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ANNUAL BACKGROUND CHECKS

HACKNEY CARRIAGE AND / OR PRIVATE HIRE DRIVER LICENCE – 3 YEAR

The Licensing Authority will carry out regular checks of the status of your DVLA Driver Licence, your Disclosure and Barring Services (DBS) Online Update Service record in order to uphold the objective of Public Safety and promote Safeguarding.

By completing this form you are giving your consent to the Licensing Authority carrying out annual background checks for the duration of your three year Hackney Carriage and / or Private Hire Driver Licence.

Section 1 - To be completed by the applicant:

FULL NAME: _____

ADDRESS: _____

POSTCODE: _____

MOBILE TEL. NO.: _____

EMAIL ADDRESS: _____

DATE OF BIRTH: _____

HACKNEY CARRIAGE AND / OR PRIVATE HIRE DRIVER LICENCE NO. : _____

DBS CERTIFICATE NUMBER _____

DVLA DRIVING LICENCE NO. _____

Acknowledgement

The Driver shall, if subject of any formal Police action including if arrested, released on Police Bail, released Under Investigation, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the action) give full details of it to the Council in writing.

Declaration and Consent:

Being the person referred to in Section 1 above, I authorise the Licensing Authority, Oxford City Council to carry out annual background checks on my DVLA Driver Licence and Disclosure and Barring Services Online Update Service (DBS) record for the three year duration of my Hackney Carriage and / or Private Hire Driver Licence. This authority will expire on the expiration of my Hackney Carriage and / or Private Hire Licence issued by this Authority.

I declare that I have checked the details I have given and that to the best of my knowledge and belief they are correct.

Signature: Printed Name:

Date:

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 General Purposes Licensing Casework 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 (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 General Purposes Licensing Casework 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.

General Purposes Licensing Casework 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 General Purposes Licensing Casework 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 Services 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 General Purposes Licensing Casework Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

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

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

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

Offences, Cautions and Convictions

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

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

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

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

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

If a Court 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 General Purposes Licensing Casework 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 never the less attracts penalty points to a DVLA licence. The Council considers 'death by careless driving' or 'death by dangerous driving' to be a very serious and you should therefore refer to the **Major Traffic Offences** section. For information on alcohol and drug related offences see **Drunkenness & Drugs** sections.

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

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

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

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

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

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

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

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

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

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

Motor Insurance Offences

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

Major traffic offences

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

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

We consider 'death by careless driving' or 'death by dangerous driving' to be a very serious offence. If the applicant has been convicted of such an offence a **period of 3 years** free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the General Purposes Licensing Casework 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 General Purposes Licensing Casework 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 / Released Under Police Investigation

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 or under investigation, 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 General Purposes Licensing Casework 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 General Purposes Licensing Casework 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 General Purposes Licensing Casework 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, i.e.

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

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

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 shall be issued for a maximum duration of three years, or for a lesser period if you so require (this will be for a maximum duration of one year), subject to the applicant fulfilling all mandatory requirements set out in this application pack. 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 (unless the current medical does not expire within the 3 year licence period). If you are required to have a medical report every year you can apply for a 3 year licence. However, it is the licence holder's responsibility to provide a new medical report before the anniversary of the grant of the licence. If you fail to provide the new medical report your licence will be suspended until such time as the Licensing Officer determines that you are 'fit & proper' to continue to hold a licence with this Authority. All checks are in order to ensure that the Licensing Authority is satisfied that an applicant fulfills all requirements before a licence is granted.

From 2nd 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 16th 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 16th 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.

Right to Work in the UK

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

DVLA Disclosure

The grant / renewal of a licence is subject to a check being made with the Driver & Vehicle Licensing Agency (DVLA) in respect of any relevant driving convictions. This DVLA check is carried out at the time that the application is made or sooner if the Licensing Officer has reason to believe that it should be. If you have been granted a 3 year licence a random DVLA check may be carried out any time during the licence period to be determined by the Licensing Officer.

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. All Licence Holders must sign up to the DBS Online Update Service (mandatory requirement from 2nd April 2018) and maintain the service which allows for instant online check to be carried out. The Service shall be used to run an annual background checks for the duration of the three year licences.

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.

Email: licensing@oxford.gov.uk Website: www.oxford.gov.uk/taxilicensing

Telephone: Applications & Appointments 01865 252115 Compliance & Enforcement 01865 252565

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 satisfy the following criteria before making the application:

- **DVLA Driving Licence** to drive a motor vehicle to be held (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.
- **English Language qualification** - competency in written and oral comprehension of the English Language before the grant of a Hackney Carriage or Private Hire Drivers Licence.
- **Driver Standards Agency or Oxford City Council Assessment for Hackney Carriage and Private Hire Vehicles** – provide evidence / certificate of pass.
- **Oxfordshire County Council Safeguarding Awareness Training** – provide evidence / certificate of pass.

If you meet the above criteria please see sections “Procedure for New Hackney Carriage/Private Hire Drivers Licence” (page 5) in order to see the list of documents you must produce before you book your appointments in the Council offices.

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 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:

- a) 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 enroll in an English Language Course where you will be assessed as to your current level of competency, and informed of which course to enroll on, in order to become qualified. The Licensing Authority will accept “ESOL English: Entry Level 2” as a recognised qualification.
- b) 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 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: <http://www.oxforddirectservices.co.uk/drivingassessment> and you will also find further information about the assessments on the Council's website.

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

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

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

You should also note that new applicants are normally not considered if they have more than 3 penalty points in the previous 12 months or in the previous 2 years have been convicted of a single offence carrying 5 points or more or offences totaling 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 to sign up to the DBS Online Update Service (and from 2nd 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 General Purposes Licensing Casework 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 COURSE CRITERIA

New applicants are requested to attend a **"Disability Awareness"** training course held by the Council. The cost of this course is £45.00. This course must be attended prior to any licence being granted. You will be provided at your appointment with a date that the course can be taken.

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
TOTAL NUMBER OF QUESTIONS	60	50

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 Councils website at: 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 (01865 252115).
2. **At this appointment, you must bring with you** (if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment):
 - **Proof of your recognised qualification in written and spoken English**
 - **Proof that you have passed the appropriate Driver Standards Agency 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 16th May 2016**
 - **The completed Application Form**
 - **The completed Annual Background Checks Form (three year licence)**
 - **The completed DVLA Mandate Form**
 - **DVLA licence**
 - **Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa (see Page 18 for guidance)**
 - **Proof of current address (trusted document, see Page 17 for guidance)**
 - **2 x passport standard sized photographs**
 - **The completed Medical Report (certified by your GP / Doctor)**
 - **The completed Enhanced DBS application form (available at the Council reception) (see Page 17 of this Application Pack for guidance and required documents to support the form)**

The supporting documents to provide at the appointment to complete the Enhanced DBS application form

 - Passport
 - DVLA licence
 - National Insurance number card or other document
 - 2 x proofs of address (trusted document, see Page 17 for guidance)
 - **Payment for the full application fees by cheque, postal order or credit/debit card**
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 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 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 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 General Purposes Licensing Casework 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 completed Application Form**
 - **The completed DVLA mandate Form**
 - **DVLA licence**
 - **Proof of current address (trusted document, see Page 17 for guidance)**
 - **Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa (see Page 18 for guidance)**
 - **2 x passport standard sized photographs**
 - **The Safeguarding Awareness and Training Certificate (issued by Oxfordshire County Council since 16th May 2016) NOTE: This criteria will be applicable for a period of one year from 3rd April 2017**
 - **The completed DBS application form (if applicable) and relevant documents; or if you have signed up to the DBS Update service your authorisation and most recent DBS certificate for the Licensing Authority to carry out an online DBS Check (see Page 17 for guidance)**
 - **The completed Medical Report (if applicable)**
 - **Payment for the full application fees by cheque, postal order or credit/debit card**
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 General Purposes Licensing Casework 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 completed Application Form**
 - **The completed DVLA Mandate Form**
 - **The completed Annual Background Checks Form**
 - **DVLA Licence**
 - **Proof of current address (trusted document, see Page 17 for guidance)**
 - **Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa (see Page 18 for guidance)**
 - **2 x passport standard sized photographs**
 - **The Safeguarding Awareness and Training Certificate issued by Oxfordshire County Council since 16th May 2016**
 - **The completed DBS application form (if applicable) and relevant documents or (if you have signed up to the DBS Update service) the DBS certificate that you had when signing up to the 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)**
 - **Payment for the full application fees**
- * If your current medical is valid for 3 or more years you will not need a new medical. If you currently have to provide a new medical every year then you will have to continue to do so.
4. 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. If you have provided authorisation for the Licensing Authority to carry out an online check the check will be done at the appointment.
 5. Upon receipt of your satisfactory DVLA Disclosure, Enhanced DBS Disclosure and new Medical Report, if required, 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 General Purposes Licensing Casework 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.
 6. If you are granted a licence, your licence and badge will be posted by First Class post to your home address
 7. If you hold a three year licence you can contact the Licensing office at any time during your 3 year licence if you have any questions or concerns you wish to discuss (**licensing@oxford.gov.uk**) / 01865 252565
 8. If you hold a three year licence the Licensing Authority will carry out annual background checks in relation to your DVLA Driving Licence and Disclosure and Barring Services (DBS) Online Update Service in order to uphold the objective of Public Safety and promote Safeguarding. If the checks show any changes to your circumstances since the grant of your Licence you shall be contacted by the Authority.
 9. If your Medical expires in the duration of your three year licence then it is your responsibility to provide a new medical to continue to hold a 3 year licence. If you fail to provide a new medical before the anniversary of the licence it may be suspended until such time as it is considered you are a ‘fit & proper’ person to continue to hold a licence with this Authority.
 10. If any matters are brought to the attention of the Licensing Officer that were not declared on the initial application or subsequent information comes to the attention of the Licensing office during the period of your licence, your suitability to continue to hold a licence may be referred to the General Purposes Licensing Casework Sub-Committee to be determined.
 11. It is important that you inform the Licensing Office of any changes to your circumstances in writing within 7 days:
 - Personal details (change of address, e-mail address, mobile number etc.)
 - Any Cautions, Convictions or points on your DVLA licence
 - Changes to your health

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 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 subject of any formal Police action including if arrested, released on Police Bail, released Under Investigation, charged with an offence, convicted of an offence, summarily punished for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the action) give full details of it to the Council in writing.

53. The Driver shall not willfully 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 within 72 hours of the incident occurring.
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 enroll 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 subject of any formal Police action including if arrested, released on Police Bail, released Under Investigation, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the action) 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 within 72 hours of the incident occurring.
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 enroll 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 General Purposes Licensing Casework 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 General Purposes Licensing Casework 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, then lower the front wheels.

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

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

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

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

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

EQUALITY ACT 2010

HOW DOES THIS AFFECT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE 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.

- **To enable the passenger to get into or out of the vehicle;**
- **If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;**
- **To load the passenger's luggage into or out of the wheelchair;**
- **If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or 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 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 you 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. EEA Nationals who've been resident in the UK for 5 years or less may need to be fingerprinted if they can't show these documents.

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. EEA Nationals who've been resident in the UK for 5 years or less can't use this route.

Applicants who aren't a national of the UK or the European Economic Area (EEA) must be able to show one primary document and 2 supporting documents. Please contact licensing@oxford.gov.uk for a list of the relevant documents.

GROUP 1: PRIMARY IDENTITY DOCUMENTS

Passport
Biometric residence permit
Current valid 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 EEA
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 valid 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 EEA excluding Isle of Man and Channel Islands
UK, Isle of Man, Channel Islands and EEA
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
Letter of sponsorship from future employment provider
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.
EEA National ID card
Cards carrying the PASS accreditation logo
Letter from head teacher or college principal

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
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
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 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 2nd April 2018 this is a mandatory requirement for all licence holders to have signed 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 General Purposes Licensing Casework 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 General Purposes Licensing Casework 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.

General Purposes Licensing Casework 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 General Purposes Licensing Casework 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 General Purposes Licensing Casework Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

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

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

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

Offences, Cautions and Convictions

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

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

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

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

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

If a Court 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 **Drunkness & Drugs** sections.

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

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

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

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

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

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

Drunkness (With Motor Vehicle)

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

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

Drunkness (Not in Motor Vehicle)

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

Drugs

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

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

Police Bail / Released Under Police Investigation

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 or under investigation, 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 General Purposes Licensing Casework 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 General Purposes Licensing Casework 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 General Purposes Licensing Casework 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.

The table below shows the Rehabilitation Periods as determined by the age of the individual and how they were dealt with at the time of conviction or disposal

Sentence /disposal	Rehabilitation period if aged 18 or over when convicted / disposal administered	Rehabilitation period if aged under 18 when convicted / disposal administered
A custodial sentence of over 48 months	Never spent	
A custodial sentence of over 30 months but not exceeding 48 months	7 years from the date on which the sentence (including any licence period) is completed	42 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of over 6 months but not exceeding 30 months	48 months from the date on which the sentence (including any licence period) is completed	24 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of up to 6 months	24 months from the date on which the sentence (including any licence period) is completed	18 months from the date on which the sentence (including any licence period) is completed
Fine	12 months from the date of the conviction in respect of which the fine was imposed	6 months from the date of the conviction in respect of which the fine was imposed
Community order	12 months from the last day on which the order has effect	6 months from the last day on which the order has effect
Simple, caution, youth caution	Spent immediately	
Compensation order	On discharge of the order (i.e. when it is paid in full)	

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.

FULL NAME:	
ADDRESS:	
	POSTCODE:
HOME TELEPHONE:	MOBILE TELEPHONE:
EMAIL ADDRESS:	NATIONAL INSURANCE NO.:
DATE OF BIRTH:	NATIONALITY:
I am applying for the: GRANT / RENEWAL (delete as applicable) for a period of ONE YEAR / THREE YEARS (delete as applicable) a: HACKNEY CARRIAGE / PRIVATE HIRE (delete as applicable) DRIVER LICENCE CURRENT BADGE NUMBER (if applicable) HPD / PHD (delete as applicable): NUMBER OF YEARS YOU HAVE HELD A UK DRIVING LICENCE:	
PROOF OF ENTITLEMENT TO WORK:	YES / NO (delete as applicable)
PROOF OF COMPETENCY IN ENGLISH LANGUAGE (New applicants only):	YES / NO (delete as applicable)
PROOF OF PASSING DRIVER STANDARD ASSESSMENT FOR HC & PH (New applicants only):	YES / NO (delete as applicable)
HAVE YOU <u>EVER</u> BEEN OR ARE YOU CURRENTLY A LICENSED DRIVER WITH ANOTHER LOCAL AUTHORITY? YES / NO (delete as applicable) IF YOU HAVE ANSWERED YES, PLEASE GIVE DETAILS:	
WHICH PRIVATE HIRE OPERATOR DO / WILL YOU WORK FOR?	
HAS THERE BEEN ANY CHANGE IN YOUR HEALTH OR EYESIGHT SINCE THE GRANT OF YOUR PREVIOUS LICENCE: YES / NO (delete as applicable) IF YOU HAVE ANSWERED YES, PLEASE GIVE DETAILS:	
HAS YOUR DVLA DRIVER'S LICENCE BEEN SUSPENDED / REVOKED / ENDORSED FOR ANY OFFENCE IN THE <u>LAST 3 YEARS</u> (OFFENCE TO FAIL TO DECLARE SUCH MATTERS)? YES / NO (delete as applicable) IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS:	
HAVE YOU <u>EVER</u> BEEN CONVICTED OR CAUTIONED FOR A CRIMINAL OFFENCE? YES / NO (delete as applicable): ARE YOU CURRENTLY AWAITING TRIAL OR FACING CHARGES FOR A CRIMINAL OFFENCE? YES / NO (delete as applicable): 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):	

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>.

Licensing Authority
Direct Line: 01865 252565
E-mail: licensing@oxford.gov.uk

3rd Floor, St. Aldate's Chambers
109 St. Aldate's
Oxford
OX1 1DS

Central Number: 01865 249811



ANNUAL BACKGROUND CHECKS

HACKNEY CARRIAGE AND / OR PRIVATE HIRE DRIVER LICENCE – 3 YEAR

The Licensing Authority will carry out regular checks of the status of your DVLA Driver Licence, your Disclosure and Barring Services (DBS) Online Update Service record in order to uphold the objective of Public Safety and promote Safeguarding.

By completing this form you are giving your consent to the Licensing Authority carrying out annual background checks for the duration of your three year Hackney Carriage and / or Private Hire Driver Licence.

Section 1 - To be completed by the applicant:

FULL NAME: _____

ADDRESS: _____

_____ **POSTCODE:** _____

MOBILE TEL. NO.: _____

EMAIL ADDRESS: _____

DATE OF BIRTH: _____

HACKNEY CARRIAGE AND / OR PRIVATE HIRE DRIVER LICENCE NO. : _____

DBS CERTIFICATE NUMBER: _____

DVLA DRIVING LICENCE NO. _____

Acknowledgement

The Driver shall, if subject of any formal Police action including if arrested, released on Police Bail, released Under Investigation, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the action) give full details of it to the Council in writing.

Declaration and Consent:

Being the person referred to in Section 1 above, I authorise the Licensing Authority, Oxford City Council to carry out annual background checks on my DVLA Driver Licence and Disclosure and Barring Services Online Update Service (DBS) record for the three year duration of my Hackney Carriage and / or Private Hire Driver Licence. This authority will expire on the expiration of my Hackney Carriage and / or Private Hire Licence issued by this Authority.

I declare that I have checked the details I have given and that to the best of my knowledge and belief they are correct.

Signature: Printed Name:

Date:

Notes for guidance

Please read the notes before filling in this form.

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

Warning

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

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

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

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

D796

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:

Reference number:

Please delete as appropriate:

Are you making an enquiry on behalf of another company?

Yes No

If yes, company name must be entered below.

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

Surname:

First name: Middle name(s)

Date of birth:

Driver number:

Current address:

Line 1
Line 2
Line 3
Post town
Postcode:

Address on licence (if different):*

Line 1
Line 2
Line 3
Post town
Postcode:

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

3 CPC information (please see notes over the page):

Please delete as appropriate:

Do you require CPC information?

Yes No

DQC number

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

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

Declaration:

Being the person referred to in section 2 above, I authorise 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.

SIGNATURE:

DATE:

OXFORD CITY COUNCIL - TAXI LICENSING

MEDICAL REPORT

Hackney Carriage and Private Hire Drivers

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

A. What you have to do:-

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

B. What the Doctor has to do:-

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

C. Group 2: Medical Standards for 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 $\leq +8$ dioptres.										
d.	Please state all the visual acuities for all applicants measured										
	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">UNCORRECTED</th> <th style="width: 25%;"></th> <th style="width: 25%;">CORRECTED</th> <th style="width: 25%;"></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 Section 4)										
	If YES 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.	Coronary artery disease: Is there a history, or evidence of:			
i)	angina pectoris or heart failure (whether or not maintained symptom free by the use of medication)			
ii)	myocardial infarction/any episode of unstable angina			
iii)	Coronary artery by pass graft (CABG)/coronary angioplasty?			
	If YES to i, ii, or iii please give details/dates (below)			
b.	Has a resting ECG been performed previously			
c.	If you have answered YES for the above question, did it show pathological Q waves present in 3 leads or more, or left bundle branch block?			
d.	Please enter the date that the ECG was performed (if you have answered YES to the above questions) (Note: an ECG does not need to be performed for this examination)			
e.	Other vascular disorders: Is there a history, or evidence of:			
i)	Aortic aneurysm, thoracic or abdominal, with a transverse diameter of 5cm or more (whether or not it has been repaired)?			
ii)	Confirmed symptomatic peripheral arterial disease?			
iii)	Any other significant vascular disorder (ie. Marfans)?			
f.	Cardiac arrhythmia and heart block: Is there a history, or evidence, of:			
i)	significant disturbance of cardiac rhythm within the past 5 years If yes, please give details (below)?			
ii)	pacemaker or cardioverter defibrillator insertion?			
g.	Is the resting blood pressure consistently 180 systolic or more and/or 100 diastolic or more?			
h.	Is there a history, or evidence, of acquired valvular heart disease, with or without heart valve replacement?			
j.	Is there a history, or evidence, of established cardiomyopathy, heart or lung transplant, cardiac surgery other than above, or significant congenital heart disorder?			

Section 8 Medical Practitioner Details

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

About your GP/Group Practice

Name
Address
Tel

SURGERY STAMP

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

CONDITIONS APPLICABLE TO THE LICENSING OF HACKNEY CARRIAGE VEHICLES

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

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

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

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.

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

CONDITIONS OF FITNESS

1. Age of Vehicle

- a. **No vehicle will be first licensed as a Hackney Carriage vehicle unless it is less than five years of age from the date of first registration (Excluding Ultra Low Emission Vehicles)**
- b. **All Hackney Carriage vehicles currently licensed by this Authority shall be permitted to be re-licensed irrespective of their age.**
- c. **Date of first registration will mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.**
- d. **The minimum engine size for a vehicle is 1975cc (Excluding Ultra Low Emission Vehicles)**
- a. **For vehicles older than the maximum age permitted for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.**

2. General Construction

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

3. Steering

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

4. Brake and Steering Connections

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

5. Wheels and Tyres

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

6. Brakes

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

7. Suspension

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

8. Transmission

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

9. Nuts or Bolts

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

10. Fuel Tanks (Ultra Low Emission Vehicles which do not comply with the requirements shall be subject to the Licensing Authority consideration)

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

11. Interior Lighting

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

12. Electrical Equipment

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

13. Accessories

- a. **Fire Appliances:** A fire extinguisher which complies with E.E.C. Standard EN3, which has a minimum capacity of 1.0 Kg, must be carried securely in such a position as to be readily available for use.
- b. The apparatus shall be clearly marked with the vehicle licence number.
- c. **First Aid Equipment:**
 - i) A first aid kit must be carried securely in the vehicle and maintained at all times. The contents must be within the manufacturer's expiry date. It must be carried in such a way as to be readily available for immediate use by a qualified person or volunteer in an emergency.
 - ii) The first aid kit, which complies with the table set out below, must be carried securely in the vehicle:

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

14. Exhaust Pipe

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

15. Body (Ultra Low Emission Vehicles which do not comply with the requirements shall be subject to the Licensing Authority consideration)

- a. The body must be of the fixed head type with a partially glazed partition separating the passenger compartment from the driver.
- b. Outside Dimensions
 - i) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.8 metres.
 - ii) The overall length of the vehicle must not exceed 5.00 metres.
- c. Internal Dimensions of Passengers Compartment
 - i) The vertical distance between the points of maximum deflection of the seat cushion to the roof immediately above that point must not be less than 96.5 cm.
 - ii) Any curvature of the floor of the passengers' compartment must be continuous and must not exceed 2 cm at the partition and 5 cm at the base of the rear seat when measured between the centre line and sills.
 - iii) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm.
 - iv) The minimum angle of the door when opened must be 90 degrees.

- v) The clear height of the doorway must not be less than 1.195 metres.
- vi) Grab handles must be placed at door entrances to assist the elderly and persons with disabilities.
- vii) Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.

16. Steps

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

17. Wheelchair Facilities

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

18. Seat Belts

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

19. Passenger Seats

- a. The measurements from the upholstery at the back to the front edge of the back seat must be at least 40 cm and for each person carried a minimum of 40 cm must be available when measured along the front parallel edge of the seat cushion.
- b. The width of each front seat must not be less than 40 cm and such seats must be at least 35.5 cm when measured from the back to the front of the upholstery.
- c. The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 cm.
- d. Where seats are placed facing each other there must be a clear space of 48 cm between any part of the front of a seat and any part of any other seat that faces it. This measurement may be reduced to 43.5 cm provided adequate foot room is maintained at floor level. Where seats are placed facing to the front of the vehicle there must be a clear space of at least 66 cm in front of every part of each seat squab.
- e. Front seats (rear facing) must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart.
- f. When not in use, seats must not obstruct doorways.
- g. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly people and people with disabilities.
- h. The nearside front seat must be capable of swivelling on its axis to a position where a person with disabilities or an elderly person may seat themselves prior to entering the vehicle. The seat should be capable of resting securely in its travelling position with minimum effort from the passenger or minimum assistance from the driver only.
- i. Every vehicle must carry a booster cushion of a type that conforms to BSI standards, for use when carrying a child.

20. Driver's Compartment

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

21. Windows

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

22. Heating and Ventilation

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

- 23. Glass**
The windscreen must be of laminated construction and not be tinted. All other windows and glass must be an approved safety type.
- 24. Door Fittings**
- a. An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism. The interior door handle must be easily identifiable so as not to be mistaken for any other control.
 - b. Double catches of approved type must be fitted to all doors.
- 25. Fare Table Frame**
A frame must be provided for the fare table that must be fitted in an approved position.
- 26. Floor Covering**
The flooring of the passengers' compartment must be covered with non-slip material which can easily be cleaned.
- 27. Horn**
A horn of approved pattern must be fitted.
- 28. Taximeter**
- a. A taximeter, which conforms to the Council's criteria for taximeters, must be fitted in an approved position.
 - b. Criteria for Taximeters Fitted in Hackney Carriages in Oxford
Taximeters must:-
 - i) Conform to the standards set by the EU/ British Standards Institution for taximeters.
 - ii) Be approved by the Licensing Authority for the Metropolitan area.
 - iii) Only display tariff rates or other charges set by the Council.
 - iv) Be tested and approved prior to usage.
 - v) Not be used for any reason, the seal has been removed or the meter tampered with until such time as the meter has been re-tested, resealed and approved for use.
- 29. "TAXI" Signs**
A "TAXI" sign of approved pattern must be fitted and must be an integral part of the original construction of the vehicle. It must be clearly visible, both by day and night, when the Hackney Carriage is not hired,
- 30. Radio Apparatus**
- a. Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus may be fixed in the passengers' compartment or in the rear boot compartment if L.P.G. tanks are situated therein.
 - b. Any other radio equipment either in the passenger or driver compartment, must be approved.
- 31. Luggage**
Provision must be made for carrying luggage and an efficient method of securing it must be provided.
- 32. Fittings**
No fitting other than those approved may be attached to or carried upon the inside or outside of the vehicle.
- 33. Certificate of Insurance**
A current certificate of insurance as required by an Acts or Regulations relating to motor vehicles and as required by any Acts or Regulations relating to Hackney Carriages, must be in force at all times.
- 34. Licence Plates**
A plate, as supplied by the Council, must be securely affixed to the vehicle in approved position, at the rear of the vehicle. The plate will bear the following information:-
- i) The number of the licence issued in respect of the vehicle.
 - ii) The maximum number of passengers allowed to be carried.
 - iii) The registration number of the vehicle to which the licence has been issued.
 - iv) The expiry date of the licence.
- 35. Additional Number Identification**
The Hackney Carriage licence number, in a form prescribed by the Licensing Authority responsible for the licensing of Hackney Carriages, will be displayed on both rear side windows, and by means of an "internal" plate issued by the Licensing Team to be affixed to the driver / passenger clear perspex compartment divide (behind the driver's seat) and facing into the passenger rear compartment.
- 36. Advertisements**
- a. Advertisements concerning a radio circuit or taxi business to which the proprietor belongs may be displayed on the rear window of the vehicle only measuring a maximum of 4" x 48". It must not obscure the driver's view to the rear.
 - b. Suitable commercial advertisements may be allowed on the inside and outside of the vehicle subject to the approval of the Licensing Authority. An application form may be requested from the Licensing Team.
 - c. Interior advertisements may be displayed only on the bulkhead on top of the passenger/driver partition or on the base of the front seats. All such advertisements must be encapsulated in clear non-flammable plastic.
 - d. Exterior advertisements may be displayed on a purpose-built taxi only:-
 - i) As a full-livery advertisement.
 - ii) On the lower panels of the front two or all four doors, or on the full side lower panels and doors of the vehicle as a continuous item.
 - iii) On the rear window subject to the advertisement being of such a form as not to obscure the driver's view to the rear. If such advertisements are displayed, no other matter may be displayed.
 - iv) Mixtures of advertisers or subject matter are not permitted.
 - e. Advertisements must be of such a form as not to become easily soiled or detached.
 - f. All materials and adhesives used in the manufacture of and for the purpose of affixing advertisements to vehicles must be non-flammable.
 - g. Applications for approval of advertisements must be made in writing to the Licensing Authority responsible for the licensing of Hackney Carriages and, if approval is granted, the approval will be for the duration of the Hackney Carriage licence and such shorter time, which may be decided at the time of the application.
 - h. The Licensing Authority may grant or refuse any such application provided he/she feels may be unsuitable.
 - i. Permission will not be granted for the display of any advertisement that does not comply with the Council's criteria for the display of advertisements in or on Hackney Carriages.

- j. Advertisements displayed in or on Hackney Carriages licensed by Oxford City Council must not be, racist or sexist; and should not cause offence to persons with any form of disability, to the general public or any section of the community. Advertisements must not refer to tobacco or alcohol products unless as part of a health education or similar campaign.

37. Internal Advertisement Criteria

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

PLEASE NOTE – ALL APPLICATIONS FOR THE CARRYING OF ADVERTISEMENTS / LIVERY MUST BE SUBMITTED BY WAY OF THE APPROVED APPLICATION FORM AS FOUND CONTAINED WITHIN THIS APPLICATION PACK.

CONDITIONS APPLICABLE TO THE LICENSING OF PRIVATE HIRE VEHICLES

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

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

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

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

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.

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

1. General

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

2. Type of Vehicle and Conditions of Fitness

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

Age of Vehicle

- a. No vehicle will be first licensed as a Private Hire vehicle unless it is less than five years of age from the date of first registration.
- b. All Private Hire vehicles currently licensed by this Authority shall be permitted to be re-licensed irrespective of their age.
- c. "Date of first registration" will mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.
- d. The minimum engine size for a Private Hire vehicle is 1375cc. (Excluding Ultra Low Emission Vehicles)
- e. For vehicles older than the maximum age permitted for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.

3. General Construction

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

4. Colour of Vehicles

A vehicle submitted for licensing as a Private Hire Vehicle, to carry more than five passengers or of a non-saloon type will be approved for licensing irrespective of the colour of paintwork, so long as such colour is consistent with the colour scheme of the vehicle.

5. Alterations to vehicles

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

6. Passengers

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

6. Seat Belts

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

7. Steering

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

9. Wheels and Tyres

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

10. Windows

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

1. Glass

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

2. Luggage

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

3. Fittings

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

4. Certificate of Insurance and Form of Holder

A current certificate of insurance as required by any Acts or Regulations relating to Private Hire Vehicles, must be carried in a holder securely affixed to the vehicle in an approved position and be positioned in the holder in such a manner that the details of commencement, expiry and details of cover are clearly visible.

5. Licence Plates

A plate, as supplied by the Council, must be securely affixed to the vehicle in approved position, at the rear of the vehicle. The plate will bear the following information:

- a. the number of the licence issued in respect of the vehicle.
- b. the maximum number of passengers allowed to be carried.
- c. the registration number of the vehicle to which the licence has been issued.
- d. the expiry date of the licence.

6. Council Required Livery

Until 31st December 2015 "Door Stickers" supplied by the Council shall be affixed directly to the front doors on both sides of the vehicle, unless written approval from the Licensing Manager has been given to the vehicle proprietor for the vehicle to be fitted with an "internal" plate affixed to the front windscreen of the vehicle (and facing outwards) as supplied by the Licensing Team. From 1st January 2016 all vehicles proprietors will be permitted the option of either retaining the Council supplied Door Stickers affixed to the vehicle, or replacing the Door Stickers with an "internal" plate affixed to the front windscreen of the vehicle (top left corner of passenger side and facing outwards) as supplied by the Licensing Team.

7. Internal Council Livery

A "No Booking No Ride" sticker supplied by the council, indicating that the Private Hire vehicle is not available for public hire shall be affixed to the windscreen. From 1st January 2016 such livery will no longer be required.

8. Private Hire Operator's Sign

- a. A sign must be displayed on the rear doors on both sides of the vehicle containing details of the name of the Operator of the vehicle and any telephone number, fax number, email / web address, or other means of communication with that firm.
- b. The sign shall be no larger than A3 paper size and fitted "portrait" style to both rear passenger doors.
- c. The sign shall not contain the words "tax", "taxi", "cab", "taxi-cab" or "for hire", whether or not as part of another word.
- d. Exemption for the display of the sign will be granted to those vehicles, which have been granted exemption for the display of a licence plate under s74 (3) Local Government (Miscellaneous Provisions) Act 1976 and with the same conditions contained in legislation for that exemption.

9. Steps (for non-saloon vehicles)

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

10. Wheelchair Facilities (where fitted)

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

11. Swivel Seat (where fitted)

The nearside of the front seat must be capable of swivelling on its axis to a position where a person with disabilities or an elderly person may seat themselves prior to entering the vehicle. The seat should be capable of re-siting securely in its travelling position with minimum effort from the passenger or minimum assistance from the driver only.

22. Accessories

- a. **Fire Appliances:** A fire extinguisher which complies with E.E.C. Standard EN3, which has a minimum capacity of 1.0 Kg must be carried securely in such a position as to be readily available for use.
- b. The apparatus shall be clearly marked with the vehicle licence number.
- c. **First Aid Equipment:**
 - i) A first aid kit must be carried securely in the vehicle and maintained at all times. The contents must be within the manufacturer's expiry date. It must be carried in such a way as to be readily available for immediate use by a qualified person or volunteer in an emergency.
 - ii) The first aid kit, which complies with the table set out below, must be carried securely in the vehicle:

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

d. Booster Cushion

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

23. Taximeter (where fitted)

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

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