Team Leader
Tel: (01865) 252381
Email: jalison@oxford.gov.uk

Background papers:

Version: 1.0

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APPENDIX ONE

From: [Niaz Mohammed](#)
To: [ALISON Julian](#)
Subject: MPV Colour code
Date: 21 December 2011 10:51:33

Dear Julian,

I hope you are well and looking forward to the festive break to celebrate Christmas and new year.

I value the opportunity to open dialogue and work together to help address issues that we are currently facing and issues that need resolution for the longer term in Oxfords PHV community.

One of the issues relates to a decision that was made some 10-15 years ago, when the Taxi Licensing Committee made a decision to allow private hire trade to plate MPV vehicles, without consulting the trade committee. The conditions included that any vehicle can be plated as long as it was NOT Black in colour.

At the time the reason for this decision was pointed to the fact that people of Oxford could would not be able to differentiate between a Taxi and a Private hire vehicle.

Contextually we live in a city that is renowned for its universities/colleges and generally members of the public are considered to be of a higher level of literacy compared to elsewhere. All taxi's are well displayed with their illuminated Taxi sign on the roof with door stickers and taxi plate. Most of the punters who use taxi's are regular users and they know what vehicle they get in.

Private hire vehicles are very distinguishable with their door stickers on the front doors which reads office booking only and the company they work for on the back doors. A sticker on the front windscreen that reads ' no booking no ride' which no one can miss. For most of the private hire drivers this is their lively hood, they know it is illegal to stalk customers and when caught they will loose their badge, and this is the job of the enforcement officers.

Currently there is a discrepancy in relation to the colour rule as we have at present time Hackney Carriage Taxi's of all colours, red, black, yellow, white, red, green etc., whereas private hire MPV vehicles are restricted from having any colour but black. We strongly feel that this is unfair and would welcome the opportunity to have this rule revisited, as we believe it is limiting the quality of cars that are being included in the fleet. There are more executive MPV vehicles available in black and the exclusion criteria limits the ability of a large pool of cars that are available for purchase on the open market.

By revising this rule we have the ability to increase the range and quality of vehicles in our fleet and this would be beneficial to all concerned including the customers and our drivers.

I look forward to hearing back from you.

Kindest Regards

Niaz Mohammed

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GENERAL PURPOSES LICENSING COMMITTEE

Wednesday 19 October 2011

COUNCILLORS PRESENT: Councillors Brundin (Chair), Cook (Vice-Chair), Campbell, Clarkson, Goddard, Keen, Royce and Williams.

OFFICERS PRESENT: Julian Alison (Licensing Team Leader), Jill Cramer (Environmental Development), Tony Payne (Licensing and Development Manager), Daniel Smith (Law and Governance), Lois Stock (Democratic and Electoral Services Officer) and Dawn Cox (Team Leader - Environmental Development)

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Mike Gotch and Van Coulter.

14. DECLARATIONS OF INTEREST

None.

15. UPDATE ON TAXI LICENSING ACTIVITY APRIL 2011- AUGUST 2011

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning an update on taxi licensing activity between April and August 2011. Julian Alison presented the report to the Committee and explained the background.

In answer to questions he explained that if a driver received a caution from the licensing team it would remain on the driver's licence and would be taken into account should any further problems occur. Council had recently agreed that officers could suspend driver's licences until the next meeting of the Hackney Carriages and Private Hire Sub committee should the offence be serious enough to warrant this action. Once a private hire driver plied for hire, he or she would not be insured for that journey; since private hire drivers were not insured for public hire.

Resolved to note the report.

16. CLOSED CIRCUIT TELEVISION IN LICENSED VEHICLES - CONDITIONS TO BE ATTACHED TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Head of Environmental development submitted a report (previously circulated, now appended) concerning closed circuit TV in licensed vehicles.

Resolved to:-

- (1) Approve the implementation of additional conditions (as set out in Appendix 1 of the report) to Hackney Carriage and Private Hire Vehicle licences in relation to the installation, operation and maintenance of CCTV systems;
- (2) Delegate to the Head of Environmental Development and the Head of Law and Governance the authority to make any textual changes to the proposed conditions.

17. DRAFT SEX ESTABLISHMENT LICENSING POLICY

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning a draft Sex Establishment Licensing Policy. Julian Alison presented the report to the Committee and explained the background. The Committee was asked to decide whether it wished to treat the whole City as a single “relevant locality”, or to subdivide it into several “relevant localities” each to be determined separately. Daniel Smith reminded the Committee that there would be a need to consult on any proposals before they could be brought in, and in so doing the Council must be clear about:-

- What negative impact it sought to address by imposing any limit in numbers:
- What public interest the Council sought to serve by its actions?

The suggestion from Government guidance was to consider what the relevant locality was when an application was received.

Councillor Cook suggested that the Area Forums be consulted on what they deemed to be the relevant localities in their areas. Councillor Goddard felt that it was preferable to consider any impact in the relevant locality when an application was actually received by the Council. It was better, he felt, to determine each case on its merits.

Daniel Smith reminded the Committee that the Council resolution of April 2010 still stood. That gave guidance to applicants on locations in which sex establishments would not be considered suitable. Even if the Council was to adopt a zero limit on sex establishments, this was not an absolute, and there would remain a requirement to judge each case individually.

Having considered the draft Sex Establishment Licensing Policy, the Committee RESOLVED to adopt the draft policy as submitted *with the exception of* the optional parts in clauses 9.4 and 9.6 of the policy.

18. HORSE DRAWN CARRIAGES - CONSULTATION

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the outcome of the consultation on horse drawn carriages in Oxford. Julian Alison presented the report to the committee and explained the background.

Of concern to some members of the Committee was the issue of horse manure on the streets on Oxford. Kevin Merry (a proposed proprietor of horse drawn

carriages) explained that he proposed to have only 1 carriage and 2 horses, and that he did not feel it would be a big issue to clean up after them. Councillor Clarkson observed that this was not a major issue in York, a city which already had horse drawn carriages. Councillors Brundin and Campbell felt that the issue could be monitored over a period in order to collect any issues of concern. Daniel Smith reminded the Committee that any licence to operate horse drawn carriages would be renewed annually, thus allowed it to be reviewed and any problems addressed.

Having considered the report and all submissions, both written and oral, the Committee RESOLVED:-

- (1) To note the responses to the consultation regarding horse drawn carriages in Oxford;
- (2) To proceed with the implementation of the horse drawn carriage scheme;
- (3) To recommend to Council the making of the approved byelaws;
- (4) That subject to the making of the approved byelaws, Council authorises the Head of Law and Governance and Head of Environmental Development to carry out the necessary statutory procedures;

19. HACKNEY CARRIAGE UNMET DEMAND SURVEY

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the Hackney Carriage unmet demand survey.

Daniel Smith explained that this policy could only be changed by Council upon a recommendation from the Committee, and after the survey had been done. It had already been resolved that a survey of unmet demand would be carried out in 2012.

Resolved to authorise the Head of Environmental Development to tender for a new unmet demand survey; to be carried out in 2012, following the guidelines set by the Department of Transport.

20. DESIGNATION OF STREETS FOR STREET TRADING - CONSULTATION RESPONSES

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning consultation responses on the designation of streets for street trading. Dawn Cox introduced this report to the Committee and explained the background.

With the agreement of the Committee, John Church (Bursar of Pembroke College) addressed the meeting and expressed concern about the proposals.

Tony Payne explained that the issue with having some streets designated as "prohibited" streets for trading meant that it could be seen to imply that street trading would be welcomed elsewhere. In fact, street trading was only permitted

with the consent of the local authority, and this should be clearly defined every time the phrase "consent street" was used. Councillor Brundin added that unless a specific application was granted by the local authority, then everything was prohibited, and that this was a clearer message to send out. Each application would therefore have to be decided on its merits. Councillor Cook asked if the proposed implementation date could be before 1st April 2012. Tony Payne advised the Committee that subject to Council adoption on 19th December 2011, and the decision being advertised in the local newspaper on 22nd or 29th December, the new designations could come into force on 1st February 2012.

Resolved to:-

- (1) Note the responses to the consultation;
- (2) Recommend that Council designates all streets within the Oxford City Council trading boundary as Consent Streets for the purposes of the Street Trading Scheme with effect from 1st February 2012;
- (3) Remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways;
- (4) Request the Head of Environmental Development to include a fee for daytime trading for sites outside the City centre, and for community/charitable events in the review of fees and charges for 2012/2013

21. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 15th June 2011, with the following observations:-

Minute 8 – pavement stall size – was the agreement for a maximum stall size of 8ftx4ft being implemented? Officers confirmed that it was. There would be restrictions on the weekly-let stall by St Michael's in Cornmarket from December.

22. DATES OF FUTURE MEETINGS

Resolved to note that the next meeting would be held on 22nd February 2012.

The meeting started at 5.45 pm and ended at 6.45 pm