

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

CONTAINED WITHIN THIS APPLICATION PACK YOU WILL FIND:

CONTENT	PAGE
INTRODUCTION	1
OXFORD CITY COUNCIL LICENSING TEAM DETAILS	1
NEW APPLICANT INFORMATION	2
CRITERIA FOR NEW APPLICANTS TO PROVE THEIR SUITABILITY	2
CURRENT LEVELS OF FEES AND CHARGES	4
PROCEDURE FOR A NEW HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE	5
PROCEDURE TO RENEW A HACKNEY CARRIAGE - PRIVATE HIRE DRIVER LICENCE	5
CONDITIONS: HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE	6
CONDITIONS: PRIVATE HIRE DRIVER LICENCE	9
ENFORCEMENT PROCEDURES	12
OFFENCES	12
TRANSPORTING DISABLED PASSENGERS	13
HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS	13
EQUALITY ACT 2010	14
CRIMINAL RECORDS BUREAU ENHANCED DISCLOSURE INFORMATION	15
PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.	16
POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS	17
GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS	20
TABLE OF REHABILITATION OF OFFENDERS ACT	23
APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE	25
DVLA MANDATE	27
MEDICAL REPORT	29



## 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](http://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](mailto:licensing@oxford.gov.uk)

Website: [www.oxford.gov.uk/taxilicensing](http://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](http://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:-

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

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](http://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.

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

<b>FEES &amp; CHARGES: PAYABLE TO OXFORD CITY COUNCIL</b>		
<b>VEHICLE LICENCE FEES</b>		
<b>HACKNEY CARRIAGE</b>	<b>NEW HACKNEY CARRIAGE VEHICLE LICENCE</b>	<b>£450.00</b>
	<b>RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE</b>	<b>£400.00</b>
<b>PRIVATE HIRE</b>	<b>NEW PRIVATE HIRE VEHICLE LICENCE</b>	<b>£312.00</b>
	<b>RENEWAL OF PRIVATE HIRE VEHICLE LICENCE</b>	<b>£262.00</b>
<b>VEHICLE ADMINISTRATION CHARGES</b>		
PLATE DEPOSIT (NEW VEHICLE)		<b>£50.00</b>
CHANGE OF VEHICLE FEE		<b>£100.00</b>
TRANSFER OF OWNERSHIP FEE		<b>£100.00</b>
REPLACEMENT TEMPORARY VEHICLE FEE		<b>£75.00</b>
EXEMPTION NOTICE FEE (PRIVATE HIRE VEHICLE)		<b>£50.00</b>
<b>ADDITIONAL VEHICLE CHARGES</b>		
EXEMPT VEHICLE INTERNAL PLATES (PAIR)		<b>£25.00</b>
HCV INTERNAL PLATE		<b>£5.00</b>
HCV FARE CHART		<b>£2.00</b>
REPLACEMENT EXTERNAL PLATE		<b>£25.00</b>
DUPLICATE LICENCE		<b>£2.00</b>
RETURNED CHEQUE FEE		<b>£30.00</b>
<b>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</b>		
HCV REAR QUARTER NUMBERS / REPLACEMENT		<b>£10.00</b>
PHV INTERNAL STICKER / REPLACEMENT		<b>£5.00</b>
PHV DOOR STICKERS (PAIR) / REPLACEMENT		<b>£35.00</b>

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](http://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 <sup>74</sup> 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.**

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

**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>.



## 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.

SIGNATURE:

82

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](http://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 <b>UNCORRECTED</b> acuity at least 3/60 in the <b>LEFT</b> eye														
ii)	Is the <b>UNCORRECTED</b> acuity at least 3/60 in the <b>RIGHT</b> eye														
c.	Please state all the visual acuities for all applicants measured														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">UNCORRECTED</th> <th colspan="2" style="text-align: left;">CORRECTED</th> </tr> <tr> <th style="width: 25%;">Left:</th> <th style="width: 25%;">Right:</th> <th style="width: 25%;">Left:</th> <th style="width: 25%;">Right:</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	UNCORRECTED		CORRECTED		Left:	Right:	Left:	Right:						
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 <b>Section 4</b> )														
	If <b>YES</b> 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.	<b>Coronary artery disease:</b> 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.	<b>Other vascular disorders:</b> 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.	<b>Cardiac arrhythmia and heart block:</b> 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><b>Section 8B Medical Practitioner Certification</b> (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 <b>FIT / UNFIT *</b> to drive a Hackney Carriage or Private Hire Vehicles. <i>*delete as necessary</i></p> <p><b>NAME</b> .....</p> <p><b>SIGNATURE</b> .....</p> <p><b>DATE</b> .....</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**

