

# Agenda

www.oxford.gov.uk



## General Purposes Licensing Committee

Date: **Tuesday 20 September 2016**

---

Time: **5.15 pm, or on the rising of the meeting of the Licensing and Gambling Acts Committee**

---

Place: **Council Chamber, Town Hall**

---

For any further information please contact:

**Jennifer Thompson, Committee Services Officer**

Telephone: 01865 252275

Email: [jthompson@oxford.gov.uk](mailto:jthompson@oxford.gov.uk)

---

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

# General Purposes Licensing Committee

## Membership

**Chair** Councillor Mary Clarkson

**Vice-Chair** Councillor Colin Cook

Councillor Jamila Begum Azad

Councillor Farida Anwar

Councillor Ruthi Brandt

Councillor Van Coulter

Councillor Rae Humberstone

Councillor Tom Landell Mills

Councillor Ben Lloyd-Shogbesan

Councillor Elizabeth Wade

**The quorum for this Committee is 4 Members, no substitutes are permitted.**

### HOW TO OBTAIN A COPY OF THE AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum requirements. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's

A copy of the agenda may be:-

- Viewed on our website – [mycouncil.oxford.gov.uk](https://mycouncil.oxford.gov.uk)
- Downloaded from our website
- Subscribed to electronically by registering online at [mycouncil.oxford.gov.uk](https://mycouncil.oxford.gov.uk)

## AGENDA

	Pages
1	<b>APOLOGIES FOR ABSENCE</b>
2	<b>DECLARATIONS OF INTEREST</b>
3	<b>HACKNEY CARRIAGE &amp; PRIVATE HIRE: PROPOSALS TO AMEND THE CRITERIA AND CONDITIONS APPLICABLE TO THE LICENSING OF THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES IN LIGHT OF THE OXFORDSHIRE JOINT OPERATING FRAMEWORK FOR TAXI LICENSING.</b> <b>Purpose of report:</b> to seek the approval of amendments to the criteria applicable to the Hackney Carriage and Private Hire trades in order to promote safeguarding and awareness of safeguarding.  The proposals that require the approval of this Committee and Council are: <ul style="list-style-type: none"> <li>• The introduction of Mandatory Safeguarding Awareness Training to be attended by all licensed drivers.</li> <li>• Requiring all drivers to sign up to the Enhanced Disclosure and Barring Services (DBS) Update Service.</li> </ul> <b>Recommendations:</b> the Committee is recommended to: <ol style="list-style-type: none"> <li>1. approve the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within this report; and</li> <li>2. recommend the amendments to Council for adoption.</li> </ol>
4	<b>UPDATE ON TAXI LICENSING ACTIVITY: APRIL 2016 - JULY 2016</b> <b>Purpose of report:</b> to inform Committee of the progress made by the Taxi Licensing function during the current Council year (April 2016 – July 2016). The report covers data on service volumes; details of Taxi Licensing hearing decisions; decisions made under delegated powers; information on volumes of drivers and vehicles and enforcement activity.  <b>Recommendations:</b> the Committee is recommended to: <ol style="list-style-type: none"> <li>1. note the contents of the report; and</li> <li>2. make any comments and recommendations regarding the future work of the of the Taxi Licensing function.</li> </ol>
5	<b>MINUTES</b> <b>Recommendation:</b> that the minutes of the meeting held on 18 May 2016 be approved as a true and accurate record.

## **6 DATES OF FUTURE MEETINGS**

Meetings are scheduled on:

23 January 2017 (Monday)

16 May 2017

Starting at 5.15pm or on the rising of the preceding meeting if this is later, or at such other time as agreed by the Chair.

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licences for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members’ Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

a)

b)

|

This page is intentionally left blank

**To:** General Purposes Licensing Committee

**Date:** 20 September 2016

**Report of:** Head of Community Services

**Title of Report:** Hackney Carriage & Private Hire: Proposals to amend the criteria and conditions applicable to the licensing of the Hackney Carriage and Private Hire trades in light of the Oxfordshire Joint Operating Framework for Taxi Licensing.

## Summary and Recommendations

**Purpose of report:** To seek the approval of amendments to the criteria applicable to the Hackney Carriage and Private Hire trades in order to promote safeguarding and awareness of safeguarding.

**Report Approved by:**

Finance: Paul Swaffield

Legal: Daniel Smith

**Policy Framework: Vibrant Sustainable Economy**

**Cleaner, Greener Oxford**

**Policy on the Relevance of Warnings, Offences,  
Cautions and Convictions**

**Recommendation(s):**

The Committee is recommended to:

- i) approve the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within this report; and
- ii) recommend the amendments to Council for adoption.

**Additional Papers:** None

**Appendix One:** Revised Driver Application Pack

## Introduction

1. The Serious Case Review into Child Sexual Exploitation in Oxfordshire (known as Bullfinch) made a series of recommendations regarding Taxi Licensing functions across Oxfordshire.
2. This Authority put a significant number of measures in place both prior to and since the Serious Case Review findings were published, and has developed a

Joint Operating Framework with the other Oxfordshire district councils, and Oxfordshire County Council.

3. The proposals in this report further promote the safeguarding of children, vulnerable persons and the public within Oxford, and will also be adopted by our neighbouring authorities in due course.

## **Background**

4. Since 1<sup>st</sup> March 2011 a robust vetting process for all applications has been in place within the Taxi Licensing functions, and any concerns are put before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine.
5. Since June 2014, a basic safeguarding awareness training has been introduced within our criteria for all new applicants by way of the Local Knowledge and Safeguarding Test and the Disability Awareness and Safeguarding Awareness Course, and the criteria put in place locally has been adopted by our neighbouring authorities.
6. The Joint Operating Framework developed across the county requires all of the Licensing Authorities to work to similar standards. Our neighbouring authorities are committed to the mandatory training and will be amending their policies accordingly. The proposals that require the approval this Committee and Council are:
  - ***The introduction of Mandatory Safeguarding Awareness Training to be attended by all licensed drivers.***
  - ***Requiring all drivers to sign up to the Enhanced Disclosure and Barring Service (DBS) Update Service.***

## **Mandatory Safeguarding Awareness Training**

7. In response to the recommendation of the Serious Case Review that all licensed drivers across Oxfordshire undertake the same level of Safeguarding Awareness Training, Oxfordshire County Council tendered for and appointed a training provider.
8. The content of this training has been approved by Oxfordshire County Council's Local Designated Officer for child safeguarding and the Serious Case Review recommends that all licensed drivers across all of the Oxfordshire District Council complete such training.
9. The County Council will only finance the training for those drivers who provide School Transport Services, and whilst this should account for the majority of licence holders, steps need to be taken to ensure that all Oxford City Council licensed drivers have attained this enhanced level of training.
10. The cost of this Safeguarding Awareness Training is £15.00 per attendee. Whilst the County Council will meet the costs associated with all those who provide School Transport Services, it is proposed that the Licensing Authority meet these costs for those remaining licence holders who do not provide



School Transport Services (the majority of licence holders do provide School Transport Services).

11. It is proposed that this Safeguarding Awareness Training becomes a “pre-application” requirement for applicants prior to their appointment to submit their completed application to the Licensing Officer. This will be implemented with immediate effect for any person yet to submit an application to the Licensing Authority.
12. The cost per attendee that the Licensing Authority will incur for applicants to attend this training will be built into the charges associated with the new applicant application process, and charged at cost recovery (£15).
13. It is proposed that the Head of Community Services write to all existing licence holders informing them of this training requirement, and that no licence will be renewed until this training has been completed.
14. In order to allow time for the trade to digest this information and book onto the Training course, it is proposed that the requirement on existing licence holders take effect from 3<sup>rd</sup> April 2017 in order that the costs incurred by the Licensing Authority be met within the 2017/18 Council year.

#### **Mandatory requirement for Drivers to sign up to the Disclosure and Barring Service (DBS) Update Service**

15. The DBS Update Service is an online service provided by the DBS that allows applicants to keep their DBS certificates up to date, and for employers and approved organisations (i.e. a Licensing Authority) to check a DBS certificate without the need for a new DBS Mandate to be completed and sent for processing.
16. The benefit to drivers and to the Licensing Authority of the Update Service is that the driver does not need to apply for a new Enhanced DBS check and wait for the DBS certificate to be issued and posted to him/her when a re-check on an individual’s status is required. Further details as to the Update Service can be found online at: **<https://www.gov.uk/db-update-service>**
17. The Committee is asked to note that should the Update Service reveal a change to a person’s DBS status (i.e. that new information relating to his/her criminal record is available), then in order for Officers to acquire the relevant information that caused the change of status, the driver will be required to complete a new Enhanced Disclosure and Barring Services Mandate. The driver must then await the issue of a new DBS Certificate before any decision on his/her suitability to continue to hold a licence can be made.
18. Since 1<sup>st</sup> March 2011 this Authority has maintained a robust vetting process for all applications made within the Taxi Licensing function, and this vetting process is used as a benchmark across the County as a result of the findings of the Serious Case Review, and the requirements of the Joint Operating Framework.

19. An issue that has frequently arisen when applications to renew a licence coincide with the requirement for an Enhanced DBS Disclosure to be renewed. The time taken for the DBS to issue the Disclosure can exceed the period of time between the applicant attending an appointment with the Licensing Officer and the date upon which the licence expires.
20. Various different solutions to this problem have been trialled, however none have been found to be satisfactory, owing to a small proportion of drivers failing to inform the Licensing Authority of matters that have occurred of a criminal or motoring matter during the period that the licence had effect.
21. In order to not delay the processing of licence renewal applications, and to further enhance our already robust approach when carrying out background checks, it is proposed to make it a mandatory requirement of all driver applicants to sign up to the DBS Update Service by way of the addition of a condition to a licence.
22. By making the above a mandatory requirement, it will immediately remove the problems faced by both Officers and licence holders relating to the slow processing of Disclosure applications. This in turn will provide confidence to the Licensing Authority and the general public that no drivers will be driving a licensed vehicle on an expired Hackney Carriage and Private Hire Driver Dual Licence or Private Hire Driver Licence whilst the Licensing Authority awaits the return of their DBS Disclosure.
23. The cost of enrolling to the Update Service (currently an annual payment of £13.00) is payable by the applicant directly to the Disclosure and Barring Services.
24. The condition that is proposed reads as follows (this will be included as Condition 73 of a Hackney Carriage and Private Hire Dual Licence, and included as Condition 68 of a Private Hire Driver Licence):

***The driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.***

25. It is proposed that with effect from 2<sup>nd</sup> April 2018 that it be a mandatory requirement for all licence holders to have signed up to the DBS Update service.
26. In order that the Trade is fully aware of this requirement, the communication detailing the Mandatory Safeguarding Awareness Training will also provide information relating to the DBS Update service requirement.
27. A copy of the Driver Application Pack is attached at **Appendix One**, and Members will find at Pages 1, 2, 3, 4, 9, 12 and 17 (and highlighted in yellow

to assist) the necessary amendments that will be made should the proposals contained within this report be approved.

### **Financial Considerations**

28. Any financial matters contained within this report are met through the Licensing Authorities own budgets, without any costs being passed on to existing licence holders. A charge of £15.00 for new applications is to be implemented to recover the cost of the Mandatory Safeguarding Awareness Training that the Authority will be recharged by Oxfordshire County Council (such a charge is only applicable to “new applications” for a Hackney Carriage and Private Hire Driver Dual Licence or a Private Hire Driver Licence).

### **Legal Considerations**

29. A district council shall not grant a licence to drive a Hackney Carriage or Private Hire vehicle unless satisfied the applicant is a fit and proper person to hold a driver’s licence ((Local Government (Miscellaneous Provisions) Act 1976 sections 51 & 59)). The Licensing Authority may be guided by its own policy and criteria in assessing the fitness of applicants.
30. The Local Government (Miscellaneous Provisions) Act 1976 at sections 51 (Drivers of Private Hire Vehicles – as we issued dual licences this also applies to those who drive Oxford licensed Hackney Carriage Vehicles) allows the Licensing authority to attach to licences such conditions as it considers reasonably necessary.
31. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates’ Court.

### **Recommendations**

32. The Committee is recommended to:
- i) approve the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within this report; and
  - ii) recommend the amendments to Council for adoption.

**Name and contact details of author:** **Julian Alison**  
**Licensing Manager**  
**Community Services**  
**Tel: 01865 25(2381)**  
**Email: [jalison@oxford.gov.uk](mailto:jalison@oxford.gov.uk)**

This page is intentionally left blank

COMMUNITY SERVICES

www.oxford.gov.uk



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



**VERSION: AUTUMN 2016**



# **OXFORD CITY COUNCIL**

## **HACKNEY CARRIAGE / PRIVATE HIRE DRIVER** **LICENCE APPLICATION PACK**

**CONTAINED WITHIN THIS APPLICATION PACK YOU WILL FIND:**

<b>CONTENT</b>	<b>PAGE</b>
<b>INTRODUCTION</b>	<b>1</b>
<b>OXFORD CITY COUNCIL LICENSING TEAM DETAILS</b>	<b>2</b>
<b>NEW APPLICANT INFORMATION</b>	<b>2</b>
<b>CRITERIA FOR NEW APPLICANTS TO PROVE THEIR SUITABILITY</b>	<b>2</b>
<b>CURRENT LEVELS OF FEES AND CHARGES</b>	<b>4</b>
<b>PROCEDURE FOR A NEW HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE</b>	<b>5</b>
<b>PROCEDURE TO RENEW A ONE YEAR HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE</b>	<b>5</b>
<b>PROCEDURE TO RENEW OR CHANGE TO A THREE YEAR HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE</b>	<b>6</b>
<b>PROCEDURE FOR ATTENDING A “DECLARATION” APPOINTMENT</b>	<b>6</b>
<b>CONDITIONS: HACKNEY CARRIAGE &amp; PRIVATE HIRE DRIVER LICENCE</b>	<b>6</b>
<b>CONDITIONS: PRIVATE HIRE DRIVER LICENCE</b>	<b>10</b>
<b>ENFORCEMENT PROCEDURES</b>	<b>13</b>
<b>OFFENCES</b>	<b>13</b>
<b>SAFEGUARDING: HUMAN TRAFFICKING – EXPLOITATION OF VULNERABLE PERSONS</b>	<b>14</b>
<b>TRANSPORTING DISABLED PASSENGERS</b>	<b>15</b>
<b>HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS</b>	<b>15</b>
<b>EQUALITY ACT 2010</b>	<b>16</b>
<b>ENHANCED DISCLOSURE &amp; BARRING SERVICES REPORT INFORMATION</b>	<b>17</b>
<b>PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.</b>	<b>18</b>
<b>POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS &amp; CONVICTIONS</b>	<b>19</b>
<b>GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS &amp; CONVICTIONS</b>	<b>23</b>
<b>TABLE OF REHABILITATION OF OFFENDERS ACT</b>	<b>26</b>
<b>APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE</b>	<b>27</b>
<b>DVLA MANDATE</b>	<b>29</b>
<b>MEDICAL REPORT</b>	<b>31</b>





## 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.

### New Licence

Licences will be issued for a maximum duration of three years **subject to the applicant having undertaken the Safeguarding Awareness and Training hosted by the Oxfordshire County Council since 16<sup>th</sup> May 2016**, or for a lesser period if you so require (this will be for a maximum duration of one year). In all cases a licence will only be issued 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 Disclosure & Barring Service Report. **To avoid delay, applicants are advised to submit an application no later than 8 weeks before the expiry of their current licence, by way of a pre-booked appointment with the Licensing Officer. A licence cannot be renewed unless all of the necessary checks have been completed.**

***If you do not book an appointment before your current licence expires, a period of 12 months is permitted to allow you to reapply for a licence without having to undertake the requirements for New Applicants. However, you will be required to renew your Enhanced Disclosure & Barring Service Report, DVLA Disclosure and Medical Report.***

Any licence holder seeking a three year licence will be required to renew their Enhanced Disclosure & Barring Services Report, DVLA Disclosure and Medical Report, even if such Reports and Disclosures were carried out less than 3 years previously, in order to ensure that the Licensing Authority may undertake up-to-date background checks to assist with the grant of the licence. Furthermore, holders of a three year licence will be required to participate in annual "**declaration**" appointments with the Licensing Officer.

**From 2<sup>nd</sup> April 2018 no licence will be issued unless the licence holder has successfully completed the Safeguarding Awareness and Training hosted by the Oxfordshire County Council since 16<sup>th</sup> May 2016, and unless the licence holder has signed up to the DBS Update Service.**

If you are already permitted to carry out the transportation of children on behalf of Oxfordshire County Council (i.e. hold a "**School Badge**") you will already possess the necessary Safeguarding Awareness and Training Certificate if it was issued after 16<sup>th</sup> May 2016.

### Suitability

The Council reserves the right to require any applicant or existing licence holder to provide additional DVLA Disclosures, Enhanced Disclosure & Barring Service Reports or full Medical Reports if the Licensing Officer has reason to believe that such a person's 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 at the time that the application is made or sooner if the Licensing Officer has reason to believe that it should be.

## **Enhanced Disclosure & Barring Service (DBS) Report**

The grant / renewal of a licence is subject to an Enhanced Disclosure & Barring Service Report. The DBS check is carried out every 3 years or sooner if the Licensing Officer has reason to believe that it should be. It is strongly recommended that licence holders sign up to the DBS Update service (and from 2<sup>nd</sup> April 2018 this is a mandatory requirement for all licence holders to sign up to and maintain), which allows for an instant online check to be carried out, and prevents delays when processing your licence application.

## **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 or Oxford City Council Assessment for Hackney Carriage and Private Hire vehicles.
- Undertake the Council's Disability Awareness & Safeguarding Course.
- Undertake and pass the Council's Local Knowledge & Safeguarding 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 Disclosure & Barring Service Report, Medical Report and Disability Awareness and Safeguarding Training (if such training is not of the same level as in place at the time of the application being made) 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:

- 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".  
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.
- 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 ASSESSMENT CRITERIA**

It is a requirement that all new applicants pass either the **Driver Standards Agency (DSA) Taxi Driving Test (Enhanced Assessment for Hackney Carriage Driver applicants, or the Standard Driving Assessment for Private Hire Driver applicants)** or **Oxford City Council's Taxi / Private Hire Driver Assessment** prior to submitting an application to the Council to become a licensed driver. The standard of the Assessments are 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 either <http://www.dft.gov.uk/dsa> (for the Driver Standard Agency) or <http://www.oxforddirectservices.co.uk/drivingassessment> (for the Oxford City Council Driver Assessment), and you will also find further information about the assessments on the Council's website.

To book your **Driver Standards Agency (DSA) Taxi Driver Test** (and to select the appropriate test for the type of application you wish to make) visit the DSA website, or call 0300 200 1122. You will be given times, dates and locations when you book your assessment.

Alternatively, to book your local **Oxford City Council Driver Assessment for Taxi / Private Hire Driver Assessment**, please telephone 01865 252944 or visit the Council depot reception area at Marsh Road, Cowley, Oxford OX4 2HH. The frequency of the Council Driver Assessment is higher than that offered by the Driver Standards Agency.

#### **MANDATORY SAFEGUARDING AWARENESS TRAINING**

It is a pre-application requirement for all new applicants to attend the Oxfordshire County Council Safeguarding Awareness Training, and provide proof of this when submitting any new application for a Hackney Carriage or Private Hire Driver Licence with this Authority. The cost of the Mandatory Safeguarding Awareness Training is built into the New Applicant fee payable to Oxford City Council.

In order to arrange to take this training, you will need to go online to: <http://diversiti.uk/book-your-safeguarding-training/> and click onto the **'Book Your Safeguarding Training/Diversity UK'** website link and follow the instructions from there.

When on the Diversiti website you will be instructed to enter the following information:

- **Your Unique reference Number - Not applicable if you do not also hold an Oxfordshire County Council School Transport Services Badge**
- **Your Full Name**
- **Your Date of Birth**
- **The name of the District Council you are licenced with (if applicable)**
- **Name of Service Provider employer by (or will be employed by)**

You will be sent an email confirmation of your training course booking. Any reading to complete before the session or anything required to bring with you to the session will be included & explained on the email.

Upon completing the training you will be issued a Training Certificate which you will need to bring with you to your appointment with the Licensing Officer.

#### **DVLA DISCLOSURE & DISCLOSURE & BARRING SERVICE REPORT CRITERIA**

Oxford City Council's 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 & Barring Service application and advised to sign up to the DBS Update service (and from 2<sup>nd</sup> April 2018 this is a mandatory requirement for all licence holders to sign up to and maintain). 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 Disclosure & Barring Service check can take up to eight weeks to be issued even when all the forms are correctly completed, hence why we advise you to sign up to the DBS Update service in order to prevent delays to the issue of the licence. The DVLA check is carried out online, however, on rare occasions it may need posting to the DVLA and this can take up to 3 weeks to complete. Oxford City Council has a Code of Practice in respect of checks made through the Disclosure & Barring Service which will be made available upon request. The Enhanced Disclosure & Barring Service application form can be obtained by contacting the Licensing Team, or from our St Aldate's Chambers reception area.

Applicants who have been resident in the UK for less than five years from the date of application are required to provide an Enhanced Disclosure & Barring Services Report, 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 Disclosure & Barring Service Report. Any documentation produced must be verifiable, and sufficient to enable the Head of Community Services 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.

**Further information as to how to complete the Disclosure and Barring Service for which documents are acceptable to show to a Licensing Officer, and information about the DBS Update service can be found at Page 17 of this Pack.**

#### **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 & SAFEGUARDING COURSE CRITERIA

New applicants are requested to attend a "Disability Awareness & Safeguarding" training course held by the Council, or demonstrate that they have attended the same course that has been provided by Oxfordshire County Council since 16<sup>th</sup> May 2016. The cost of this course is £45.00. This course must be attended prior to any licence being granted.

## KNOWLEDGE & SAFEGUARDING TEST CRITERIA

New applicants must also undertake a **Knowledge & Safeguarding Test** with this Authority. 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).

SECTION	NUMBER OF QUESTIONS	
	HPD (DUAL)	PHD
A. Identification of Roads & Streets	20	20
B. Identification of Buildings & Locations	15	15
C. Rules & Regulations	10	5
D. Correct Routes	5	-
E. Equal Opportunities Awareness & Safeguarding	5	5
F. Disability Awareness	5	5
<b>TOTAL NUMBER OF QUESTIONS</b>	<b>60</b>	<b>50</b>

A minimum of 80% in each section is required to pass the test. The test lasts 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 & SAFEGUARDING

The City Council conducts the tests, it does not teach the knowledge & safeguarding, however to assist you a list of all rules and regulations, a summary of other laws applicable to Hackney Carriage and Private Hire, and information relating to safeguarding children and vulnerable people can be found within this Application Pack. Details as to the roads and landmarks that may be included in the Private Hire Driver Knowledge & Safeguarding Test and a wider understanding of safeguarding can be found on the Council's 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 DBS and Medical Report checks, and you having passed the Knowledge & Safeguarding Test, undertaken the Disability Awareness & Safeguarding 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 DBS 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 DBS and DVLA check at your own expense.

**What happens if my licence hasn't been issued 12 months after I apply?** Your application will be null and void and you will need to reapply.

## FEES AND CHARGES

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

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

FEES & CHARGES: PAYABLE TO OXFORD CITY COUNCIL: DRIVER LICENCE			
		3 YEAR	1 YEAR
HACKNEY CARRIAGE	NEW HACKNEY CARRIAGE DRIVER LICENCE	£548.00	£318.00
	RENEWAL OF HACKNEY CARRIAGE DRIVER LICENCE	£353.00	£123.00
PRIVATE HIRE	NEW PRIVATE HIRE DRIVER LICENCE	£506.00	£304.00
	RENEWAL OF PRIVATE HIRE DRIVER LICENCE	£311.00	£109.00
ADDITIONAL DRIVER CHARGES			
DVLA DISCLOSURE		£8.00	
ENHANCED DISCLOSURE & BARRING SERVICES (DBS) REPORT		£50.00	
MANDATORY SAFEGUARDING AWARENESS TRAINING		£15.00	
KNOWLEDGE & SAFEGUARDING TEST / RETEST (NEW APPLICANT)		£75.00	
DISABILITY AWARENESS & SAFEGUARDING COURSE (NEW APPLICANT)		£45.00	
REPLACEMENT BADGE		£10.00	
DUPLICATE LICENCE		£2.00	
RETURNED CHEQUE FEE		£30.00	



## PROCEDURE FOR NEW HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

1. Once you have obtained your DSA Certificate, Mandatory **Safeguarding Awareness Training 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.
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 Enhanced DBS application form
    - 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 appropriate Driver Standards Taxi Driving Test or the Oxford City Council Taxi / Private Hire Driver Assessment (see Page 2 of this Pack for guidance).
  - The Safeguarding Awareness and Training Certificate issued by Oxfordshire County Council since 16<sup>th</sup> May 2016 or issued by Oxford City Council since 19<sup>th</sup> September 2016 (if applying for a 3 year licence)
  - The completed application form
  - The completed DVLA mandate
  - The completed Enhanced DBS application form (see Page 17 of this Application Pack for guidance)
  - The completed Medical Report (certified by your GP / Doctor)
  - 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
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 & Safeguarding Test and Disability Awareness & Safeguarding 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 Enhanced DBS application form to the relevant authorities to carry out their necessary checks.
4. It may be that you take the Knowledge & Safeguarding Test and Disability Awareness & Safeguarding 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 Enhanced DBS Report and DVLA checks. Should you not pass the Knowledge & Safeguarding 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 Disclosure, Enhanced DBS Report and Medical Report, and upon the passing of the Knowledge & Safeguarding Test and sitting of the Disability Awareness & Safeguarding Course, your licence will be granted. 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 specified period of time.
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 ONE YEAR 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 for at least 8 weeks before your licence is due to expire with the Licensing Team. **If you do not book an appointment to renew your licence before it expires, you will need to meet with the relevant criteria detailed on Page 1 of this pack in the section "Renewal of Licence".**
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 Enhanced DBS application form (if applicable – as stated on your current Badge)
    - Passport
    - DVLA licence
    - National Insurance number card or other document
    - 2 x proofs of address
  - The completed application form
  - **The Safeguarding Awareness and Training Certificate (issued by Oxfordshire County Council since 16<sup>th</sup> May 2016) NOTE: This criteria will be applicable for a period of one year from 3<sup>rd</sup> April 2017**
  - The completed DVLA mandate
  - The completed DBS application form or (if you have signed up to the DBS Update service) your authorisation for the Licensing Authority to carry out an online DBS Check (see Page 17 for guidance)
  - 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 your licence will not be granted until the Licensing Team has received your medical certificate and are satisfied that you have been declared "fit" to drive licensed vehicles).
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 Enhanced DBS application form to the relevant authorities to carry out their necessary checks.
4. Upon receipt of your satisfactory DVLA Disclosure, and if required your Enhanced DBS Report and Medical Report, 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.

## PROCEDURE FOR RENEWING (OR CHANGING TO) A THREE YEAR 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 for at least 8 weeks before your licence is due to expire with the Licensing Team. **If you do not book an appointment to renew your licence before it expires, you will need to meet with the relevant criteria detailed on Page 1 of this pack in the section “Renewal of Licence”.**
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 Enhanced DBS application form
    - Passport
    - DVLA licence
    - National Insurance number card or other document
    - 2 x proofs of address
  - The completed application form
  - **The Safeguarding Awareness and Training Certificate issued by Oxfordshire County Council since 16<sup>th</sup> May 2016 (if changing to a 3 year licence)**
  - The completed DVLA mandate
  - The completed DBS application form or (if you have signed up to the DBS Update service) your authorisation for the Licensing Authority to carry out an online DBS Check (see Page 17 for guidance)
  - 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 your licence will not be granted until the Licensing Team has received your medical certificate and are satisfied that you have been declared “fit” to drive licensed vehicles).
5. 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 Enhanced DBS application form to the relevant authorities to carry out their necessary checks.
6. Upon receipt of your satisfactory DVLA Disclosure, Enhanced DBS Disclosure and Medical Report, your licence will be granted for a maximum period of three years. 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 three years.
7. If you are granted a licence, your licence and badge will be posted by First Class post to your home address.

## PROCEDURE FOR ATTENDING A “DECLARATION” APPOINTMENT

1. If you hold a **three year licence**, you will be sent a “Reminder Letter” approximately 3 months before the anniversary of the grant of your current three year driver licence. The letter will include a “Declaration” form. You will then need to book an appointment for at least 6 weeks prior to the anniversary of your licence with the Licensing Team. **If you do not book an appointment to submit your “Declaration” form before the anniversary date of your three year licence, your suitability to continue to hold the licence may be referred to the Licensing Manager to determine.**
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 completed “Declaration” form
    - 1 x Photographic Identification (i.e. DVLA Driver Licence)
    - 1 x Proof of current address
    - Your authorisation to the Licensing Authority to carry out an online DBS Check (if you are signed up to the DBS Update service)
3. Upon receipt of the above documents, your records will be updated. Should the Licensing Officer have any concerns regarding your “Declaration”, or any matters are brought to the attention of the Licensing Officer that were not declared at the appointment, your suitability to continue to hold a licence may be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined.
4. For those persons holding a three year licence, this process will need to be repeated each year, save for the occasion when you renew the licence.

## HACKNEY CARRIAGE & PRIVATE HIRE (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.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

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 time 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 requirements 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 whilst driving use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.
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), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that that the driver and the vehicle are 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.
73. The driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.

## 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.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

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 time 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 whilst driving use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.
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 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), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are 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.
68. The driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.

## 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 Community Services, 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 Community Services**
- **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.

## SAFEGUARDING: HUMAN TRAFFICKING – EXPLOITATION OF VULNERABLE PERSONS

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.

Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.

Taxi and Private Hire Drivers are the eyes and ears of their communities through the work they do and the contacts they have, and if you are able to spot the signs of human trafficking and know how to report this crime, you can be a major force in tackling this terrible activity.

There are three main elements involved with Human Trafficking:

- **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
- **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

## HOW CAN YOU SPOT IF SOMEONE MAY BE VULNERABLE AND BEING EXPLOITED AND TRAFFICKED?

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- Does not know their home or work address
- Allows others to speak for them when addressed directly
- Live or travel in a group, sometimes with other persons who do not speak the same language
- They are collected very early and/or returned late at night on a regular basis
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- Their physical appearance may show signs of injury, malnourishment, unkempt
- They may be isolated from the local community and/or appear to be under the control or influence of others
- Have no cash of their own
- Be known to work at a brothel and be frequently moved from one site to another

## HOW TO REPORT YOUR CONCERNS?

If you suspect that a person (adult or child) is vulnerable and may be the victim of abuse, exploitation and/or trafficking, you can report your concerns in confidence by telephoning:

- **Thames Valley Police:** 101 (or if an emergency 999)
- **Crimestoppers:** 0800 555 111

## WHY DO I NEED TO KNOW ABOUT SAFEGUARDING?

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

This page and our website are devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Local Knowledge & Safeguarding Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this page and our website will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

## WHERE CAN I FIND MORE INFORMATION ON SAFEGUARDING?

A full page devoted to Safeguarding, designed with help from the National Working Group and Oxfordshire County Council can be found on the Council website: <http://www.oxford.gov.uk/PageRender/decB/TaxiandPrivateHireSafeguarding.htm>

If you are a new applicant, many of the questions posed in the Local Knowledge & Safeguarding Test will be more familiar to you if you have studied our online Safeguarding page. As an existing licence holder, the information on the website will help you identify and support those persons in most need of help, and in turn support the authorities in tackling these abhorrent crimes and protecting the most vulnerable in our society.

## 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 time, 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 driver's 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 DRIVERS?

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 and other provisions will come into force at a time yet to be determined.

The information below provides details of the provisions that are currently in place in relation to Hackney Carriages and Private Hire vehicles, and what the implications are 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. In effect 2 duties are placed on drivers:

- 1) **To assist passengers in wheelchairs (if you drive a wheelchair accessible vehicle); and**
- 2) **To carry guide dogs / assistance dogs.**

### DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS

The Equality Act places duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs.

The duties 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 (in effect this is all Hackney Carriage Vehicles licensed by the Council) and therefore the following duties will apply to you.

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.

### 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.

### GUIDE DOGS / ASSISTANCE DOGS

Duties are also 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. 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.

### WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT EITHER OR BOTH OF 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 these duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority.

### 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 licensing authority will issue you with a special Exemption Notice which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from one of more duties.

### I HAVE AN EXEMPTION CERTIFICATE (MOBILITY ASSISTANCE) AND / OR SPECIAL NOTICE (CARRYING OF GUIDE DOGS) 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 DO NOT HAVE ANY EXEMPTION FROM PROVIDING MOBILITY ASSISTANCE AND / OR CARRYING GUIDE DOGS OR ASSISTANCE DOGS AT PRESENT, HOW DO I APPLY FOR AN EXEMPTION FROM HAVING TO FULFIL THESE DUTIES?

You will need to contact the Licensing Team by telephoning 01865 252565 or by emailing [licensing@oxford.gov.uk](mailto:licensing@oxford.gov.uk) to inform an Officer of your request, and for the necessary application form to be sent to you. When submitting your completed form, you will be required to provide evidence from your Medical Practitioner supporting your application and substantiating the medical reasons applicable to your request.

Your application will be determined by the Licensing Manager, and if successful you will be issued with the relevant Exemption Notice to display within the vehicle.



## ENHANCED DISCLOSURE & BARRING SERVICE (DBS) REPORT INFORMATION

The Enhanced DBS application 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.

When answering **Question E55** on the application form, we ask that treat this question as if you are being asked to declare: **'Do you have any unspent convictions, cautions, reprimands or warnings?'**

## WHAT DOCUMENTS TO PRESENT TO THE LICENSING OFFICER AT YOUR APPOINTMENT

The applicant must be able to provide one document from Group 1, and 2 further documents from either Group 1, or Group 2a or 2b. At least one of the documents must show the applicant's current address.

If the applicant doesn't have any of the documents in Group 1, then they must be able to show: one document from Group 2a, and 2 further documents from either Group 2a or 2b. At least one of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

If it's impossible to process the application through the above means, the applicant must be able to show: a birth certificate issued after the time of birth (UK and Channel Islands), one document from Group 2a, and 3 further documents from Group 2a or 2b. At least one of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.

### GROUP 1: PRIMARY IDENTITY DOCUMENTS

Passport  
Biometric residence permit  
Current driving licence photocard - (full or provisional)  
Birth certificate - issued within 12 months of birth

Adoption certificate

#### Notes relevant to document:

Any current and valid passport  
UK  
UK, Isle of Man, Channel Islands and EU  
UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces  
UK and Channel Islands

### GROUP 2a: TRUSTED GOVERNMENT DOCUMENTS

Current valid driving licence photocard - (full or provisional)  
Current driving licence (full or provisional) - paper version (if issued before 1998)  
Birth certificate - issued after time of birth  
Marriage/civil partnership certificate  
HM Forces ID card  
Firearms licence

#### Notes relevant to these documents:

All countries outside the EU (excluding Isle of Man and Channel Islands)  
UK, Isle of Man, Channel Islands and EU  
UK, Isle of Man and Channel Islands  
UK and Channel Islands  
UK  
UK, Channel Islands and Isle of Man

### GROUP 2b: FINANCIAL AND SOCIAL HISTORY DOCUMENTS

Mortgage statement  
Bank or building society statement  
Bank or building society account opening confirmation letter  
Credit card statement  
Financial statement, e.g. pension or endowment  
P45 or P60 statement  
Council Tax statement  
Work permit or visa  
Letter of sponsorship from future employment provider

#### Notes relevant to these documents:

UK or EEA – **issued in last 12 months**  
UK and Channel Islands or EEA – **issued in last 3 months**  
UK – **issued in last 3 months**  
UK or EEA – **issued in last 3 months**  
UK – **issued in last 12 months**  
UK and Channel Islands – **issued in last 12 months**  
UK and Channel Islands – **issued in last 12 months**  
UK – **valid up to expiry date**  
Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application – **must still be valid**  
UK - not mobile telephone bill – **issued in last 3 months**  
UK – **issued in last 3 months**  
UK and Channel Islands – **issued in last 3 months**

Utility bill  
Benefit statement, eg Child Benefit, Pension  
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC.  
EU National ID card  
Cards carrying the PASS accreditation logo  
Letter from head teacher or college principal

#### Must still be valid

UK, Isle of Man and Channel Islands – **must still be valid**  
UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided – **must still be valid**

## WHAT TO DO WHEN YOU RECEIVE YOUR ENHANCED DBS DISCLOSURE (IMPORTANT)

The Disclosure and Barring Service Disclosure Report will be returned to you at your home address. Upon receipt of the Disclosure Report you will need to either send or deliver the original Disclosure Report to the Licensing Authority at this office (please mark your envelope: Private & Confidential, F.A.O. Licensing Officer, Taxi Licensing) or send a scan of the entire Disclosure Report to [licensing@oxford.gov.uk](mailto:licensing@oxford.gov.uk) clearly identifying your name on your email and, if held, your badge number.

The Licensing Authority no longer receives its own copy of the Disclosure. At your appointment you will be handed an "Information Chit" advising you what to do when you receive your DBS Disclosure. Please note that a licence and badge cannot be issued until we have received and processed your DBS Disclosure. When issued, the licence and badge will be posted to your home address.

Owing to delays in the processing of DBS Disclosure Reports, we strongly advise you to sign up to the DBS Update Service (and from 2<sup>nd</sup> April 2018 this is a mandatory requirement for all licence holders to sign up to and maintain). The Licensing Officer will provide you with information about the DBS Update Service at your appointment. The Update Service currently costs £13.00 per annum, and all that you need to do is set up a direct debit with the DBS and provide written authorisation to the Licensing Officer at your renewal / declaration appointment to carry out an online check.

## 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 at your licence renewal appointment. Because the licence is issued annually or three-yearly, these checks must be carried out in order for the Licensing Authority to have complied with any legal requirements placed on it.

**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 Community Services, 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 tiered and cumulative "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 (including Officers requesting that additional background checks be carried out):

- **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 Community Services**
- **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 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.

**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 Community Services is unable to determine whether such a person meets the Authority's definition of a "fit and proper" person.

**Head of Community Services:** 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.

**Councillor Warning:** A Decision issued by the Hackney Carriage & Private Hire Licensing Sub-Committee (likely to also include additional conditions being imposed on a licence) advising that although an offence, caution or conviction, and / or accumulation of Warnings issued by the Licensing Officers 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 Disclosure & Barring Service Report 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 it's 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 or the Police have 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 persons' history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

**Best Practice Guidance**

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

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

## GENERAL POLICY

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

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

### Driving & Traffic Offences

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

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

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it nevertheless 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" procedure, 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 Community Services. 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 Community Services. 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 any form of offence that involves violence of any description. 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 Made 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 and if deemed appropriate request additional background checks be carried out. 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 Community Services, 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 Community Services.

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 Community Services, Oxford City Council, St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS

**ALL QUESTIONS MUST BE ANSWERED**

**PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS**

**THIS APPLICATION FORM MUST BE COMPLETED BY THE APPLICANT.**

<b>FULL NAME:</b>	
<b>ADDRESS:</b>	
<b>POSTCODE:</b>	
<b>HOME TELEPHONE:</b>	<b>MOBILE TELEPHONE:</b>
<b>EMAIL ADDRESS:</b>	<b>NATIONAL INSURANCE NO.:</b>
<b>DATE OF BIRTH:</b>	<b>NATIONALITY:</b>
I am applying for the: <b>GRANT / RENEWAL</b> (delete as applicable) for a period of <b>ONE YEAR / THREE YEARS</b> (delete as applicable) a: <b>HACKNEY CARRIAGE / PRIVATE HIRE</b> (delete as applicable) <b>DRIVER LICENCE</b> <b>CURRENT BADGE NUMBER</b> (if applicable) <b>HPD / PHD</b> (delete as applicable): <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>PROOF OF PASSING DRIVER STANDARD ASSESSMENT FOR HC &amp; PH</b> (New applicants only):	<b>YES / NO</b> (delete as applicable)
<b>HAVE YOU EVER BEEN OR ARE YOU CURRENTLY A LICENSED DRIVER WITH ANOTHER LOCAL AUTHORITY?</b> <b>YES / NO</b> (delete as applicable) <b>IF YOU HAVE ANSWERED YES, PLEASE GIVE DETAILS:</b>	
<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 DVLA DRIVER'S LICENCE BEEN SUSPENDED / REVOKED / ENDORSED FOR ANY OFFENCE IN THE LAST 3 YEARS (OFFENCE TO FAIL TO DECLARE SUCH MATTERS)?</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 CAUTIONED FOR A CRIMINAL OFFENCE?</b> <b>YES / NO</b> (delete as applicable): <b>ARE YOU CURRENTLY AWAITING TRIAL OR FACING CHARGES FOR A CRIMINAL OFFENCE?</b> <b>YES / NO</b> (delete as applicable): <b>IF YOU HAVE ANSWERED "YES" TO EITHER OR BOTH OF THE ABOVE QUESTIONS, PLEASE GIVE DATES AND FULL DETAILS (INCLUDING PENDING COURT DATES) (PLEASE NOTE IT IS AN OFFENCE TO FAIL TO DECLARE SUCH MATTERS):</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/websitetools/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.

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

Company name and address (the company):

Oxford City Council,Taxi Licensing
3rd Floor, St. Aldate's Chambers
109 St. Aldate's
OXFORD
Postcode: OX1 1DS

Account number:

4555

Reference number:

Please delete as appropriate:

Are you making an enquiry on behalf of another company?

**XXX** No

If yes, company name must be entered below.

**XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX**

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

Surname:

First name:

Middle name(s)

Date of birth:

/ /

Driver number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

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?

**XXX** 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 Oxford City Council to ask DVLA for my driver record information as and when they require, at a frequency they shall determine.

I understand that Oxford City Council I authorise to ask for my driver record information may use an intermediary company (not applicable) to make the enquiry with DVLA on their behalf.

I authorise and direct DVLA to disclose to Oxford City Council 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 Oxford City Council and in any case three years from the date of my signature.

46

SIGNATURE:

DATE:

## OXFORD CITY COUNCIL - TAXI LICENSING

### MEDICAL REPORT

Hackney Carriage and Private Hire Drivers

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

#### A. What you have to do:-

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

#### B. What the Doctor has to do:-

1. Unless special arrangements have been made through the Taxi Licensing Office you must be a member of the practice holding the applicant's medical records. Please arrange for a full medical examination undertaken, applying the same standards as the DVLA apply to PCV/LGV drivers (Group 2)
2. Fill in **Section 1 - 8** of this report. You may find it helpful to consult the DVLA's "At a Glance" booklet. Alternatively, up to date standards can be obtained of the DVLA website: [www.dvla.gov.uk](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 HCV and PHV Drivers:-

Standards for HCV 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 / Seizures** - an applicant must: Have been free of epileptic attacks for the last ten years, have not taken any anti-epileptic medication during this ten year period, and not have a continuing liability to epileptic seizures.

In cases where that has been an **"Isolated Seizure"** – an applicant must: Have been free of epileptic attacks for the last five years, have not taken any anti-epileptic medication during this five year period, have undergone a recent assessment by a Neurologist, and have satisfactory results from the Neurologists investigation.

2. **Diabetes:** New applicants and existing licensed drivers with insulin treated diabetes may apply / continue to drive under following conditions:
  - i. You must have had no episodes of hypoglycaemia which have required assistance of another person within the last 12 months.
  - ii. You have full awareness and demonstrate an understanding of the risks of hypoglycaemia.
  - iii. You regularly monitor your blood glucose at least twice a day and at times relevant to your driving (no more than 2 hours before the start of the first journey and every 2 hours whilst driving), using a glucose meter with a memory function to measure and record blood glucose levels.

- iv. 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.
  - v. The cost of the examination is to be met by the licence holder.
  - vi. You must have no other debarring complications of diabetes such as a visual field defect.
3. **Eyesight:** All drivers, for whatever category of vehicle, must be able to read a registration mark fixed to a motor vehicle and containing letters and figures 79 millimetres high and 50 millimetres at a distance of 20 metres, or at a distance of 20.5 metres where the characters are 79 millimetres high and 57 millimetres wide and, if glasses or contact lenses are required to do so, these must be worn while driving.

In addition, an applicant who has not held a vocational Driver's licence before must by law have:

- a) Must be able to meet the above prescribed standard for reading a number-plate. In addition, the visual acuity (with the aid of glasses or contact lenses if worn) must be at least 6/12 (Snellen, decimal 0.5) with both eyes open, or in the only eye if monocular.
- b) Drivers must have a visual acuity, using corrective lenses if necessary, of at least 6/7.5 (0.8 decimal) in the better eye and at least 6/60 (Snellen, decimal 0.1) in the other eye.
- c) Where glasses are worn to meet the minimum standards, they should have a corrective power  $\leq +8$  dioptries.

Further information can be obtained by contacting the Drivers Medical Unit, DVLC, Swansea, SA99 1TU, or telephone 01792 304000, about the requirements, informing the unit that the Council's standards are those set out for DVLA Group 2 vocational 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 6/12 (Snellen, decimal 0.5) with both eyes open, or in the only eye if monocular.										
b.	Is the visual acuity, using corrective lenses if necessary, of at least 6/7.5 (Snellen, decimal 0.8) in the better eye and at least 6/60 (Snellen, decimal 0.1) in the other eye.										
c.	If corrective lenses (including glasses) have to be worn to achieve this standard, is the corrective power $\leq +8$ dioptries.										
d.	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: center;">UNCORRECTED</th> <th colspan="2" style="text-align: center;">CORRECTED</th> </tr> </thead> <tbody> <tr> <td>Left:</td> <td>Right:</td> <td>Left:</td> <td>Right:</td> </tr> </tbody> </table>	UNCORRECTED		CORRECTED		Left:	Right:	Left:	Right:		
UNCORRECTED		CORRECTED									
Left:	Right:	Left:	Right:								
e.	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?										
f.	Is there documented evidence of a pathological field defect e.g. hemianopia, scotoma or quadrantanopia										
g.	Is there uncontrolled diplopia										
h.	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.	If treated with insulin, are there at least 3 months of blood glucose readings stored on a memory meter? If "NO", please provide further details (at the end of the Report)										
c.	Other injectable treatments?										
d.	A Sulphonylurea or a Glinide?										
e.	Oral hypoglycaemic agents and diet? If "YES" please provide further details (at the end of Report)										
f.	Diet only?										
g.	Does the applicant test blood glucose at least twice daily?										
h.	Does the applicant test at times relevant to driving?										
i.	Does the applicant keep fast acting carbohydrate within easy reach when driving?										
j.	Does the applicant have a clear understanding of diabetes and the necessary precautions for safe driving?										
k.	Is there any evidence of impaired awareness of hypoglycaemia?										
l.	Is there a history of hypoglycaemia in the last 12 months requiring the assistance of another person?										
m.	Is there evidence of either a loss of visual field and / or severe peripheral neuropathy, sufficient to impair limb function for safe driving? If "YES" please provide further details (at the end of the Report)										
n.	Has there been laser treatment or intra-vitreous treatment for retinopathy? If "YES" please provide details of date(s) of treatment (at the end of the Report)										

PLEASE TURN OVER

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		YES	NO
a.	Drugs 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		
	<p>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.</p>		

**PLEASE TURN OVER**

**Please use this space to provide any relevant further information in relation to this Medical Report:**

[illegible]

**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

**SURGERY STAMP**

Address

Tel

**Section 8B Medical Practitioner Certification** (to be completed by Doctor carrying out examination)

I certify that I have today examined the applicant in Section 8 of this Report and in my opinion the applicant is **FIT / UNFIT \*** to drive Hackney Carriage or Private Hire Vehicles. *\*delete as necessary*

**NAME** .....

**SIGNATURE** .....

**DATE** .....

**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**

**To:** General Purposes Licensing Committee  
**Date:** 20 September 2016

**Report of:** Head of Community Services

**Title of Report:** Update on Taxi Licensing Activity:  
April 2016 – July 2016

## Summary and Recommendations

**Purpose of report:** To inform Committee of the progress made by the Taxi Licensing function during the current Council year (April 2016 – July 2016).

**Report Approved by:**

**Finance:** Paul Swaffield

**Legal:** Daniel Smith

**Policy Framework:** Vibrant Sustainable Economy  
Policy on the Relevance of Warnings, Offences,  
Cautions and Convictions

**Recommendation:** That the General Purposes Licensing Committee is recommended to:

- a) note the contents of the report; and
- b) make any comments and recommendations regarding the future work of the Taxi Licensing function.

## Introduction

1. This report informs Committee of progress made by the Taxi Licensing function under the duties of the Town & Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 during the current Council year (April 2016 – July 2016).
2. The report covers data on service volumes; details of Taxi Licensing hearing decisions; decisions made under delegated powers; information on volumes of drivers and vehicles and enforcement activity.
3. The figures below provide data on the number of licence applications received and processed, as well as the volumes of enforcement interactions undertaken within this reporting period.

- Hackney Carriage Driver Licences: 80
- Private Hire Driver Licences: 167
- Hackney Carriage Vehicle Licences: 37
- Private Hire Vehicle Licences: 154
- Private Hire Operator Licences: 10
- Sub-Committee Hearings: 5
- Enforcement Actions Commenced: 324
- Prosecution Cases Started: 1
- Complaints about Licence Holders: 89

### **Applications Granted by the Licensing Authority**

4. A hearing is not required where an application has been lawfully made and no adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found.
5. As a result all of the above applications were authorised by the Head of Community Services under delegated authority, save for 5 applications to grant or renew driver licences which were determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.

### **Hackney Carriage & Private Hire Licensing Sub-Committee Hearings**

6. When adverse information pertaining to the “fitness” of a person or vehicle to be licensed or to continue to be licensed by this Authority has been found then the matter is determined at a Sub-Committee Hearing.
7. Such adverse information may be derived from information relating to an application such as health concerns, relevant cautions or convictions, or from the enforcement records held by the Licensing Authority in relation to serious incidents, or repetitive failures to adhere to standard drivers and vehicle conditions will call in to question a licence holders suitability to meet with this Authority’s description of a “Fit and Proper” person (as described in our Policy on the Relevance of Warnings, Offences, Cautions and Convictions).
8. During the reporting period, a total of 5 Hearings were held to determine the fitness of new applicants and existing licence holders. The results of the Hearings are shown in the table below:

	<b>Granted</b>	<b>Councillor Warning</b>	<b>Refused</b>	<b>Suspended</b>	<b>Revoked</b>
<b>New Driver</b>	2	-	-		
<b>Existing Driver</b>	-	-	2	-	1

## Appeals

9. An appeal against one Sub-Committee decision made during the reporting period has been lodged at the Oxford Magistrates Court, but the appeal has yet to be heard, and will be reported on in a future report.

## Enforcement Activity

10. Whilst engaged on Enforcement Operations throughout the reporting period, the Licensing Team has carried out 324 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions). Such matters were witnessed by the Officers, or by other Authorised Personnel of other agencies:
  - 8 Cases still pending (awaiting further intelligence reports)
  - 53 No further action taken due to credible driver explanations / immediate rectification of minor infringement
  - 38 Failures to submit DBS or Medical Disclosure
  - 43 Written Advice Letters
  - 31 Advisory Warnings
  - 25 First Level Warnings
  - 10 Second Level Warnings
  - 23 Final Warnings
  - 45 Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days
  - 7 Referrals to the Sub-Committee
  - 4 Suspension Notices (vehicles)
  - 7 Inspections of Operator Premises
  - 4 Notifications of non-payment letters
  - 23 Referrals to our neighbouring authorities
  - 1 Driver licence application refused (as did not meet with our new applicant criteria)
  - 1 PACE interviews following Test Purchase Operations
  - 1 Exemption Certificate issued (to not carry Assistance Dogs)
11. The purpose of the “Warning” system is to educate licence holders as to their responsibilities and the need to uphold the Taxi Licensing objectives. Verbal advice and the four levels of “Warnings” may be issued by the Licensing Officers, and the level of “Warning” issued is dependent upon the nature of the incident, the severity of the matter, whether there have been any previous incidents of non-compliance, and how the matter sits in relation to the Taxi Licensing objectives.
12. Verbal Advice (supported by a letter of Written Advice) was given at the scene of a number of incidents relating to drivers committing basic Road Traffic Act offences or failing to have necessary documentation within the vehicle whilst the Licensing Officers were carrying out their night time enforcement duties.
13. Typically Warnings issued by the Licensing Officers related to failures and / or accumulated failures by licence holders to declare relevant motoring convictions, failures to adhere to the conditions attached to their driver /

vehicle licence, failures to provide satisfactory documents in relation to the licence renewal process, and in some cases Suspensions were issued due to concerns relating to the licence holder upholding the objectives of public safety following relevant information from Thames Valley Police.

14. As well as the disciplinary measures taken during the enforcement operations, 89 complaints were received from members of the public during this reporting period relating to poor customer service, rudeness, road traffic offences and plying for hire, and a breakdown of the actions taken by the Licensing Officers is detailed below:

- 1 Case currently still active (at the time of compiling this report)
- 40 Cases where no further action was or could be taken\*
- 6 Written Advice Letters
- 3 Advisory Warnings
- 4 First Level Warnings
- 7 Second Level Warnings
- 7 Final Warnings
- 1 Permit issued to vehicles with minor damage to remain in service for a maximum period of 28 days
- 3 Requests made for vehicles to undertake a further Certificate of Compliance Test owing to visible pollutants
- 4 Referrals to the Sub-Committee
- 13 Referred to other Local Authorities to investigate

*\* due to the version of events stated by the complainant and the driver being too dissimilar and no independent witness to verify either account, a record is kept on the driver file should similar issues be reported. It should also be noted that some complaints have been maliciously made about drivers and when the complaint has been asked to provide further information regarding the original allegation, no response has been received by the Licensing Officers.*

15. The Weekend Night-time Operation implemented by the Community Safety Service Area operates between 11.00 p.m. and 4.00 a.m. on both Friday and Saturday nights and proactively checks for non-compliance by both the Hackney Carriage and Private Hire trades.
16. This further increases our robust enforcement presence throughout the city at weekends and the two Council Officers carrying out the Operation report any findings back to the Licensing Authority in order that the appropriate actions are undertaken.

### **Test Purchase Operations**

17. During the reporting period, 2 Test Purchase Operations were carried out resulting in 4 drivers failing the Test Purchase. Resulting from the Operations 1 interview (under the Police & Criminal Evidence Act) has been carried out by the Licensing Officers investigating suspected offences of plying for hire and driving without the correct insurance (a Private Hire Vehicle is not insured for public hire, whereas a Hackney Carriage Vehicle is).



18. Resulting from the above PACE interviews the case was forwarded to Law & Governance for consideration to prosecute drivers for the offences of plying for hire and driving without the correct insurance.
19. The other 3 cases related to “Out of District” Hackney Carriages plying for hire with the Oxford boundary. At the request of both South Oxfordshire District Council and Vale of White Horse District Council, rather than this Authority prosecute the drivers, the matters were handed over to our neighbouring authorities to take robust action.
20. The 3 cases were dealt with by way of the issue of penalty points (our neighbours equivalent of our Warnings procedure), rather than the matters being placed before their respective Sub-Committees as we had been advised, and so these drivers are still licensed by our neighbouring authorities and continuing to receive bookings within our district.

### **Prosecutions**

21. During the reporting period, 2 cases of plying for hire and driving without the correct insurance were due to be heard in the Magistrates Court (relating to Test Purchase Operations and PACE interviews carried out prior to this reporting period and during this reporting period).
22. Both cases have been heard and resulted in conviction and financial penalty. Following conviction the licence holders have been referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.

### **Notable and Future Work**

23. Whilst our current approach to Safeguarding is widely acclaimed as one of setting high standards, we continue to work with our neighbouring Oxfordshire Authorities and Oxfordshire County Council to ensure that they adopt the practices we have in place in Oxford in relation to:
  - **A single high quality standard of vetting applicants;**
  - **Information Sharing Protocol between Districts and County Councils; and**
  - **Safeguarding Awareness and Training for all licensed drivers**
  - **Alignment of conditions and standards for all drivers, vehicles, and operators.**
24. Our approach has led to the Licensing Manager being asked to assist the Home Office (who see our approach as being of a “Gold Standard”) with the formulation of National Guidance on Safeguarding within Licensing Functions, to be implemented by all councils.

### **Legal Implications**

25. There are no legal implications contained within this report.

## **Financial Implications**

26. Any financial implications contained within this report will be met within existing budgets.

## **Recommendations**

27. The General Purposes Licensing Committee is recommended to:
- (i) note the content of the report; and
  - (ii) make any comments and recommendations regarding the future work of the Taxi Licensing function.

**Name and contact details of author:** **Julian Alison**  
**Licensing Manager**  
**Community Services**  
**Tel: (01865) 252381**  
**Email: [jalison@oxford.gov.uk](mailto:jalison@oxford.gov.uk)**

## MINUTES OF THE GENERAL PURPOSES LICENSING COMMITTEE

**Wednesday 18 May 2016**



**COUNCILLORS PRESENT:** Councillors Clarkson (Chair), Cook (Vice-Chair), Anwar, Azad, Brandt, Coulter, Humberstone, Lloyd-Shogbesan and Wade.

**OFFICERS PRESENT:** Julian Alison (Licensing Manager), Daniel Smith (Lawyer) and Catherine Phythian (Committee Services Officer)

### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Landell Mills.

### **2. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2016/17**

The Committee **resolved** to elect Councillor Clarkson as Chair for the Council Year 2016/17.

### **3. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2016/17**

The Committee **resolved** to elect Councillor Cook as Vice Chair for the Council Year 2016/17.

### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **5. SUB-COMMITTEES FOR THE 2016-17 COUNCIL YEAR**

The Head of Law and Governance submitted a report the purpose of which was to invite the Committee to establish Sub-Committees for the 2016-17 Council Year to deal with the casework flowing from the Committee's own responsibilities.

The General Purposes Licensing Committee resolved to:

1. **establish** a Hackney Carriages and Private Hire Licensing Sub-Committee for the Council Year 2016-17, agree its powers and duties, to appoint Cllrs

Cook, Clarkson and Landell Mills to it on the basis of political balance and that the meetings of the sub-committee would begin at 5.00pm;

2. **establish** a Licensing and Registration Sub-Committee for the Council Year 2016-17, agree its powers and duties, to appoint Cllrs Clarkson, Coulter, Humberstone and Wade to it on the basis of political balance and that the meetings of the sub-committee would begin at 5.00pm;
3. **agree** that substitution is permitted on the two sub-committees but that substitutes must be from the General Purposes Licensing Committee.

## **6. UPDATE ON TAXI LICENSING ACTIVITY: COUNCIL YEAR 2015 - 2016**

The Head of Community Services submitted a report which informs the Committee of the progress made by the Taxi Licensing Function during the last Council year (April 2015 – March 2016).

The Licensing Manager presented the report. In response to questioning on safeguarding measures he advised that the Licensing Authority's high standards had received national acclaim. He said that there was not yet a consistent approach across the whole county but achievement of this remained a priority for the Licensing Authority.

The Legal Adviser informed the Committee of the outcome of one appeal against a Sub-Committee decision. Although the appeal had been upheld it was important to note that the Court had found no fault with the process followed by the Hackney Carriage and Private Hire Sub-Committee in reaching their decision.

The General Purposes Licensing Committee resolved to **note** the contents of the report.

## **7. POLICY ON HACKNEY CARRIAGE QUANTITY CONTROL – UNMET DEMAND SURVEY**

The Head of Community Services has submitted a report which details the findings of the "Unmet Demand" survey 2015.

The Licensing Manager introduced the report. He explained that CTS Traffic and Transportation were appointed to undertake a Hackney Carriage Vehicles "Unmet Demand" Survey, which was carried out between 7 September 2015 and 20 December 2015, with further video and data intelligence research until February 2016.

He said that the survey concluded that:

*"There is no evidence of any unmet demand for hackney carriages either patent or latent which is significant at this point in time in the Oxford area. The*

*committee is therefore able to retain the current policy and limit at the present level and defend this if necessary. ”*

The consultant from CTS Traffic and Transportation gave a brief presentation and answered questions. He highlighted the following points:

- hackney carriage usage down since 2012
- Some impact of road works
- More impact from private hire vehicles from inside and outside of Oxford
- hackney carriage fleet appreciated and people know where to get them but people choose private hire vehicles
- Appears private hire vehicles promotion has increased their share of market
- No evidence of patent or latent unmet demand
- Retention of limit would help trade focus on developing current offer
- Need to take advantage of recent developments including computer apps and other ways to promote private hire vehicles
- Council and county can assist in promoting rank locations

The General Purposes Licensing Committee resolved to:

1. **agree** to accept the conclusions of the Hackney Carriage “Unmet Demand” survey report prepared by CTS Traffic and Transportation that there is currently no significant unmet demand for Hackney Carriage Vehicles;
2. **recommend to Council** that there is currently no unmet demand for the services of Hackney Carriage Vehicles and to therefore resolve to maintain the Council’s Policy of Hackney Carriage Quantity Control and the current quota of 107 Hackney Carriage Vehicle licences; and
3. **recommend to Council** that a further “Unmet Demand” survey be commissioned in 2018, subject to any future changes to relevant legislation.

## **8. MINUTES**

The Committee resolved to **approve** the minutes of the meeting held on 26 January 2016 as a true and accurate record.

## **9. DATES OF FUTURE MEETINGS**

The Committee **noted** the dates of future meetings and **agreed** that the start time should be 5.15pm.

**The meeting started at 5.15 pm and ended at 6.00 pm**

