



Licensing Committee agenda

Date: Monday 2 November 2020

Time: 6.30 pm

Venue: via video conference

Membership:

C Jackson (Chairman), S Renshell (Vice-Chairman), D Barnes, M Hussain JP, S Lambert, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, G Powell, J Read, J Rush, N Southworth, Sir B Stanier Bt and H Wallace

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None.

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5 Date of Next Meeting

Wednesday 11 November at 6.30pm

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Agenda Item 3
Buckinghamshire Council
Licensing Committee

Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 9 SEPTEMBER 2020
IN VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.23 PM**

MEMBERS PRESENT

C Jackson, D Barnes, M Hussain JP, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, N Southworth, Sir B Stanier Bt and H Wallace

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors S Lambert, G Powell, J Read, J Rush and S Renshell.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 1 July 2020 were agreed as an accurate record.

4 IMPACT OF COVID-19 ON LICENSING SERVICES - FURTHER UPDATE REPORT

The committee received a further update report on the impact of Covid-19 on licensing services having received an initial update at its previous meeting on 1 July 2020. In response to the Covid-19 situation the Licensing Service has had to make a number of changes to the level of service received by businesses and individuals, including how the services were delivered and the fee level charged. At the request of the Committee this report provided a further update on the return to business as usual within the Licensing Service following the easing of lockdown restrictions, and also summarised the financial impacts of Covid-19 at this point in time. The report can be viewed in its entirety on pages 9 to 18 of the agenda pack.

The Committee was advised that the council's licensing service had played a key role in supporting businesses and individuals, particularly within the hospitality sector which had been heavily impacted by Covid-19 restrictions. A number of changes had been implemented within the licensing service during the lockdown period and the report details those changes that had to be made during that period along with the current position. The move toward a return to more 'business as usual' services being resumed included all invoices owing having now been issued and license suspension for persistent non-payment now due to re-commence under the licensing act and gambling act whilst under taxi licensing, all face to face verification appointments and safeguarding checks for taxi drivers had been re-instated and carried out in accordance with office and service risk assessments. All backlog vehicle livery plates and doors

signs had now been issued whilst the majority of backlog driver badges had also been issued. The in-house MOT testing centre in Aylesbury was fully operational and testing both new and renewal vehicles, all vehicles that were issued with a renewal licence during the lockdown period should now have had an enhanced vehicle test carried out. Any vehicle issued a license during the lockdown period that had failed to return for the mandatory council inspection had seen its licence suspended.

The financial impact and projected income loss from April to July was noted in the report on pages 15 and 16 of the agenda pack and was significantly lower than initially forecast, although could be affected by any further lockdown restrictions should they be imposed at any point.

During discussion the following issues were highlighted:

- It was queried how a member of the public would be aware whether a taxi was suspended from operating and whether there was an area on the council website where up to date livery plates and door signs could be viewed. It was clarified that during the lockdown period paper licenses had been issued temporarily with the requirement to visit the council testing centre when restrictions lifted. Where vehicles had not passed an inspection or had failed to attend and re-booking was not possible, the licences had been suspended and the taxis would not have up to date livery/badges on display. As it is still early in the formation of the new council it was confirmed that taxis would still display liveries from legacy councils. In order to assist the public with identifying a licensed taxi or private hire vehicle, officers agreed to take an action away to review the information currently on the legacy websites and ensure that this was consistent and available across the Buckinghamshire Council areas.

Action: Officers to review the information currently held on the legacy websites regarding how to identify a licensed taxi or private hire vehicle and ensure that this was consistent and available across the Buckinghamshire Council areas.

- In response to a query on how both English and Knowledge tests were being carried out, members were advised that face to face interviews had resumed with drivers where they were being greeted and shown to a room where they undertook a telephone based English test whilst Knowledge tests carried out by independent assessors had resumed in July.
- An update was given on animal licensing with members being advised that the licensing service continued to work through a backlog which had arisen as a result of not being able to inspect private houses or commercial premises prior to lockdown restrictions being lifted. New applicants and premises which had not been visited before were being prioritised followed by higher risk renewals which included larger scale operations. Midterm inspections of premises would then be worked through, many of which the council was familiar with and already had an understanding of operations.
- A member queried whether there was any knowledge of taxi companies having ceased operations or driver numbers having been reduced as result of covid-19. It was explained that a clear reduction in the expected level of income was evident so there had been fewer applications made than there ordinarily would have been. There was not specific knowledge of any operator ceasing operations but reports suggested that the trade was down circa 40-50%.
- In terms of preparedness for any additional restrictions imposed, the committee was advised that officers had learned lessons from the initial wave and would continue to be responsive, consistent and flexible.

Resolved

That the report be noted.

BUSINESS & PLANNING ACT 2020

The Committee considered a report on the Business and Planning Act 2020 which received royal assent on the 22nd July 2020 and was enacted with immediate effect. The Act aims to support business recovery, help businesses adjust to new ways of working and create new jobs. It introduced a number of urgent measures to help businesses succeed over the coming months, and to remove short term obstacles that could get in their way. Almost all measures were temporary, with some limited exceptions. There were two key areas within the Act relevant to Licensing Services; firstly the provisions in the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises, to allow the sale of alcohol for consumption off the premises. Secondly the Act introduces a new 'fast-track' pavement licence process to facilitate the provision of outdoor dining and drinking by businesses. The full report on pages 19 to 27 of the agenda pack details the requirements of these temporary changes including businesses excluded from the changes.

The Committee was advised that there was no additional fee for the automatic extension to the terms of most premises licences to allow off the premises consumption however there is a fee involved with pavement licensing. Within the council's constitution the setting of this fee is delegated to the Licensing Committee, however in order to facilitate immediate implementation in July when the Act received royal assent, the Cabinet Member for Regulatory Services in consultation with the Chairman of the Licensing Committee agreed a provisional fee of £100 for applications. The actual cost of processing an application is closer to the region of £300 so each application does incur costs to the council.

During discussion the following key points were raised:

- In relation to the timespan of granting pavement licenses up until the temporary end date of September 2021, LGA guidance encouraged councils to take a pragmatic approach to supporting businesses and granting licenses for the full period, this would also be cost effective for the council and avoid having to process more than one application during that period for any particular premises. Further, it was clarified that the online process for applying for the license does not request the applicant to specify an end date and rather the council was handling applications on the basis of them running to September 2021.
- In total 21 applications had been received at the time of the committee meeting, 16 were granted, 3 were initially rejected but following amendments made 1 had been granted, and 2 had been refused. The costs for the council involved the requirement of input from the highways department which needed to assess each application as to the suitability of granting a pavement licence.
- At the time of the meeting there had been no feedback or complaints from businesses on the level of the fee and it was noted that previous costs for a tables and chairs licence would have been considerably higher.
- Through consultation between the Licensing service, Highways department and Thames Valley Police standard conditions had been introduced as appended to the report on pages 29 to 31 of the reports pack. Where it was felt additional controls were required there was the option to add further conditions.

It was proposed by N Southworth, seconded by J Lowen-Cooper and **resolved**

That the temporary changes to the Licensing Act 2003 introduced by the Business & Planning Act 2020 be noted and that the level of fee of £100 currently charged for each pavement licence and the duration of pavement licences issued under the Business & Planning Act 2020 until 30 September 2021 be confirmed.

6 DATE OF NEXT MEETING

The date of the next meeting is Wednesday 14 October at 6.30p.m.



Report to Licensing Committee

Date: 14th October 2020

Title: Buckinghamshire Council Taxi and Private Hire Licensing Policy

Author: Lindsey Vallis, Transition Head of Licensing Cemeteries & Crematoria,
Caroline Steven, Licensing Team Leader (Wycombe & Chiltern and South
Bucks areas), Simon Gallacher, Principal Licensing Officer (Aylesbury Vale
area)

Recommendations:

1. To note and comment on the content of the report
2. To agree the commencement of a public consultation on the new Buckinghamshire Council Taxi and Private Hire Licensing Policy

Background

- 1.1 The Council is committed to adopting a new taxi and private hire vehicle licensing policy to support the alignment of the licensing regimes of the former Districts. As reported to the Licensing Committee on 1 July 2020, the adoption of a new policy presents an opportunity to ensure Buckinghamshire Council licensed vehicles, drivers and operators are all held to the highest possible standards along with consistency for both drivers and the public.
- 1.2 Officers from the Licensing Service have drafted a new policy in collaboration with the Council's policy team. The new policy (see appendix 1) has been benchmarked against existing policies and the new Statutory Taxi and Private Hire Vehicle Standards (published July 2020) (see appendix 2). Measures proposed in the new policy will impact on the existing licensed trade to varying degrees depending on the legacy area within which they currently operate and on their own current operational arrangements (e.g. current age and specification of vehicles), with some potentially more significantly affected than others. New entrants to the trade will also be impacted as a result of higher standards required of vehicles, drivers and operators. The policy also considers the application of "grand father" rights in respect of the existing trade. The more potentially controversial aspects of the new policy are set out in section 2 of this report.

- 1.3 Pre-engagement consultation with stakeholders has been carried out including an online survey, which ran from the 7th - 27th September, and the associated communications plan which included targeted communication with the taxi licensing trade. Licensing Committee member workshops were held on 15th and 16th September and the responsible Cabinet Member and the Chair of the Licencing Committee have also been fully engaged throughout the process. A progress update paper was presented at the Environment & Localism Select Committee on the 24th September. Feedback received throughout this engagement period has been incorporated into the proposed policy
- 1.4 A key policy issue concerns hackney carriages and the proposal that the five current geographical hackney zones, with their own Byelaws, vehicle specifications and wheelchair accessibility, ranks, limitation policy (in respect of Aylesbury Town), licence fee and fares and should be removed and replaced with one single new hackney zone across the Buckinghamshire Council area

Main content of report

- 2.1 **Pre-engagement survey**
 - 2.1.1 A pre-engagement survey was undertaken between the 7th and 27th September 2020. Information on the survey was provided to key stakeholders, including the taxi licensing trade, via email, social media and member and residents newsletters. A total of 583 responses were received with 58% of responses received from residents and 36% of responses from the licensed trade, providing a good range of responses across the key stakeholder groups. A copy of the summary public survey results is attached as appendix 3. The findings of the survey have aided the formation of the new policy and are referenced throughout this report.
- 1.2 **Statutory Standards**
 - 2.2.1 In accordance with the Policing and Crime Act 2017, the Department for Transport published new standards for taxi and private hire vehicles in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. Councils must have regard to these new standards and it is expected that they will be adopted unless there is compelling local reason not to. The majority of these standards have already been adopted by the former District Councils such as enhanced DBS checks, English language testing and information sharing with the police and other local authorities. However there will be some new challenges presented by the standards which are not current policy requirements but have been included in the new policy. These include:
 - Policy to be reviewed every 5 years and annual performance reviews

- Retrospective application of the new policy in some areas (e.g. English language testing and criminal convictions policy)
- 6 monthly DBS checks and subscription of drivers to the DBS Update Service (currently, driver DBS checks are performed every 3 years on licence renewal)
- Annual DBS checks for vehicle owners where they are not licensed drivers
- CCTV in vehicles. The standards advocate local consultation to determine whether CCTV would have a net positive or adverse impact on safety. The Council needs to be mindful that should it mandate CCTV, or dictate conditions as to its installation and use, then in accordance with ICO guidance, it is likely to be deemed a data controller under the Data Protection Act.
- Annual basic DBS checks for operators where they are not licensed drivers (these are currently carried out every 5 years on renewal of the licence, or 3 yearly for driver/operators), basic DBS checks on all staff responsible for bookings.

2.2.2 It remains acceptable for the Council to adopt a differing local policy but in instances where the Council choose not to follow the statutory standards it is expected to state why. With respect to the new policy this is essentially only applicable in one key area which relates to decision making where grant of a licence may be contentious. The statutory standards are clear that regardless of the decision making model adopted, the objective must be to separate the investigation of licensing concerns and the management of the licence process. The policy proposes that a panel of delegated expert officers and a manager (where appropriate in consultation with legal services) review licence investigations and make contentious licence decisions where there is a breach of, or non-compliance with, policy requirements. This model reflects the approach currently taken within all the legacy District areas and has been shown to be robust, consistent and efficient. In addition the effectiveness of this approach has been evidenced by consistent successful appeal outcomes in the Courts across the legacy areas (a majority of taxi licensing decisions are appealed through the magistrate's court where there is a perceived negative impact on the applicant). Buckinghamshire Council is now one of the largest taxi licensing authorities in the country, licensing in the region of 3500 drivers and 2500 vehicles. As a result there is a need to make timely, consistent and robust licence decisions that fulfil the Council's obligations and achieve the correct outcome for the traveling public, whilst also ensuring that the process in itself does not create additional cost and delay for the trade. There is a clear need for member involvement, scrutiny and accountability in this area and, as proposed, the Licensing (Regulatory) Committee will have full oversight of all contentious licence decisions

made via a regular reporting and review mechanism, enabling discussion, consideration and review of the consistency and robustness of decisions taken.

- 2.2.3 A separate report on the implementation of the statutory standards will be presented to the Licensing (Regulatory) Committee in early 2021 to enable focused consideration of the new standards and their application within the new Buckinghamshire Council Taxi and Private Hire Licensing Policy. The timing of this report is linked to the decision making process for the Policy.

2.3 Other key policy changes:

- 2.3.1 Beyond the statutory standards, the policy introduces further robust measures which will be new to some or all of the former District areas. These include:

- Vehicle emissions policy: ultra low or zero emission vehicles by 2030. New licences for vehicles exceeding Euro 6 and renewals for vehicles exceeding Euro 5.
- New vehicles to be less than 5 years old and vehicle licences ceasing once the vehicle is 10 years old (limousines / prestigious vehicles and low emission vehicles 15 years).
- Disability awareness training for drivers and operators. Specific training for all drivers of Wheelchair Accessible Vehicles (WAVs).
- English language testing for all drivers – new applicants and those who have not previously been tested.
- Compulsory Safeguarding training for operators, with refresher training for drivers and operators every 3 years.
- Knowledge test for operators (knowledge test for operators will cover legislative and policy requirements rather than local geographical area knowledge)
- Drug testing of drivers in appropriate circumstances or where there is cause for concern

- 2.3.2 The adoption of the new policy as drafted will ensure that Buckinghamshire Council not only meets its statutory obligations, but will help promote the highest standards to secure public safety and promote a cleaner environment. Elements of the policy will inevitably place a higher financial burden on the trade, notably in terms of the proposed vehicle age limits and the mandate of CCTV in vehicles. Additional testing, assessment and record keeping requirements introduced by the new statutory standards will also place additional burdens on the trade and on Licensing Services resources. It should be noted that policy changes which increase the work required within Licensing Services will be reflected in the licensing fees charged to the trade.

However, these additional burdens should be balanced with the overriding aim of protecting public safety.

- 2.3.3 It is not currently possible to provide an indication of the financial impact policy changes may have on the taxi trade ahead of the public consultation on the policy. Most changes to taxi licensing fees and charges also require public consultation and as such any proposed changes to the existing charging structures will be presented to Licensing (Regulatory) Committee to review ahead of a further public consultation process. It is proposed that this separate report will come forward at a time that aligns, as far as possible, with the approval process for the Policy itself.
- 2.3.4 Alongside adoption of a new policy, there are some key areas of contention and complexity that have been considered as the Council moves to align policy areas of the former Districts:

2.4.1 Hackney Carriage Zones

There are currently 5 separate hackney carriage zones in the Buckinghamshire Council area, with separate requirements in respect of vehicle specifications, fares payable and areas where they are permitted to stand and ply for hire. In addition, Aylesbury Town currently has a limitation policy of 50 hackney carriage vehicles. The policy proposes to remove these zones which will mean that hackney carriage vehicles will be free to ply and stand for hire across the entire Buckinghamshire Council area.

- 2.4.2 To provide some context around this decision the DfT Taxi and Private Hire Vehicle Statistics, England: 2019 show that in England, outside London, since 2005 the number of licensed private hire vehicles has increased by 66% compared to only a 16% increase in taxis (hackney carriages). Furthermore between 2017 and 2019 whilst there was 12.8% increase in the number of licensed private hire vehicles, the number of licensed taxis (hackney carriages) declined by 6.1% (for the South East for the same period licensed private hire vehicles increased by 7.3% and licensed taxis declined by 5.7%). These figures are indicative of a changing market which is likely driven by the use of smartphone apps for the private hire trade enabling customers to easily book, track and trace a private hire vehicle rather than utilising the traditional taxi rank option to travel when out and about.
- 2.4.3 The DfT Statistics also show that nationally only 30% of local authorities continue to impose limits on hackney carriage numbers that can operate within a zoned area. Numerical limits on hackney carriages can only be imposed lawfully if the Council is satisfied that there is no significant demand which is unmet. To meet this legal test the Council is required to carry out routine surveys. The DfT Best Practice Guidance recommends that limits should be avoided and the number of licensed taxis should be left to market forces. However where limitation policies are adopted they should be reviewed at least every 3 years. The Aylesbury Town limitation policy of 50 has

been in place for many years now and is overdue for review. The current number of licensed hackney carriages is below 50 and there is no recent evidence of demand to take up the available licences.

- 2.4.4 The formation of the new Buckinghamshire Council unitary authority by government on the 1st April 2020 was based on the opportunities that this would present in terms of the rationalisation and streamlining of services, as well as the provision of joined up services for residents. The creation of the new Council provides an opportunity for a coherent and more joined up approach on taxi and private hire licensing across the Buckinghamshire Council area, enabling greater innovation in service provision for residents and informed strategic decision making in terms of the direction of travel for the future.
- 2.4.5 The new policy proposes the removal of all existing hackney carriage zones enabling hackney carriages to operate across the entire Buckinghamshire area. The limitation on the availability of hackney carriage vehicle licences in the Aylesbury town area is directly associated with the existence of the zone in which the restriction applies. Removal of this zone would therefore have the immediate effect of removing any associated limitations on taxi licence numbers.
- 2.4.6 The key considerations in making this decision have been a desire to ensure that how we operate in the future reflects the key priorities of the new Buckinghamshire Council in terms of protecting the environment and promoting the local economy for businesses and residents. Creating a single zone enables hackney carriages to operate across the Council area and respond flexibly to meet demand. Hackney carriages travelling across the Buckinghamshire Council area would be more able to pick up a fare on a return journey, limiting the amount of time spent travelling unoccupied and increasing earning potential. A single zone will assist the implementation of a single set of standards and tariffs simplifying the system for the taxi users and for the licensed trade.
- 2.4.7 The policy proposes that all new, additional licensed hackney carriage vehicles must be wheelchair accessible vehicles (WAVs). Whilst this measure is primarily intended to ensure an adequate provision of WAVs within the mixed taxi and private hire fleet, it is also likely to limit in part the number of new entrants to the market because of the additional financial outlay required. This should go some way towards balancing concerns regarding an influx to the market for the existing trade. Existing hackney carriage providers will be able to replace their vehicle with a similar type vehicle at the point it reaches the maximum vehicle age limit, ensuring the long term provision of a mixed fleet. Where the existing vehicle is a ‘black cab or similar type specification’ hackney carriage providers will be able to replace the vehicle with a different type of WAV if they wish to do so.

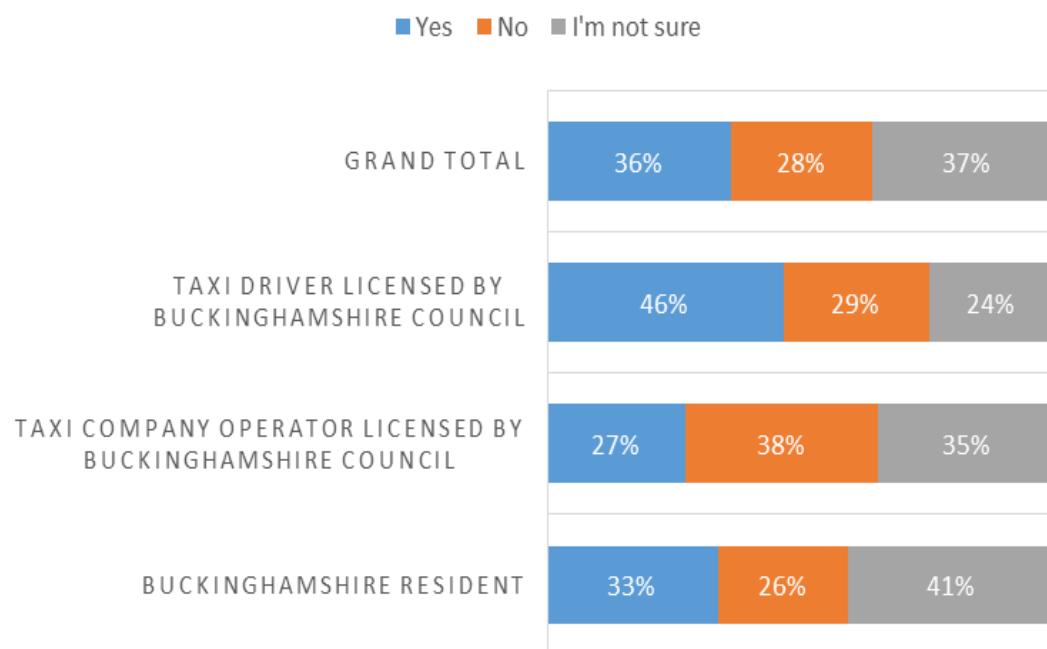
- 2.4.8 The DfT Taxi and Private Hire Vehicle Licensing Best Practice Guide (March 2010 edition) recommends the abolition of zones and states that the primary reason for this is to benefit the travelling public. The guidance states that zoning tends to diminish the supply of taxis and the scope for customer choice and that the provision of separate zones for customers can be both confusing and frustrating. In addition the abolition of zones can reduce costs for the local authority, for example through simpler administration and enforcement, as well as promoting fuel efficiency through more occupied taxi journeys (where a fare can be picked up for a return journey).
- 2.4.9 The possible advantages and disadvantages to the creation of a single hackney carriage zone are summarised below:

Possible advantages to operating a single hackney carriage zone	Possible disadvantages to operating a single hackney carriage zone
Provides greater customer choice and parity across the Buckinghamshire Council area encouraging flexibility and competition and associated benefits for the travelling public.	Hackney carriages may migrate to most densely populated areas possibly limiting services available in other parts of the Buckinghamshire Council area
The Department of Transport consider the one zone approach to be best practice.	Potential for increased traffic movements and congestion in busy town areas especially during periods of high demand at peak times. Could lead to increases in road traffic pollution at certain times.
Could lead to greater availability of hackney carriage vehicles in some busy areas at peak times. Could result in fewer or shorter taxi queues in some busy areas at peak times.	Could lead to a reduction in available work and income for existing trade members as a result of the ability of taxis from outside existing zones to operate throughout the Buckinghamshire Council area and for new people and vehicles to enter the trade in previously limited areas.
May be beneficial to hackney carriage owners and drivers who are currently excluded from operating outside their current zones.	Possible reduction in number of WAVs available in some areas dependent on vehicle migration.
Could encourage new drivers and vehicle owners to enter the trade and provide new employment opportunities.	

Possible advantages to operating a single hackney carriage zone	Possible disadvantages to operating a single hackney carriage zone
Would provide greater freedom and the ability for hackney carriage trade members to operate throughout the Buckinghamshire Council area as opposed to just one zoned area.	
There is the potential for an increase in income for some members of the hackney carriage trade as a result of a lifting of restrictions.	
Would be beneficial to the enforcement regime.	
Could support crime and disorder reduction by assisting in the efficient transport of pedestrians in town and city centres and help promote the safe night time economy.	
One set of hackney carriage fares/tariffs would give greater uniformity and parity for the travelling public	
The imposition of a single set of hackney carriage tariffs could be beneficial to some members of the existing hackney carriage trade where tariffs are currently lower than other areas.	
Would remove some existing confusion and complexity and provide a simplified and more uniform system of hackney carriage licensing.	
Possible increase of WAVS available across Buckinghamshire area, particularly in areas where provision is currently low.	

2.4.10 Pre-engagement feedback around the retention or removal of hackney carriage zones was mixed with 41% of responders indicating that they felt that the existing

zones should be retained, 27% indicating that they should not be retained and 32% unclear on either option. The removal of hackney carriage zones is a complicated issue and will likely have both positive and negative impacts. The responses in this area are indicative of the complexity of this decision. When asked, “do you think the Council should keep separate taxi operating zones” the survey answers were as follows (responses from other groups on this question were too low to be meaningful and as such have been excluded):



Overall the majority of respondents (37%) didn't know whether we should retain separate taxi operating zones or not, although this was closely followed by those who answered 'Yes' (36%) who favoured keeping separate zones, and those who answered 'No' (28%) who supported the creation of a single zone.

- 2.4.11 Taxi Drivers were strongly in favour of retaining separate zones (46%), whilst residents were not sure (41%) and taxi company operators were in favour of creating a single zone. (38%). 18% of respondents who answered 'Yes' and 5% who answered 'No' to retaining separate zones were confused by the question and these answers have been excluded. However this could mean that other respondents who didn't leave a further comment on their answer may also not have understood the implications of the question.
- 2.4.12 Where there was a clear view that existing zones should be retained comments received indicated concerns around local knowledge of drivers, competition and loss of trade such as:

Otherwise the scope to ply for hire is too large and you lose control of numbers of taxis working each area.

'Drivers from other zones will not necessarily know the other areas. Drivers should be able to work in a zone that they know and have a knowledge test for without SatNav.'

'Having vehicles in adhoc places could also make it difficult for disabled customers to a) find b) get into vehicles.'

Retain existing zones

'My fear is that if the Zones were abolished there would be a large concentration of cabs in certain places and none at others. There should however be unification of rules and fares'

'I don't trust drivers to use their own initiative about where it is appropriate to park/wait. To remove taxi zones would open them up to blocking high traffic areas where they may feel they can pick up more customers. This would be making it more difficult for pedestrians and other drivers. Parking enforcement is difficult and expense to manage, asking readily identifiable vehicles only park in a allocated zone makes it much easier to monitor.'

2.4.13 Where there was a clear view that existing zones should be removed comments indicated support for an open market operating across the Council area, increased customer choice, standardisation and value for money such as:

'All zones, should all have the same rules. If all the zones have different rules then it's confusing. The more complicated you make it the harder it is for the public/companies.'

'It's unfair for a taxi who picks up a fare in Aylesbury, say, to Wycombe to have to drive back to Aylesbury Vale before they can pick up another fare. If taxis can operate right across London I don't see why they can't operate across our much smaller unitary authority.'

'Rules should be unified across the county, it is ridiculous to have separate ones in separate areas.'

Create single zone

'Simplifies the set up and stops some companies operating as monopolies'

'We are supposed to be one county and council'

'Market consolidation would be a good thing'

'Better for the taxi driver and no difference for the passenger'

2.4.14 Of the 62 responses received from hackney carriage drivers on this issue 69.3% of them felt that the existing zones should be retained, 19.4% felt they should be removed and 11.2% were unsure. Hackney carriage drivers indicated concerns that rank space in the major towns was insufficient and that removing existing zones would create an influx of vehicles to these areas. They also felt that local knowledge was important when working in a particular area.

2.5 Taxi rank use and provision

The public survey asked responders whether they were users of taxi ranks and where they felt provision was lacking. Of those that responded to the survey 45% were users of taxi ranks. This response was reasonably consistent across all areas other than in South Bucks where only 16% of responders said that they currently use ranks which likely reflects the more limited rank provision in this area.

Do you use taxi ranks?	Yes	No Answered	Not Answered		Count
			Yes	No Answered	
Aylesbury Vale area	48%	51%	1%	192	
Chiltern area	52%	48%	0%	31	
South Bucks area	16%	84%	0%	19	
Wycombe area	53%	47%	0%	74	
Not Answered	40%	59%	1%	230	
Grand Total	45%	55%	1%	546	

119 responders provided information on locations where they would like to see a taxi rank and a number of these identified train stations as potential additional rank locations including, Beaconsfield, Gerrards Cross, Haddenham, Marlow and Wendover as well as Stoke Mandeville Hospital. Information on taxi ranks will be shared with the Council's Highways team as well as Chiltern Railways and the NHS to review and consider next steps in relation to additional rank provision.

2.6. Vehicle specifications and Wheelchair Accessible Vehicles (WAVs):

The decision to remove the current separate hackney carriage zones will likely influence the provision of WAVs for the travelling public. The legacy district areas currently have different requirements in relation to vehicle specifications and wheelchair accessible vehicles:

Current vehicle specification:

Vehicle type	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	Purpose built (black or white 'London cab' type or similar), all must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new, additional licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new, additional licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new, additional licensed vehicles must be WAVs

Current wheelchair accessible vehicles by type:

% or vehicles that are WAVS	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	100%	48.3%	1.4%	1.2%
Private Hire Vehicle	4.4%	6.7%	1.4%	1.25%

- 2.6.1 To provide some context to this decision in England in 2019, 16% of all licensed vehicles were wheelchair accessible. 58% of all hackney carriages were wheelchair accessible while 2% of private hire vehicles were wheelchair accessible. In Buckinghamshire in 2019 7.2 % of all licensed vehicles were wheelchair accessible 24.7% of all hackney carriages were wheelchair accessible and 4.5% of private hire vehicles were wheelchair accessible.
- 2.6.2 Significantly more disabled people responded to the pre-engagement survey (17%) than there are in the general population (4%). However this could be due to the way data was captured as responders were asked whether they had a disability or 'long term' health condition. It may also reflect the completion rate of the survey by service users of home to school transport services who were engaged as key stakeholders in the process.
- 2.6.3 Buckinghamshire has an aging population with 26.7% of the population over the age of 65 (at the last census in 2011) which was slightly above the national average. The Joint Strategic Needs Assessment for Buckinghamshire (2016-2020) indicates a 44.4% increase between 2015 and 2025 in the percentage of the population aged 80 and over with the proportion of working age adults falling. Taxi and private hire vehicles provide an important service to disabled, elderly and vulnerable passengers who may be unable to access other forms of transport easily. The taxi policy aims to

ensure that there is sufficient variety of vehicles within the fleet to adequately meet the demands of all users.

- 2.6.4 As a benchmark, according to the Disabled Persons Transport Advisory Committee (DPTAC), a proportion of less than 25% WAVs within the fleet would be unlikely to meet the necessary levels of service. A mixed fleet of WAVs and other vehicle types is most likely to meet the needs of disabled passengers.
- 2.6.5 The policy proposes that all new, additional hackney carriages must be wheelchair accessible vehicles. Existing hackney carriage providers will be able to replace their vehicle with a similar type vehicle at the point it reaches the maximum vehicle age limit ensuring the long term provision of a mixed fleet. Where the existing vehicle is a ‘black cab or similar type specification’ hackney carriage providers will be able to replace the vehicle with a different type of WAV if they wish to do so. This requirement should limit the number of new entrants to the market providing a degree of protection to the existing hackney carriage trade whilst also enabling competition and the natural application of market forces. The provision of WAVs and the required level of mixed fleet vehicles will be kept under review. There is a requirement to review the new Policy every 5 years and more often if there are significant local or national changes to the market.
- 2.6.6 The removal of existing hackney carriage zones will enable hackney carriage vehicles to operate across the Buckinghamshire Council area. This open market approach should increase the availability of wheelchair accessible vehicles for users, balancing up to some extent the differences in legacy Council area WAV availability for users.

2.7 CCTV

The new DfT standards for taxi and private hire vehicles advocate local consultation to determine whether CCTV would have a net positive or adverse impact on safety. The licensing service has received a number of enquiries from the trade requesting that they can install and use CCTV in vehicles and at the current time this is allowed, and guidance provided where it is requested, in all legacy areas. Only 4% of local authorities currently mandate CCTV (DfT Taxi and Private Hire Vehicle Statistics 2019) although most allow it. Where the Council mandates the use of CCTV or dictates conditions as to its installation and use, then in accordance with ICO guidance, it is likely to be deemed a data controller under the Data Protection Act.

- 2.7.1 The current policy proposes to mandate the use of CCTV in taxi and private hire vehicles from April 2023 as it both promotes and protects the safety of the travelling public and the taxi trade as well as facilitating enforcement activity where required. An implementation date of April 2023 provides the licensed trade with notice of intention to mandate the use of CCTV in vehicles and time to plan and prepare for this change. It also enables technology in this field to develop further, potentially increasing choice and reducing costs to the trade.

2.7.2 Public survey results show that 59% of responders felt that having CCTV installed in vehicles was extremely or fairly important with 24% indicating that it was neither important or unimportant to them. The number of individual comments received in relation to the installation of CCTV was relatively low. However there was generally support for mandating its use whilst recognising that there may be a significant financial investment from the trade required. This should be carefully considered alongside the impact of other policy changes. Responders said:

'CCTV solves all complaints in an instant - protects the driver and passenger.' (taxi operator)

'I think vehicle(s) should have CCTV cameras so both driver and passengers are safe...' (taxi driver)

'Serving (the) general public isn't always easy as individuals differ in their levels of behaviour and good manners so drivers need to be able to deal with this appropriately. Bearing this in mind, perhaps CCTV would help to safeguard operators and customers alike.' (resident)

Mandate CCTV in vehicles

'CCTV offers security to all parties and would be a great addition. At £200 average for decent equipment, when you have a fleet of 50 vehicles it's a big financial commitment especially in the current time when work is 90% down and unlikely to recover until Summer 21.' (taxi operator)

2.8 Vehicle age

Currently vehicle specifications and in particular the age of a vehicle that can be licensed as a hackney carriage or private hire vehicle differ across the legacy areas.

Current vehicle age requirements:

Age limit	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	15 years	10 years	none	7 years on first licence, 10 on renewal
Private Hire Vehicle	10 years	10 years	none	7 years on first licence, 10 on renewal

2.8.1 As previously highlighted, in the Aylesbury Vale area hackney carriages are currently 'black cab or similar' specification. Historically the higher age limit specified for these vehicles has reflected the higher initial financial outlay required to lease or purchase

these vehicles and their projected life span where they are appropriately maintained.

- 2.8.2 The public survey results confirmed that the requirement for vehicles to be safe and roadworthy was extremely important with 90% of responders stating this to be the case. The need for vehicle interiors to be clean, tidy and presentable was also considered to be important with 96% of responders rating this as fairly or extremely important. In addition 91% of responders said that it was fairly or extremely important that vehicle exteriors are also in a good condition. These results show a clear view that the overall safety, condition and standard of licensed vehicles should be high.



Thinking about taxi vehicles, how important are each of the following points to you?	Extremely important	Fairly important	Neither important or unimportant	Fairly unimportant	Extremely unimportant
Vehicles are safe and roadworthy	90%	8%	0%	0%	0%
Vehicle interiors are clean, tidy and presentable	68%	28%	3%	0%	1%
Vehicles can be clearly identified as 'taxis'	66%	20%	8%	3%	2%
Vehicle exteriors are in good condition	53%	38%	5%	2%	1%

- 2.8.3 The policy proposes to set age limits for licensed hackney carriage and private hire vehicles to a maximum of 5 years old on first licence with any licence ceasing when the vehicle is 10 years old. Vehicles deteriorate due to a combination of age and use and are constantly being improved by manufacturers. In addition improved standards are regularly imposed by the Government such as Euro 5 and Euro 6 emission standards which are reflected in the policy requirements. Newer vehicles are safer, less environmentally damaging and less likely to break down. A younger fleet should reduce the need for frequency of vehicle testing to every 12 months as well as reducing the level of enforcement activity required.
- 2.8.4 There is a need to consider the provision of grandfather rights for the trade and in particular for those driving current hackney carriage vehicles in the Aylesbury Vale area which are of 'black cab or similar' specification. A grandfather right is a provision in which an old rule continues to apply to some existing situations while a new rule will apply to all future cases. The suggested approach is that the licence on any vehicle older than 10 years on the 1st April 2023 will expire and cease to exist. This lead in time enables the existing licensed trade to plan and prepare for a change in fleet. This will be the case for all vehicles other than the following exceptions which will be licensed up to their 15th year; previous Aylesbury Vale hackney carriage vehicles of black cab type or similar specification, ultra low emission vehicles and prestigious/limousine vehicles.

2.9 Consultation

Once agreed, the public consultation on the draft Taxi and Private Hire Licensing Policy will run for 6 weeks. A communication plan to engage key stakeholders including residents and the taxi trade will accompany the consultation. The purpose of the consultation at this stage is to engage with a full range of representative stakeholders on the content of the policy, whether it is clear and reflects the feedback received through pre-engagement consultation and whether we have laid out the right approach for taxi and private hire licensing in Buckinghamshire for the future.

3.0 Next steps and review

- 14 October 2020. Licensing (Regulatory) Committee. Consideration of final version of policy.
 - November/December. 6 week public consultation.
 - Date TBC. Report to Informal Cabinet to consider the new policy.
 - February 2021. Report back to Licensing (Regulatory) Committee and move to adopt new policy.
 - Date TBC. Report to Full Council to adopt the new policy
 - April 2021. Policy implementation.
- 3.1 In conjunction with the above, the Council will potentially need to consider other matters such as resolutions pertaining to Private Hire and Hackney Carriage licensing areas, the adoption of new Byelaws, new fees and fare structures, and the appointment of taxi ranks. The Licensing (Regulatory) Committee will continue to be advised on such matters.

4.0 Key documents:

DfT Taxi and private Hire Vehicle Statistics England: 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833569/taxi-and-phv-england-2019.pdf

DfT Taxi and Private Hire Vehicle Licensing: best practice 2010

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

- Other options considered

There are no specific statutory time scales imposed on the Council to align taxi and private hire licensing policies. Maintaining and applying four different policies however is burdensome on the trade, Council Members and Officers. The adoption of a new policy, for the new Council area, presents a timely opportunity to review best practice and adopt the highest standards for Buckinghamshire's taxi and private hire trade.

- Legal and financial implications

The new statutory standards now mandate the provision of a taxi and private hire licensing policy document. A written policy document helps assist decision making and provides safeguards against legal challenge.

The additional costs of drafting the new policy have been met by funds allocated to the transformation work streams prior to vesting day. There may be future cost implications to the Council from new policy requirements, however any additional costs incurred or savings made will be reflected in future adjustments to fee levels. The Council is legally obliged to ensure licence fee levels are set on a cost recovery basis.

- Corporate implications

- Protecting the vulnerable – taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and those with physical disabilities. Many children, including those with special educational needs, rely on taxis and private hire vehicles for school transport. This policy review presents an opportunity to ensure that the required standards of the Council's Client Transport Services and private hire and taxi licensing are aligned. The policy also allows the Council to set out its expectations in terms of vehicle requirements, including accessibility requirements.
- Property – there are implications for the Council in respect of testing arrangements for vehicles. The Council is able to determine the frequency, manner and location of vehicle testing. Presently this varies between areas as to whether these tests are performed at Council or external facilities. A Council review is ongoing and various options are being explored, which includes the potential use of the new Pembroke Road facility for increased vehicle testing.
- HR – N/A
- Climate change – measures to encourage the use of low emission vehicles have been considered in the new policy.

- Sustainability – the provision of public transport reduces the need for car ownership. A policy that promotes higher quality transport options is more likely to be desirable to passengers and further reduce the need for vehicle ownership.
- Equality – an equality impact screening assessment has been carried out and indicates that a full equalities impact assessment is required. This work is ongoing and will be presented to Licensing (Regulatory) Committee in February 2021.
- Data – a review of the existing data protection policies in place is required ahead of implementation and is now in process.
- Value for money – a unified policy reduces financial burdens on the Council with savings in Member and Officer time: consultations, committee meetings, enforcement and application processing. There are savings in advertising costs of statutory public notices required for changes to fees and hackney carriage fares. The trade benefit with one licensing regime for the whole Council area, rather than up to four under the current arrangements.



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Date TBC

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1. Introduction

Version Control

Version No	Initial	Date	Changes Made
V1.0			Policy adopted (date TBC) and in force from (date TBC).

Accessibility

We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate into other accessible formats. If you have other needs in this regard, please contact the licensing service on [**LICENSING TEAM INBOX EMAIL ADDRESS**].

This policy has been written taking into consideration the following 4 key priorities identified in the [Buckinghamshire Council Corporate Plan 2020 to 2023](#):

- strengthening our communities
- improving our environment
- protecting the vulnerable
- increasing prosperity

This policy replaces all previous Taxi and Private Hire Licensing policies used by the former District Councils. This policy also relates to the Safer Buckinghamshire Plan and our Climate Change Strategy, the draft Buckinghamshire Low Emission Strategy, The Local Transport Plan.

2. About this Policy

The Council has responsibility for regulating the hackney carriage and private hire trades under the Town and Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

This policy sets out our approach to hackney carriage and private hire licensing to provide

transparency and consistency for both those working in the industry, passengers, other road users and members of the public.

The primary and overriding consideration in relation to the licensing of hackney carriage and private hire vehicles is public safety. Public safety includes the safety of drivers, operators, vehicle proprietors and their staff as well as the users of hackney carriage and private hire vehicles and the wider public. The public must have confidence in the safety of hackney carriages and private hire vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licence holders.

Hackney carriages are commonly called ‘taxis’, ‘black cabs’ and ‘cabs’. They may be hired immediately in the street or from a taxi rank. In this policy they are generally referred to as ‘taxis’. Private hire vehicles are commonly called ‘minicabs’. They must always be booked in advance of the journey through a licensed private hire operator. In this policy they are referred to as ‘private hire vehicles’.

Taxi and private hire services are an important part of the transport network in Buckinghamshire. They are essential for passengers with disabilities and residents of rural communities. They also play an important social role in enhancing the public transport system and facilitating social inclusion.

Evidence supports the view that taxi and private hire services can be a high-risk environment for drivers, passengers, and the public. Drivers may be at risk of abuse or assault from customers. Private hire operators and their call handlers may have contact with children or vulnerable people. They may receive information that could be exploited for criminal purposes. In some circumstances, taxis and private hire vehicles may present a danger to other road users.

Policy objectives and aims

This policy is intended to enable the Council to provide a robust licensing regime which enables the hackney carriage and private hire trades to provide the best possible service to the public with the overriding aim of maintaining and improving public safety.

The objectives of this policy are:

- the protection of the public
- the maintenance and development of professional and respected hackney carriage and private hire trades
- enabling access to an efficient and effective local transport service
- the protection of our local environment.

The Council aims to improve our environment and air quality by encouraging the use of low and ultra-low emission (such as electric, hybrid or liquefied petroleum gas [LPG]) taxi and private hire vehicles. From 1st April 2021 we will not issue new vehicle licences to vehicles unless they comply with Euro 5 or 6 emissions standards. We also aim to only issue licences

to ultra-low or zero emission vehicles by 2030.

We aim to improve access to wheelchair-accessible transport by maintaining a list of taxis and private hire vehicles with these facilities available on the Council's website in accordance with the Equalities Act 2010 ([insert link](#)). All new additional hackney carriage vehicles will also be required to be wheelchair accessible from 1st April 2021.

The Council adopted this policy on ([date TBC](#)) and it came into force on ([date TBC](#)). It replaces earlier Hackney Carriage and Private Hire Licensing policies that were in force within the former Bucks District Council areas.

We will keep this policy under review at least every five years in line with the Statutory Taxi and Private Hire Vehicle Standards to ensure that it remains up-to-date. We may make minor amendments to this policy, with the agreement of the [Chairman of the Licensing Committee and the Head of Service, as set out in the Council's constitution](#).

This policy cannot predict every scenario or set of circumstances that may arise and sometimes it may be appropriate and necessary for us to depart from the policy. If we do make an exception, we will give full reasons for doing so.

This policy contains "bright lines". These are firm statements of intent which may appear to be absolute. Such statements are lawful and allow the Council to provide robust guidance to itself, applicants, licence holders and citizens on the approach that will be taken. They do not fetter the discretion of the Council because each case will be considered on its merits but in the light of this policy.

Where this policy differs from the previous policies used by the former District Councils, consideration will be given by the Council to licences that were granted or renewed before this policy was adopted. There is no guarantee that any licence will be renewed and the Council will consider all new and renewal applications in the light of this policy. The fact that a licence has been granted in the past will be taken into account and will be a relevant consideration, but there is no legitimate expectation that any hackney carriage or private hire licence will be renewed. This policy will also be used to inform action that may be taken against any existing licence.

This policy does not seek to undermine the right of any individual to make an application and to have that application considered fairly and on its individual merits.

Consultation

The Council is keen to hear the views of persons who may be affected by this policy and full consultation will take place before any significant changes are made.

The Policy and associated documentation are available for inspection on the Council's website at [www.buckinghamshire.gov.uk\(\)](http://www.buckinghamshire.gov.uk/) and hard copies are available at the Council Offices or by contacting [\(.gov.uk](http://(.gov.uk)

INFORMATION AND DATA SHARING

In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.

Data held will include name, address, telephone number(s), e-mail address(es), date of birth, national insurance number along with information about medical status, criminal history, driving record and right to work in the UK. This information will have been provided as part of the application process.

This information is required so that applications can be processed and licences granted. It is in the public interest to determine whether or not an applicant or driver is a fit and proper person to hold a licence as defined by this policy and conditions. It is not possible to make these decisions without this information.

Data relating to taxi and private hire licences will generally be held for a period of 15 years after the expiry of the last licence issued. Data provided as part of the NR3 Database will generally be held for a period of 25 years after the licence was revoked or the application was refused.

The Council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory/regulated Authorities or if it is required by law. Other parties may include the Disclosure and Barring Service (in relation to Banning Lists), the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs and other local authorities.

The Council subscribes to the National Register of Hackney Carriage and Private Hire Driver Licence Refusals and Revocations (NR3) to check all drivers applying for licences (new and renewal) against the register. Where an existing licence is revoked or an application refused, this will be recorded on the register. Further information explaining the Council's policy on using the NR3 register is shown in appendix 9.

Further information about how the Council processes data relating to taxi and private hire licences along with details of the Council's Data Protection Officer can be found at www.buckinghamshire.gov.uk/your-council/privacy/privacy-policy/

Definitions

Applicant

Person or business who has submitted an application for either a grant or renewal of a licence.

Application: a completed application made by an individual (or individuals) for the grant or renewal of a licence

Assistance Dog

a dog which has been trained to guide a blind person;
a dog which has been trained to assist a deaf person;
a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

Authorised Council Officer

A Council officer who is authorised by the Council to exercise powers and duties conferred by legislation.

Conditions

Conditions of licence applied by the Council to a driver's licence, an operator's licence or a vehicle licence. Non-compliance will lead to penalty points being imposed or action against the licence

Council

Buckinghamshire Council

Date of First Registration

The date of first registration on the vehicles V5 log book issued by DVLA.

DBS

Disclosure & Barring Service.

Driving licence

Full UK driving licence issued by DVLA, Northern Ireland driving licence, EEA driving licence or exchangeable driving licence as defined in section 108 of the Road Traffic Act 1988.

DVLA

Driver and Vehicle Licensing Agency.

DVSA

Driver and Vehicle Standards Agency (which replaced VOSA in 2014).

Fare Card

A card which must legally be displayed in Hackney Carriage vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and additional charges determined by the Council under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and the licence plate number. This is issued by the Council

Hackney Carriage Vehicle

A vehicle licensed under the Town Police Clauses Act 1847 often referred to as a taxi.

Hirer

Any person or persons who from time-to-time hires or books the vehicle

Legislation

Acts of Parliament, Secondary legislation and decisions of the senior courts, Supreme Court, European Court of Justice and European Court of Human Rights.

Licensing Authority

The licensing function within Buckinghamshire Council.

Licensing Committee

The committee which determine licensing matters as set out in the Council constitution.

Licensed Driver

A driver licensed under the Town Police Clauses Act 1847 to drive a Hackney Carriage vehicle and under the Local Government (Miscellaneous Provisions) Act 1976 to drive a Private Hire vehicle.

Licensed Operator

A person, persons or company holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles.

Licensed Vehicle

A hackney carriage or private hire vehicle licensed by Buckinghamshire Council.

Licensee(s)

The person(s) or company/firm named in the licence

Licence Plate

The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.

Licensed Vehicle

Vehicle licensed under Town Police Clauses Act 1847 as a Hackney Carriage or licensed under the Local Government (Miscellaneous Provisions) Act 1976 as a private hire vehicle.

Operator

See licensed operator

Policy

This policy document and all associated documents.

Private Hire Vehicle

A vehicle licensed by Buckinghamshire Council under the section 48 Local Government (Miscellaneous Provisions) Act 1976.

Proprietor

Registered owner or part owner of a vehicle.

PSV

Public Service Vehicle.

Taximeter

Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. This must be fitted in all hackney carriage vehicles and may be fitted in private hire vehicles.

WAV

Wheelchair Accessible Vehicle. Certain hackney carriages and private hire vehicles suitable for carrying wheelchair-bound passengers.

3. Hackney Carriage and/or Private Hire Driver Licence – new and renewal applications

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a “council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”.

There is no definition of this term within the legislation but the relevant case law states that:

“those licensed to drive 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, honest and not persons who would take advantage of their employment to abuse or assault passengers”

McCool-v-Rushcliffe Borough Council (1998)

Another frequently applied test is whether a reasonable person, having access to all relevant information, would feel comfortable and confident allowing the applicant or driver to drive a close friend or relative.

In order for you to demonstrate that you are “fit and proper” you need to provide evidence of the following:

- An acceptable driving standard
- Appropriate attitude / behaviour / integrity
- Medical fitness
- Honesty and trustworthiness
- Relevant knowledge necessary for the role (including training on safeguarding and disability awareness)
- An acceptable understanding of English

Application forms must be completed in full.

If you are applying for a new licence you will need to do the following:

1. Submit an application form completed in full.
2. You will need to apply for an Enhanced Disclosure and Barring Service (DBS) Certificate (including checks on the adult and children barred lists) and register with the DBS Update Service. If you have already subscribed to the service you will have to provide a copy of your most recent Disclosure Certificate. Details on how to apply for a new Certificate will be sent to you once we have received your application.

You should read the Council's Convictions and Acceptable Behaviour Policy and contact the Licensing Service before you make an application if you have any previous convictions or cautions and want advice on whether your application is likely to be successful.

3. Provide 2 colour, passport sized photographs of the applicant, taken within the last month, prior to the application which conform to the standards required by HM Passport Office. One photograph must be signed on the back by you and state your name and address.
4. Provide your original DVLA driving licence. You must have held a full DVLA or EU licence for at least 3 years (see 3.2 below).
5. If your driving licence was issued in England, Wales, or Scotland, you must provide a DVLA check code and signed mandate form to share your driving licence information with us. This will enable us to view your driving record and check your penalty points or disqualifications.
6. If you have been absent from the United Kingdom for a continuous period of 3 months or more since the age of 18 you will have to provide a certificate of good conduct from the local police or the embassy of all of the countries you have stayed at.
7. Provide a pass certificate for the practical driving test taken with one of our approved providers. This test will include some verbal questions - more information about this part of the application process can be found in our guidance notes.
8. Pass the approved English language test.
9. Provide a medical certificate which has been completed and signed / stamped by your own registered doctor.
10. You must provide evidence that you are entitled to live and work in the United Kingdom or an online Home Office right to work share code. We will only accept documents that have been approved by the Home Office for these purposes.

Further details on these requirements and the process for applying for a licence are available in the Guidance to Applicants on the Council's website at ()

If you have taken no action with your application for a period of six months, we will write to you and ask if you want to continue with your application. If you do not reply within 14 days your application will be archived and you will need to submit a fresh application should you still want to obtain a licence.

Driver licences will usually be issued for a three year period, although they may be issued for a shorter period depending on the circumstances of the case. If you have only been granted a temporary right to work in the UK you will be granted short term licences as required by the Immigration Act 2016. You will need to pay a fee for additional short term licences in these circumstances.

If you are renewing an existing licence you will need to apply before your licence expires and provide the following:

1. A completed application form.
2. The correct fee.
3. Your most recent Disclosure and Barring Service Disclosure certificate.
4. Your original DVLA driving licence.
5. A medical certificate that has been completed and signed / stamped by your registered doctor.
6. 2 colour, passport sized photographs of the applicant, taken within the last month, prior to the application which conform to the standards required by HM Passport Office. One photograph must be signed on the back by you and state your name and licence number.
7. A DVLA check code and signed mandate form to share your driving licence information with us.
8. If you have been absent from the United Kingdom for a continuous period of 3 months or more since your last licence was issued, you must provide a certificate of good conduct from the country or countries where you have stayed or from the relevant embassy or embassies (see 3.5 below).
9. For those not holding an EU passport, evidence will need to be provided of the applicant's continued right to work in the United Kingdom, which will include a relevant visa or letter from the appropriate Embassy / Authority.

3.1 Fee

All applications must be accompanied where appropriate by the required fee set by the Council. Licensing fees are reviewed, considered by the Council and agreed every year.

3.2 Driving Standards

You must have held a full driving licence for a continuous period of at least three years in order to apply for a taxi or private hire driver licence.

If you have been disqualified from driving for any period as a result of a conviction, you will not be granted a licence until you have held a full DVLA driving licence for a continuous period of at least one year.

If you hold an exchangeable driving licence (one that has been issued in Andorra, Australia, Barbados, British Virgin Islands, Republic of Cyprus, The Falkland Islands, The Faroe Islands, Guernsey, Gibraltar, Hong Kong, Isle of Man, Japan, Jersey, Malta, Monaco, New Zealand, Republic of Korea, Singapore, Switzerland, Zimbabwe) you will be allowed to drive on that licence for 1 year, but after that you must exchange it for a UK licence. Further information about exchanging licences can be found at

<https://www.gov.uk/exchange-foreign-driving-licence>

In order to demonstrate that your driving standards are acceptable you will also have to pass a practical driving test with one of the Council's approved test providers. You will need to arrange and pay for this test. Existing drivers may also be required to take this test where concerns are raised about the standard of their driving. In these circumstances drivers will usually be expected to take and pass the test within three months of the date of the request. A list of test providers can be found at [\(\)](#).

Before you can drive a wheelchair accessible vehicle (WAV) you will also have to pass an additional practical test for this type of vehicle with the driving test provider. This can either be taken at the same time as your practical driving test or separately.

3.3 Age

You have to be at least 21 years old to apply for a taxi or private hire driver licence.

3.4 Health / Medical Certificate

Anyone applying for a new or renewal driver licence will have to provide a Council issued medical certificate which has been completed and signed by the applicant's **registered** medical practice/practitioner and issued within the previous three months. You can also provide a PSV/HGV Group II medical certificate that has been completed by your own registered medical practice within the previous three months. If you are applying for a new licence you are advised to arrange this appointment after you have successfully completed all of the other parts of the application process. The Council has adopted the Group II requirements of the DVLA driver medical standards and you will need to demonstrate that you can comply with this standard. You are responsible for paying any fees required for any medical examination.

If you are aged 65 or over you will need to provide an approved medical certificate every year. Drivers under the age of 65 will have to provide this when they renew their licence. Drivers with certain medical conditions (e.g. diabetes) may also be required to provide annual medical certificates and / or information from specialist services. The Council shall carry out an Equality Impact Assessment pursuant to the Equalities Act and each case will be assessed on its merits.

If there are concerns about your health at any time when you hold a licence, you may need to have additional medical checks carried out and if these are not carried out or indicate that you are not fit to drive, your licence may be suspended or revoked as a result.

The Council views the use of illegal drugs as completely incompatible with being fit and proper to hold a licence to drive members of the public.

The Council may require applicants or drivers to be tested for the unlawful use of drugs where there are concerns. You may have to pay for this test if you have any criminal record for the use of drugs.

3.5 Criminal Records and Complaints

The Council will not generally grant a licence to anyone who does not meet the minimum standards set out in our Criminal Records and Acceptable Behaviour Policy (Appendix 4). To determine this you will need to provide an Enhanced Disclosure Certificate from the Disclosure and Barring Service (DBS). You will also

need to subscribe to the DBS Update Service and maintain your subscription for the whole time that you are licensed. In line with the Statutory Hackney Carriage and Private Hire Vehicle Standards, checks will be carried out with the DBS Update Service every six months.

If you have been absent from the United Kingdom for a continuous period of three months or more since you were 18 years old, you will also need to provide a certificate of good conduct from any country or countries where you have lived in addition to the Certificate from the DBS.

If a DBS Certificate reveals several minor offences, the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions, cautions and other relevant information when determining an application for a driver's licence. If you already hold a taxi or private hire driver licence, we will consider the type and number of any breaches of conditions, offences or complaints when deciding what action, if any, we need to take.

Your licence may be revoked with immediate effect pending the outcome of any investigation or trial if you have been convicted of, arrested or charged with a serious offence. Serious offences can include but are not limited to:

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- Any offence involving children
- An offence of a sexual nature
- An offence involving violence
- An offence involving dishonesty
- Any conviction for or fixed penalty notice issued under immigration legislation

Your licence may also be revoked with immediate effect where information received raises serious concerns about your fitness, regardless of whether criminal charges are brought.

You would not usually be granted a licence if you are under investigation for a serious offence when you make your application.

We will not provide the details of any complainant unless they have provided written permission for their details to be shared.

If we revoke your licence for persistent breaches of licence conditions, we will not usually grant another licence to you for at least 3 to 5 years.

To ensure that any pattern of behaviour is identified, and in line with the Statutory Standards, complaints or warnings will usually be held on file during any licence or application period and can also be taken into consideration if there is a period when the licence holder is not licensed.

You must notify us within 48 hours in writing if you are arrested, charged, cautioned or convicted of any offence (including motoring offences) during the period of any licence or if you have submitted an application. If you are given a fixed penalty notice you need to notify us in writing when you accept it rather than when your DVLA driving licence has been updated. You (or someone on your behalf) must also notify us in writing within 48 hours if you have been detained by the police.

3.6 Knowledge test

New applicants will need to pass a supervised knowledge test in English. The knowledge test includes questions about the conditions of the licence, the laws relating to the licence, geographical knowledge of the area, customer care and disability awareness. Further information about the test is available in our Guidance for Applicants at [\(\)](#)

3.7 English Language Test

All licensed taxi and private hire drivers are expected to be able to speak, understand and read English, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. You will also need to be able to follow instructions or directions from passengers and be able to identify and report situations where there may be safeguarding concerns about a passenger.

As a result, and in line with the Statutory Standards, you are required to undertake an assessment of your communication skills (for which an additional fee will be payable) unless you can provide evidence that you have previously completed an English-language qualification at an acceptable level.

Existing drivers who have not previously taken this assessment will be required to take and pass it. From 1st April 2022 if you have not passed the assessment criteria the Council is unlikely to renew your licence until you have done so.

3.8 Child Sexual Exploitation Training

The Council is committed to safeguarding the needs of children and vulnerable groups so it is important that all licensed drivers are properly trained to help them promote the welfare of children and vulnerable groups within the area. As part of the application process you will be required to complete a training course covering these issues in English. Further information on this training is available in our Guidance to Applicants at [\(\)](#).

Existing drivers will also be required to do refresher training covering relevant safeguarding issues every 3 years.

3.9 Other Agency Checks

We may need to carry out other checks which may include contacting the licensing authority where you have previously lived or held a licence. Checks may also be carried out using fraud prevention and application verification technology.

3.10 Renewal of Licences

It is your responsibility to ensure that your licence is renewed before it expires. The Council will not accept a renewal application after your licence has expired and you will be required to submit an application for a new licence.

If you submit a new application in these circumstances within three months of the expiry of your previous licence you will not, however, be required to undertake the knowledge test, practical driving test, English language or child sexual exploitation training (unless you are due to take refresher training).

Under no circumstances will renewal (or new) licences be issued without full and satisfactory checks having first been carried out, including medical and Disclosure and Barring Service checks.

3.11 Change of Type of Licence

If you want to change from holding a private hire licence to a joint hackney carriage and private hire driver licence, you will be required to undertake any additional relevant tests in addition to any other routine checks such as medical or DBS checks. If you want to change from a joint licence to a private hire only licence, you will not need to carry out any further checks other than those required as a matter of routine.

In either of the above circumstances, the normal fee will be required on application and no refund will be payable in respect of any existing licence.

3.12 Right of appeal

If we are considering refusing your application or suspending or revoking your licence you will usually be invited to attend a meeting with an officer of the Council to discuss our concerns and to give you the opportunity to respond. If you do not want to attend a meeting you will be given the opportunity to provide your comments in writing. The final decision about what will happen with your licence will then be made by a senior member of staff in line with our decision making process which is set out at section 6.

If your licence is suspended or revoked or your application is refused you have the right to appeal to a Magistrates Court and you must do this within 21 days from the date on which the letter confirming the Council's decision is served on you.

If there are serious concerns about public safety, the decision may also be made to revoke or suspend a driver licence with immediate effect which means that the driver will not be able to work or drive a licensed vehicle until any appeal has been concluded. This power would generally only ever be used where there are allegations of serious violence offences, driving or being in charge of a vehicle whilst under the influence of drink or drugs, drug related offence(s), offences of a sexual nature, the driver has been banned from driving or where there is considered to be a serious risk to passengers or members of the public in allowing the driver to continue as a hackney carriage and / or private hire driver.

4 Hackney Carriage / Private Hire Vehicle Licences

The relevant law for licensing taxis and private hire vehicles (the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847) requires that taxis have to be clearly recognisable as a hackney carriage and that private hire vehicles need to be:

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe;
- Comfortable; and

- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Vehicle licences can be held by individuals, registered partnerships (two or more people in business together) or limited companies. Usually, the vehicle must be registered to one of these groups, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of, or a financial interest in, the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire).

Any application for a taxi or private hire vehicle licence will only be accepted if completed in full and accompanied by all required documents, as detailed below:

1. Completed application form (via the Council's website) with the correct payment.
2. Valid MOT Certificate for the vehicle issued by an approved testing station issued within one month of the application.
3. Valid vehicle registration document in the name of the applicant or other acceptable proof of ownership (lease or hire contract, the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles).
4. Relevant certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire – see 4.2) and which is valid on the date that the licence is due to come into force.
5. Valid schedule of insurance where the certificate does not specify the registration number of the vehicle to be licensed.
6. If your vehicle has been altered or converted since original manufacture, you must supply one of the following documents in addition to providing full details of what has been altered and the reasons:
 - Wheelchair Accessible Vehicles – DVSA Certificate M1
 - Stretch Limousines – DVSA Individual Vehicle Approval (IVA) Certificate
 - Any other relevant conversion document.
7. In the case of applications for executive status, the supporting documentation as specified at 4.18 of the policy and the exemption notice previously issued in relation to the vehicle where appropriate

4.1 Licence Fee

A fee must be paid with all applications and it is your responsibility to make sure that you have paid the correct amount. Fee information is available at [\(\)](#)

Licensing fees are reviewed, considered by the Council and agreed every year. Some fees also have to be advertised in a local newspaper and at the Council Offices so that anyone can comment on new fees if they are increased.

You will not get a refund if you surrender your vehicle licence before it expires.

4.2 Insurance

Taxis must be insured for public hire and reward and must cover at least third party, fire and theft and include legal liability for passengers and luggage (minimum of £10 million).

A private hire vehicle must be insured for private hire and reward, such insurance to provide, as a minimum requirement, cover for third party, fire and theft and also to include legal liability for passengers and luggage (minimum of £10 million).

4.3 Type of vehicle

All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

(a) The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.

(b) Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.

(c) Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

In making decisions about a vehicle's suitability to be licensed, the Council will take into account passenger safety, comfort and the design of the vehicle. We will only license a vehicle as a private hire vehicle or taxi if it meets the following requirements:

1. unless it is a hackney carriage and is required to be wheelchair accessible, it is a saloon car, hatchback car or other vehicle of suitable type and design;
2. it has at least four doors (a rear-opening hatchback will not be considered or counted as a door in terms of getting into or out of the vehicle);
3. the steering wheel is on the right hand side of the vehicle;
4. it has four road wheels and a suitable means of repair if one or more of the tyres fail;
5. from 1st April 2023, it has an approved and functioning CCTV system fitted which complies with the Council's CCTV Policy for Licensed Vehicles (at Appendix (8));
6. the number plates comply with any relevant DVLA regulations;

7. an MOT pass certificate and satisfactory garage inspection report from an approved garage has been issued within the previous month. Additional certificates may be required if the vehicle is involved in an accident or mechanical breakdown;
8. it has an area for storage of luggage and/or the means for all luggage to be secured and kept secure at all times so that no damage or injury is caused to either passengers or luggage;
9. it has an acceptable means of getting into and out of all parts of the vehicle and which does not require the passenger to climb over other seating or luggage ;
10. it has a seat width of at least 16 inches, a seat depth of at least 17.5 inches, a rear seat height of at least 30 inches and it has knee space of at least 21.5 inches (measured from the rear of the seat);
11. all seats within the vehicle, front and rear must be fitted with working seat belts. It is the driver's responsibility to ensure that all passengers under the age of 14 are using appropriate seat belts;
12. in the interests of public safety, tinted windows are not permitted on licensed vehicles unless a minimum of 75% light is transmitted through the front windscreen and 70% light is transmitted through any front passenger windows. All other glass on the vehicle must transmit a minimum of 60% light. Approved executive vehicles are exempted from this requirement.

Vehicles which were licensed by the Council before this requirement was introduced and which were not already subject to a policy on tinted windows will continue to be licensed until the end of the usual licence period (10 years for standard licences and 15 years for zero emission vehicles / prestigious vehicles / limousines) unless the tint is considered to be so dark that it would provide a significant risk to public safety i.e. where it is not possible to see passengers in the rear areas of the vehicle.
13. it has no more than 8 passenger seats;
14. it is not licensed by any other authority. The Council does not allow dual-plating of any licensed vehicle at any time. Any vehicle found to be licensed by another authority will have the licence suspended or revoked.
15. It has not been written off by an insurance company - unless it is a Category N write-off (has sustained no structural damage) and it has been repaired, tested and certificated to the satisfaction of the Council.

In exceptional circumstances, (e.g. stretch limousines or novelty vehicles) the above requirements may be departed from, although you need to confirm this with the Licensing Service before you buy a vehicle or make an application.

4.4 Testing of vehicle

All licensed vehicles will be tested at least once annually and further tests may be required in addition to the annual MOT and compliance test.

You are responsible for the payment of any fees required for any visual and mechanical inspections direct to any independent nominated testing stations. Independent testing stations are not the agents of the Council.

It is your responsibility to make sure that your vehicle complies in every respect with Council policy and that you have told the inspecting garage all relevant information.

The Council will not be liable for any financial loss or expense which results from any failure to provide relevant information.

All licensed vehicles must be kept clean, tidy, damage free, safe and mechanically sound. Any repeated failures in relation to vehicle maintenance may result in formal action being taken against the vehicle licence holder and / or the operator.

4.5 Accessibility

The Council is committed to social inclusion and ensuring a wide variety of vehicle types are available for disabled residents to avoid discrimination in terms of travel arrangements.

A mixed fleet which provides the greatest opportunities and flexibility for a range of disabilities is considered most appropriate to serve the widest possible needs of disabled people.

Any existing hackney carriage vehicle which has been previously licensed by the Council as a non-WAV (saloon) vehicle will continue to be licensed as such. Hackney carriages which were previously required to be WAV's will continue to be required to be WAV's.

Any application for a new hackney carriage vehicle licence (not covered by grandfather rights referred to above) will only be considered if the vehicle is wheelchair accessible and meets the following requirements:

Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have either European Community Whole Vehicle Type Approval ([ECWVTA](#)), or Individual Vehicle Type Approval.

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

Any driver of a licensed wheelchair accessible vehicle must have successfully passed an approved test specifically designed for this type of vehicle in addition to undertaking the mandatory disability awareness training. Any existing licensed drivers who drive wheelchair accessible vehicles and who have not taken this test will be required to provide a test pass certificate within 12 months of the date that this policy comes into force.

Signage is to be fixed to the outside of all vehicles to convey to passengers that the vehicle has been designed or adapted to carry a wheelchair.

Drivers of any licensed vehicle cannot refuse to carry an assistance dog unless they have a medical exemption issued by the Council. Such exemptions shall only be issued following receipt of a medical

report produced by the driver's registered general practitioner. Assistance dogs should generally only be carried in the rear of the vehicle.

4.6 Age of Vehicle

From 1st April 2021 any new licensed vehicle must be less than 5 years old when they are first licensed and any licence issued will end once the vehicle reaches ten years of age.

Vehicles which are specified as "prestigious" or "limousines" on the registration document can be licensed up until they are fifteen years old.

In line with the Council's emissions policy, vehicles which produce ultra-low or zero emissions will also be licensed until they are fifteen years old.

Any dates are calculated from the date of first registration (or date of manufacture if it is earlier) provided on the V5 Registration document.

The age of the vehicle will be calculated on the date that a valid application is received by the Council.

Existing vehicles which are currently licensed by the Council, which were not previously subject to this age requirement and which are older than 10 years will continue to be licensed until the vehicle is 15 years old or in any event until 1st April 2023 (whichever is sooner) when the licence will cease.

All vehicles are subject to and must pass the Council's testing requirements before a licence is issued.

4.7 Fire Extinguisher and First Aid Kit

A licence will not be issued to any vehicle unless it is fitted with an approved fire extinguisher. It must be securely fixed within the vehicle so that it is both safe and easily accessible. The fire extinguisher must be hand-held with a pressure gauge and be at least 1.0 kg in weight or 1.0 litre in volume and comply with current British/European Standards along with the requirements relating to fire extinguishers for use in public service vehicle.

All extinguishers must be checked and serviced if required or replaced on an annual basis. The check/service must be carried out by a registered company in line with the requirements of current British Standards. The date of the test and signature of the tester must be clearly visible on a sticker attached to the extinguisher along with the vehicle licence number details of the company carrying out the check / service.

A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 must be carried in all licensed vehicles so that it is immediately available for use in an emergency. All items contained within the first aid kit must be within their expiry date and in good condition.

4.8 Vehicle Signage

Door Stickers

Members of the public often confuse taxis with private hire vehicles. It is important to distinguish between the two types of vehicle to ensure that passengers travel safely, are fully insured and that each vehicle is easily identifiable.

All private hire vehicles issued with licences by the Council must display yellow door signs on the driver door and the front passenger door of the vehicle which state the vehicle licence number. The only exceptions to this requirement are where vehicles have been granted executive status. These must be positioned so that the sign is above the rubbing strip on the doors or, in any event, the top of the sticker cannot be more than 15cm below the bottom of the window. The stickers must be properly maintained and securely fixed to the vehicle. Stickers secured by means of a magnet are not allowed unless they are being used on a temporary vehicle.

The stickers will also include the Council's logo and state that the vehicle must be pre-booked. The stickers must remain on the vehicle at all times when the licence is in force.

No Smoking Signs

Approved "No Smoking" signage must be displayed on the vehicle at all times that the vehicle is licensed.

Information Notice

A Council issued notice must be displayed within the vehicle which provides information to passengers in relation to how they can contact the Licensing Service to make a complaint or provide other information.

Hackney Carriage Roof Sign

All taxis must have a fixed, double-sided roof sign bearing the word "TAXI" in black lettering, on a white background (purpose built taxis may be constructed differently). When illuminated, the roof sign must not show a white light to the rear.

All signage which indicates that a vehicle is licensed must be removed when the licence expires, is suspended or revoked or if the vehicle is transferred. This requirement is to make it clear to members of the public that the vehicle is not licensed by the Council.

4.9 Advertising

Other than the door stickers referred to above at 4.8, no signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices can be displayed on, in or from any licensed vehicle unless it is a legal requirement or it has been approved in writing by the Council in line with the Council's advertising policy (Appendix 7).

4.14 Taximeter

Taxis must be fitted with a taximeter which has been installed by an authorised taximeter company and calibrated on an annual basis. The taximeter must be able to be seen by passengers and must clearly show the tariff being used and the amount payable. Drivers must use the meter at all times when carrying passengers, even for journeys which have been pre-booked. Drivers cannot charge more than the approved tariff **except** where a fare has previously been agreed and the journey ends outside of the Council area. Drivers can charge less than the metered amount.

4.15 Table of Fares

A copy of the fare table issued by the Council must be displayed at all times inside the vehicle so that it is clearly visible to passengers.

Fares set for hackney carriages will be reviewed annually. In order for this review to be carried out, comparison will be made with fares charged in neighbouring authorities and the relevant retail price index rates will be taken into consideration. A public notice will be placed in a local newspaper and on the Council's website where any variation of the fares is proposed. The notice shall allow 28 days for comments. A report will then be submitted to the relevant Cabinet Member for consideration and final approval.

4.16 Emissions Policy

We acknowledge that taxi and private hire vehicles account for a relatively small proportion of the total number of cars in the UK and Buckinghamshire, however we recognise that they have a disproportionate impact on air quality impacting human health. This is due to the relatively high mileage they cover and their concentration in urban areas such as railway stations, supermarkets, and shopping centres where large numbers of pedestrians are present. Emissions produced by these vehicles not only have an impact on the health of the local population but also on taxi and private hire drivers who may be exposed to poor air quality for 8-12 hours a day.

Department for Transport guidance suggests that Licensing Authorities may wish to consider how far the vehicle licensing policy can and should support local environmental policies that the Council may have. They may also decide to set vehicle emissions standards by promoting cleaner fuels. A review carried out by the National Society for Clean Air and Environmental Protection in 2005 found that taxis were more likely than other vehicles to fail emissions tests.

The Council considers that every effort should be made to improve the efficiency of vehicles licensed to operate in its area by reducing the emissions of pollutants such as nitrous oxides, particulate matter and carbon dioxide.

The European Union has introduced stricter limits on pollutant emissions from light road vehicles, particularly for emissions of nitrogen oxides and particulates. In order to limit pollution caused by road vehicles, this Regulation introduces common requirements for emissions from motor vehicles and their specific replacement parts (Euro 5 and Euro 6 standards).

Air Quality Management Areas have been declared in parts of the Council area including High Wycombe, Marlow, Aylesbury, Chesham, Iver Heath and, along the M40 and M4 motorway corridors because of predicted levels of nitrogen dioxide. An Air Quality Management Area (AQMA) is an area identified by Local Authorities where the statutory UK air quality objectives are being breached. AQMAs are areas where levels of air pollution are higher than they should be (as defined by central government).

Levels of nitrogen dioxide in parts of the Council area remain above the National Objectives. Air quality action plans were introduced individually by the former district councils within Buckinghamshire (Aylesbury Vale DC (2010), Chiltern DC (2009), South Bucks DC (2006) and Wycombe DC (2018)). All the action plans set out strategies to reduce vehicle emissions in order to improve air quality, including working with businesses to reduce their impact on air quality. It is a duty for local authorities to bring down pollution levels, within their areas, to within acceptable limits in the shortest period of time possible.

Vehicles first registered since September 2015 must meet or exceed Euro 6 emission standards. From 1st April 2021, new licences will not be granted to vehicles that were first registered more than 5 years prior to the date that the application was made. All newly licensed vehicles will therefore meet Euro 6 standards.

Vehicles first registered since January 2011 must meet or exceed Euro 5 emission standards. From 1st April 2021, licences will not be renewed in respect of any licensed vehicle that was first registered more than 10 years prior to the date of renewal. This applies to the renewal of licences only. All such vehicles will therefore meet Euro 5 standards.

In order to encourage a greater uptake of ultra-low emission (ULEV) and electric vehicles within the taxi trade, however, zero emissions vehicles will be licensed for a period of up to 15 years of age as opposed to the standard period of up to 10 years of age referred to above.

It is the aim of the Council that all licensed vehicles will have ultra-low or zero emissions by 2030 and this policy will be kept under review with this target in mind.

All vehicles are subject to and must pass the Council's testing requirements before a licence is issued.

4.17 Dual Plating

The Council will not license any vehicle that is already licensed as either a hackney carriage or private hire vehicle by another authority. Vehicles can also only be licensed as **either** a hackney carriage or a private hire vehicle. It is your responsibility to ensure that the vehicle is not licensed by another authority.

4.18 Use of Executive Vehicle Licence Plates

The Licensing Service has a duty of care to ensure that all residents, professional clients and general customers travelling in private hire vehicles are safe and secure at all times and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and do not allow the use of heavily tinted windows.

The Council recognises a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be issued, the requirement to display door stickers will be waived and windows may be tinted. In truly exceptional circumstances, exemptions may be granted for the display of the licence plate although this will generally only be allowed when it relates to the safety and security of passengers.

Executive status will only be given to vehicles which carry out work of a corporate or executive nature, which is defined as work which satisfies both conditions (a) and (b) below. The work must be conducted:

- solely for corporate or other business account customers who have a contract or written agreement with the licence holder; and
- on an account basis with no cash payments

In order to obtain executive status the following must be complied with:

- (1) An application for executive status must be made providing details of the vehicle, including make and model, registration, vehicle licence details where applicable, owner's details and full name and address of the driver using the vehicle.
- (2) The vehicle must be a high quality, executive or prestigious vehicle such as a 5 or 7 series BMW, E, R or S Class Mercedes, Jaguar XF or XJ, a Chrysler Grand Voyager or similar. Applicants should supply the Licensing Service with a full specification of any other vehicle for confirmation as to whether it would be eligible for executive status before buying any make or model of vehicle other than those listed above.
- (3) The vehicle must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.
- (4) You must satisfy the Council that you intend to operate the vehicle solely for work of an executive or corporate nature as defined in the Executive Status conditions. Full details of all corporate or other business clients as at the date of application must be provided, including their names, addresses, individual contacts, plus a contact telephone number and e-mail address, together with details of the number of journeys undertaken for each customer on a weekly basis.
- (5) You must sign an acknowledgment that you fully understand, accept and will comply with both the Executive Status conditions and this policy.

Following receipt of an application for executive status, the vehicle will be assessed on its own merits and inspected by an authorised Council officer to ensure that it is fit for purpose. Officers of the Licensing Service may contact customers to confirm the details given in the application.

If an applicant is aggrieved by the decision they will have a right to appeal in writing within 14 days of the date of the decision to the Head of Licensing.

If executive status is granted, the Council will issue an Exemption Notice with the licence. This status may be removed at any time after it has been granted if there is evidence that the conditions and requirements are not being complied with. Exemption notices are non-transferable and each application will be treated on its own merits.

The Council views the granting of executive status as a privilege and expects the Executive Status Conditions to be complied with at all times.

If a decision is made to remove executive status, the executive licence plate must be returned to the Council immediately. The vehicle will then be subject to ordinary private hire conditions as to the display of licence plates, door stickers and non-tinted windows.

4.19 Stretched Limousines and Novelty Vehicles

In recent years there has been rapid growth in demand for the hire of limousines and specialist vehicles.

For the purposes of this policy and licence conditions, a stretched limousine is defined as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle and which is capable of carrying up to, but not more than, 8 passengers.

The Council will not license this type of vehicle as a Hackney Carriage.

On application for a vehicle licence for stretch limousines and novelty vehicles the following documents must be provided in addition to the requirements for a standard private hire vehicle:

- a) Individual Vehicle Approval Certificate.
- b) Documentation to confirm the overall weight of the vehicle.
- c) The Vehicle Identification Number (VIN) plate must display '1L1' to confirm that the conversion has been completed by an authorised dealer. This will be confirmed by inspection prior to any licence being issued

The requirements for licensing stretched limousines and novelty vehicles and the conditions to be attached to these licences can be found at Appendix 3 in this policy.

Applications for non-standard road vehicles such as novelty vehicles, tuk tuks or horse and carriages will be considered on their own merits but will be subject to greater scrutiny because they raise special safety concerns.

4.20 Sale of Licensed Vehicle

In line with the Hackney Carriage and Private Hire Vehicle Licence conditions, the licence plate and paper licence must be returned to the Licensing Service before the sale of any licensed vehicle, along with a written request to transfer the vehicle licence to another person where relevant. This is to ensure that the vehicle remains properly insured and only driven by an appropriately licensed person.

Where the vehicle is sold with the intention of its continued use as a licensed vehicle, the new owner must apply for the licence to be transferred into their name by completing the appropriate application form and submitting this along with a valid insurance certificate (and schedule if required), the V5 Registration Document in the applicant's name or the completed New Keeper Supplement and the relevant fee.

4.21 Change of Vehicle / Variation of Licence

Where a change of vehicle is required during the period of a vehicle licence due to sale of the vehicle, mechanical breakdown or accident, a new application must be submitted along with the appropriate fee and any documents usually required for a vehicle licence. The application will be treated as a new vehicle application and the previous licence must be surrendered.

4.22 Temporary Licence / Plate

In cases of mechanical breakdown or damage following an accident, a temporary licence and plate can be issued to a different vehicle. This licence will last for a period of no more than two calendar months and will be renewable on only two occasions, up to a maximum of six months. If the vehicle is still required at the end of this period a full licence must be applied for.

A temporary licence will not be issued to any vehicle that is already licensed by the Council when the application is made. A temporary licence may also not be issued to anyone who has failed to return a temporary licence and plate when requested to do so within the previous two years. A fee is payable for temporary licences.

Temporary licence plates must be displayed on the vehicle in line with the conditions of the licence. It is your responsibility to pay for any damage which might be caused when the temporary licence is removed.

Council issued door stickers must also be displayed on temporary vehicles but because the licence is only valid for a short period of time these can be attached by means of magnets.

4.23 Renewal of Licences

It is your responsibility to ensure that your licence is renewed before it expires. Any application submitted after the expiry of the licence will be treated as a new application, unless the application is made within three days of expiry and exceptional circumstances exist as to why the application was not made before the licence expired. Evidence of exceptional circumstances will be required.

4.24 Criminal Record and Acceptable Behaviour

Unless the applicant is a current driver, all applicants for a new vehicle licence will have to provide a Basic Disclosure and Barring Service (DBS) Certificate which is not more than 3 months old. Any information on the Certificate will be considered in line with the Council's Criminal Records and Acceptable Behaviour Policy (Appendix 4).

If you have been absent from the United Kingdom for a continuous period of three months or more since the age of 18, you will also be required to provide a certificate of good conduct from any country or countries where you have lived.

Where existing vehicle licence holder's commit offences and/or breaches of licence conditions, the nature and number of incidents will be taken into consideration along with the Council's Criminal Convictions and Acceptable Behaviour Policy when making any decisions about what action should be taken. Complaints or warnings will usually be held on file during any licence or application period and can also be taken into consideration if there is a period when the licence holder is not licensed. If your licence is revoked for persistent breaches of licence conditions, we would not usually grant another vehicle licence to you for a period of 3 to 5 years.

The Council will not normally issue a vehicle licence to anyone who does not comply with the minimum requirements set out in the Council's Criminal Records and Acceptable Behaviour Policy (see Appendix 4). Where several minor offences or failures to comply with instructions or requests have been committed, the Council will take into consideration any pattern of offending. The Council will take all relevant information into consideration when considering an application for a hackney carriage or private hire vehicle licence.

You must inform the Licensing Authority in writing within 48 hours if you have been arrested, charged, cautioned or convicted of any offence (including motoring offences) if you have a current licence or if you have submitted an application to renew your licence or for a new licence. You (or someone on your behalf) must also notify us in writing within 48 hours if you have been detained by the police. Fixed Penalty Notices must be reported to the Licensing Service in writing when it is accepted, as opposed to when the driving licence has been updated.

4.25 Rights of appeal

Vehicle licences may be suspended or revoked for breach of licence conditions, where the vehicle is considered to be unroadworthy, where there is no current valid insurance or operator for a private hire vehicle or where the licence holder is not considered to be a fit and proper person. The licence holder will be issued with full reasons in writing for any such action.

If your vehicle licence has been suspended or revoked under section 60 of the Local Government (Miscellaneous Provisions) Act 1976, you can appeal to the Magistrates Court within 21 days from the date on which the letter confirming the council's decision was served on you.

5. **PRIVATE HIRE OPERATOR LICENCES**

The relevant law, (Section 55 of the Local Government (Miscellaneous) Provisions Act 1976) requires that the Council must be satisfied that the applicant is a "fit and proper" person before issuing a private hire operator licence.

In order for you to prove that you are "fit and proper" you must provide evidence of:

- an acceptable Disclosure and Barring Service certificate and/or certificate of good conduct (where relevant);
- knowledge of the relevant conditions and legislation by successfully undertaking a knowledge test;
- knowledge of Child Sexual Exploitation by successfully undertaking an approved course as detailed below at 5.4;
- any other information reasonably that the Council may need to determine your application;

Applications must be made online via the Council's website and all required documents provided. Any forms received without accompanying documentation will be returned to the applicant.

It is your responsibility to renew your licence before it expires and if you have not submitted a valid renewal application before your licence expires you will need to apply for a new licence. (see 5.9 below).

Applications will only be accepted if they include the following:

1. A fully completed application form and the correct payment;
2. 2 colour, passport sized photographs of the applicant taken within the last month prior to the application which conform to the standards required by HM Passport Office;
3. Public liability insurance (where relevant);
4. Employer's liability insurance (where relevant).

5.1 **Licence Fee**

All applications must be accompanied by the correct fee. Information about taxi and private hire fees is available on the Council's website at [www.buckinghamshire.gov.uk\(\)](http://www.buckinghamshire.gov.uk/)

Licensing fees are reviewed every year and considered and agreed by the Council following any required advertising.

5.2 Criminal Record and Acceptable Behaviour

Unless the applicant is a current driver, all applicants for a new licence will have to provide a basic Disclosure and Barring Service (DBS) Certificate which is not more than 3 months old. Any information on the Certificate will be considered in line with the Council's Criminal Records and Acceptable Behaviour Policy (at Appendix 4). All licensed operators are required to produce a new basic disclosure Certificate from the DBS on an annual basis.

If you have been absent from the United Kingdom for a continuous period of three months or more since the age of 18, you will also be required to provide a certificate of good conduct from any country or countries where you have lived.

Where existing operators commit offences and/or breaches of licence conditions, the nature and number of incidents will be taken into consideration along with the Council's Criminal Convictions and Acceptable Behaviour Policy when making any decisions about what action should be taken. Complaints or warnings will usually be held on file during any licence or application period and can also be taken into consideration if there is a period when the operator is not licensed. If your licence is revoked for persistent breaches of licence conditions, we would not usually grant another operator licence to you for a period of 3 to 5 years.

The Council will not normally issue an operator licence to anyone who does not comply with the minimum requirements set out in the Council's Criminal Records and Acceptable Behaviour Policy (see Appendix 4). Where several minor offences or failures to comply with instructions or requests have been committed, the Council will take into consideration any pattern of offending. The Council will take all relevant information into consideration when considering an application for a private hire operator licence.

You must inform the Licensing Authority in writing within 48 hours if you have been arrested, charged, cautioned or convicted of any offence (including motoring offences) if you have a current licence or if you have submitted an application to renew your licence or for a new licence. You (or someone on your behalf) must also notify us in writing within 48 hours if you have been detained by the police. Fixed Penalty Notices must be reported to the Licensing Service in writing when it is accepted, as opposed to when the driving licence has been updated.

Operators are also required to check that any staff they employ are safe and suitable in terms of any criminal history. In order to achieve this operators will need to require Basic DBS Disclosures from any new member of staff and confirm that they comply with this own Policy for Employing Ex-Offenders. Staff DBS checks should be carried out on an annual basis.

5.3 Knowledge Tests

All new applicants will be required to pass a knowledge test in English. The test includes questions about the conditions of the licence and the laws affecting the licence as well as other issues relevant to operating private hire vehicles. There may also be questions about the conditions and laws relating to private hire vehicles. Further information about this test is available in the Guidance to Applicants at (www.buckinghamshire.gov.uk/)

5.4 Child Sexual Exploitation Training

The Council is committed to keeping children and vulnerable people safe and it is important that all licensed operators are aware of safeguarding issues. It is therefore a requirement that all operators are properly trained so that they can protect people who may be in danger of being abused or exploited.

Any existing operators who have not yet been trained will have to attend the training course within 12 months of this policy being adopted. Refresher training will also be required for all operators every 3 years.

Further details about this training is available in the Guidance to Applicants at (www.buckinghamshire.gov.uk/)

5.5 Trading Names

Only trading or business names which have been authorised in writing by the Licensing Service can be used. This requirement includes any names used on promotional material, advertisements, website information or any other written documents.

To prevent confusion to the public, trading names will generally not be authorised if they are actively being used by a company in an adjoining authority and, in these circumstances, any trading names would not then normally be authorised until they had not been actively used for a period of at least 18 months. Trading names will only be authorised or retained where there is evidence that they are actively used by the operator. Trading names can also be removed in appropriate circumstances

5.6 Company Applicants

Applications can be made in the name of a company. In these circumstances all company directors must be named on the application form. Any director who does not hold a valid operator licence at the time of application will have to pass a knowledge test and undertake the child sexual exploitation training referred to above. All directors must be considered to be “fit and proper” persons in order for a licence to be issued to the company. As part of this process valid and appropriate identity documents will be required to be provided.

Any changes to directors during the licence period must be notified to Licensing Services in writing within seven days of the change. Any new director will also need to be considered a “fit and proper person” to undertake the role and will have to pass the knowledge test, undertake the child sexual exploitation training and submit a DBS Disclosure application within two months of the notification.

If the new director fails to comply with these requirements the Council will consider taking formal action against the operator licence.

5.7 Premises

To make sure that we can carry out any necessary checks or enforcement, the Council will not issue an operator licence to anyone whose operating centre or intended operating centre is outside of the Council’s area.

If you do not own the premises you will have to provide evidence, such as a signed lease or a tenancy-at-will with a minimum of 12 months remaining) issued by the freeholder/landlord that you have a right to use the building as an operating centre. The premises must also comply with the operator licence conditions.

You will need to provide details of a landline telephone number along with evidence that the bookings are made via the operating centre. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings.

Public liability insurance will be required if members of the public are permitted to visit the operating centre and the operator is responsible for the safety and behaviour of any staff that they employ or use.

Specific conditions may be placed on operator licences depending on the circumstances and these may include measures to prevent noise and other nuisance to local residents or other businesses. Drivers and members of the public will not usually be allowed to visit operating centres in residential areas and no more than two licensed vehicles would usually be permitted to visit or be kept at premises in these areas.

Any changes to the operating centre must be approved in writing by the Licensing Authority before they are implemented.

5.8 Planning Permission

You may also need to obtain planning consent to operate private hire vehicles from your proposed operating centre. Before you submit your application for an operator licence you are strongly advised to contact the Council's Planning Department to confirm whether you also need to apply for planning permission. Operating private hire vehicles without any required approval could result in action being taken against your licence.

5.9 Renewal of Licences

It is your responsibility to ensure that your licence is renewed before it expires. The Council will not accept a renewal application after your licence has expired and you would be required to submit an application for a new licence.

If you submit a new application in these circumstances within three months of the expiry of your previous licence you will not, however, be required to undertake the knowledge test or child sexual exploitation training (unless you are due to take refresher training).

5.10 Rights of appeal

If we are considering refusing your application or suspending or revoking your licence you will usually be invited to attend a meeting with an officer of the Council to discuss our concerns and to give you the opportunity to respond. If you don't want to attend a meeting you will be given the opportunity to provide your comments in writing. The final decision about what will happen with your licence will then be made by a senior member of staff in line with our decision making process which is set out at 6 below.

If your licence is suspended or revoked or your application is refused you have the right to appeal to a Magistrates Court and you must do this within 21 days from the date of which the letter confirming the Council's decision is served on you

6 Decision Making

Each application will be considered and determined on its own merits and on a case by case basis, having taken into consideration this policy and any relevant information. The underlying reason for any decision will be to preserve public safety.

If we are considering refusing your application or suspending or revoking your licence you will usually be given an opportunity to discuss the Council's concerns and to give your views. This can either be achieved through a face-to-face meeting or in writing if you prefer.

When all of the relevant information has been collected, the application or licence history will generally be considered by a panel of Council officers who will provide a recommendation to a senior member of staff. A senior officer will then make a decision, and where appropriate in consultation with a solicitor from the Council's Legal Services department.

The decision will be issued in writing to you. All taxi and private hire decisions generally have a right of appeal which will be explained in the decision letter and which must be made within 21 days of the date on which the letter confirming the Council's decision is served.

In making any decisions about licences the Council aims to be fair and consistent. In certain circumstances, the Council is required to act with immediacy, for example where there is a perceived imminent risk to public safety. In such circumstances the Council must balance the right of an individual to be heard against the paramount need to protect the public. Where the Council is of the view that a driver poses an imminent or serious risk to public safety, then immediate action may be taken in respect of a licence, without following the usual decision making process.

Decisions concerning vehicles will be made by authorised officers of the Council, trained to carry out vehicle inspections on behalf of the Council. Generally decisions concerning vehicle licence suspensions will be made without referral to the officer panel, where the matter relates to failure to comply with the Council's vehicle standards or conditions. For more complex matters, or where concerns arise in relation to the proprietor of the vehicle, then decision making will follow the usual officer panel process.

7. ENFORCEMENT

All enforcement of private hire and hackney carriage vehicle/driver and/or private hire operator licences will be carried out in accordance with the Council's adopted Licensing Enforcement Policy (Appendix 6) and the Council's Enforcement Policy which is available at buckinghamshire.gov.uk ().

Enforcement may be carried out in conjunction with other authorised bodies, such as DVSA and Thames Valley Police. Where appropriate, officers from neighbouring authorities may also be authorised to carry out taxi and private hire enforcement within the Council area and officers from the Council's Licensing Service may be likewise authorised in other areas.

The Licensing Service will aim to undertake enforcement fairly, providing advice where appropriate to ensure that operators, drivers and proprietors fully understand the relevant legislation and conditions.

Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently.

Complaints received and warnings issued in relation to licence holders will generally be held on file and taken into consideration during the period of any licence or application or where there is a break in licence history.

Informal interviews with drivers and or applicants will generally be recorded on disk or tape to ensure that there is an accurate record of the meeting.

8. SERVICE STANDARDS

To ensure the efficient use of officer time and to save on costs, the Council's preferred means of communication is by e-mail at ()

Where it is necessary to speak to an officer in person appointments can be made.

The Council will endeavour to process all applications and deal with any queries as quickly as possible but all applicants for any type of licence are recommended to make their application in good time to make sure that you can continue to work.

If you fail to provide all of the information and documents required for the application, it is likely that your application will be rejected and there will be delays in issuing the licence. Failure to attend appointments without 24 hours' notice is likely to result in a cancellation fee being charged.

You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff dealing with your application or query with the same courtesy, respect and fairness.

We will not tolerate threatening, abusive or unreasonable behaviour and this type of behaviour may result in formal action being taken against your licence or your application being refused.

Appendix 1 - Map of the Council area



Appendix 2 List of Offences

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

In relation to the maximum penalties specified, the levels of fine are currently as follows:

Level 1 - £200	Level 2 - £500	Level 3 - £1,000	Level 4 - £2,500
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Town Police Clauses Act 1847

HACKNEYS		
Section	Offence	Maximum Penalty
40	Giving false information on application for HC Licence	Level 1
44	Failure to notify change of address of HC proprietor	Level 1
45	Plying for hire without HC Proprietors licence	Level 4
47	Driving a HC without a HC drivers licence	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure by HC proprietor to hold HC driver's licence	Level 1
48	Failure by HC proprietor to produce HC driver's licence	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 month imprisonment whilst in default
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving HC without Proprietors consent	Level 1
60	Allowing another to drive HC without proprietors consent.	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving leading to injury or danger	Level 1
62	Driver leaving HC unattended.	Level 1
64	HC driver obstructing other HC's.	Level 1

Local Government (Miscellaneous Provisions) Act 1976

HACKNEYS		
Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietors licence	Level 3 (by virtue of s76)
50(1)	Failure to present a HC for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the HC Proprietors licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce the HC drivers licence	Level 3 (by virtue of s76)

57	Making a false statement or withholding information to obtain a HC drivers licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 + fine of £10 per day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 1
62(A)	Failure to return a licence or identity badge further to suspension or revocation on the grounds of right to work	Level 3 +fine of £10 per day
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
73(2)	Making a false statement when providing information	Level 3 (by virtue of s76)
46(1)(a)	Using an unlicensed PH Vehicle	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48(6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3

PRIVATE HIRE		
Section	Offence	Maximum Penalty
50(1)	Failure to present a PH vehicle for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the PH vehicle licence and an insurance certificate	Level 3 (by virtue of s76)

53(3)	Failure to produce a PH drivers licence	Level 3 (by virtue of s76)
54(2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
56(2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a PH driver or operator licence.	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 + fine of £10 per day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 1
62(A)	Failure to return a licence or identity badge further to suspension or revocation on the grounds of right to work	Level 3 +fine of £10 per day
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
73(2)	Making a false statement when providing information	Level 3 (by virtue of s76)

Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign, which contravenes s64 (1).	Level 3
64(2)(a)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).	Level 3

Health Act 2006 and Smoke Free (Penalties and Discounted Amounts) Regulations 2007

Section	Offence	Maximum Penalty
6	Failure to display required no-smoking signage	Level 3
7	Smoking in a smoke-free place	Level 1
8	Failing to prevent smoking in a smoke-free place	Level 4

Equality Act 2010

Section	Offence	Maximum Penalty
165	Refusal to carry a wheelchair passenger, or charging extra for doing so, or failing to provide reasonable mobility assistance	Level 3

	in a designated vehicle maintained in accordance with section 167 of the Equality Act 2010	
168	Refusal to carry an assistance dog or charging extra for doing so in a hackney carriage	Level 3
170	Refusal to carry an assistance dog or charging extra for doing so in a private hire vehicle	Level 3

Appendix 3 Licence Conditions

Private Hire Vehicle Driver Licence Conditions

The following requirements and conditions are made by Buckinghamshire Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety. These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

1. General

The licence holder will ensure that he or she complies at all times with all of the requirements of any Act and Regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any Code of Practice or policy implemented by the Council.

2. Maintenance of the Vehicle

Licence holders must ensure before they drive a licensed vehicle that:

- it is in a roadworthy condition, thoroughly cleaned, undamaged and that all equipment, fittings and fixtures are present and working.
- the tyres are of the correct pressure and tread depth and the lights are working properly (so far as is possible)
- it complies with all of the conditions attached to the vehicle licence
- the licence plate issued by the Council is securely fixed to the outside rear of the vehicle so that other road users and pedestrians can clearly read it
- the interior licence disc is properly displayed and clearly visible.
- any roof sign on a hackney carriage is securely attached and working
- they record details of checks and inspections in the relevant record book.
- they report any defect discovered to the owner(s) and private hire operator.

3. Conduct of the Licence Holder

The licence holder will:

- at all times be clean and respectably dressed with good personal hygiene;
- behave in a civil and orderly manner, not use foul and abusive language and treat passengers other road users and authorised officers with courtesy and respect;
- not discriminate against any person because of their race, colour, creed, age, gender, sexuality or disability;

- drive at all times in a careful and considerate manner and ensure that both their driving and behaviour are of a high standard;
- Not carry, at any time, any form of object on their person or in their vehicle which could be used as a weapon, without a reasonable excuse. What constitutes a reasonable excuse is to be determined by the Licensing authority;
- not demand a fare greater than previously agreed between their passenger and the operator or the fare shown on the meter if they are driving a hackney carriage;
- not smoke or use any electronic smoking device in a licensed vehicle at any time or allow their passengers to do so;
- Not obtain the telephone numbers of, or engage in any form of contact on social media with any passenger under the age of 18 years, whilst working;
- keep their licence and identity badge secure and never lend them to any other person;
- help any passenger getting into or out of the vehicle if requested and take all reasonable steps to make sure that passengers are safe when they are travelling in, getting into or out of the vehicle;
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
- help any passenger with the loading and unloading of their luggage into and out of the vehicle if requested;
- have successfully completed an Approved Passenger Assistance Training Course and have been issued with the appropriate identify badge before they drive a wheelchair accessible vehicle;
- provide a receipt for the journey if requested by the passenger;
- use the shortest possible route to reach the destination unless the passenger requests a different route;
- not drive the vehicle without the written permission of the vehicle licence holder;
- not drink, eat or play audio equipment in the vehicle without the permission of the passenger(s);
- use a mobile telephone at any time whilst driving or in control of a licensed vehicle.
- not cause an obstruction on the highway or any pavement or block any entrance;
- comply with any parking or waiting restrictions and all road traffic law;
- safeguard passenger information and comply with any relevant data protection legislation and requirements;
- make sure that no annoyance or disturbance is caused to residents or other road users when in possession or control of the vehicle;

- not use the vehicle horn or lights or shout to make the passenger(s) aware that they are ready to collect them;;
- not allow a private hire vehicle to be parked or waiting in such a way that it appears to be a hackney carriage or is waiting to be hired;
- not carry any passengers in a private hire vehicle where the journey has not been pre-booked via the vehicle's licensed operator before the start of the journey; not park or stop on a taxi rank for any reason when driving a private hire vehicle; and
- not initiate any dialogue of a "sexual" nature with a passenger. Licensed drivers are not permitted to become involved "sexually", or have sexual contact, even with consent, whilst in a licensed vehicle with any person.

4. Taximeter and Fare Table

If the vehicle being driven by the licence holder is fitted with a taximeter, he or she will not change or obstruct the fare recorded until that passenger has had a reasonable opportunity to examine the taximeter and has paid the fare.

The taximeter must not be tampered with and the vehicle cannot be used for private hire purposes unless the taximeter is in working order.

In a private hire vehicle the licence holder cannot charge more than any fare agreed with the private hire operator or charge more than the fare stated on the taximeter if the vehicle is fitted with a taximeter and no fare has been previously agreed.

In a hackney carriage the licence holder cannot charge more than the fare stated on the taximeter unless the journey finishes outside of the Council area and the fare has been agreed before the journey commences.

If the vehicle is fitted with a taximeter the licence holder must also ensure that the correct fare table is clearly displayed in the vehicle in such a way that it can be seen by the passenger(s) at all times.

5. Accidents and Damage to the Vehicle

The licence holder must report any accident (motoring or otherwise) involving the vehicle or any damage that affects the safety, performance or appearance of the vehicle in writing to the Licensing Authority within 72 hours of the accident. The licence holder must ensure that the vehicle is not used for hire until it has been inspected and approved by an authorised officer.

6. Driver's Identity Badge

The licence holder must wear the driver's identity badge issued by the Council in a position where it may be seen at all times when driving a licensed vehicle.

Should the licence or identity badge be lost or stolen, the licence holder must report it to the Licensing Authority in writing immediately and not drive a licensed vehicle until they have received a replacement

The licence holder must return their licence and identity badge immediately if their licence is

revoked, suspended or surrendered or when it expires.

7. **Passengers**

The licence holder will not:

- carry or allow to be carried in the vehicle a greater number of people than the vehicle licence permits and is stated on the licence plate;
- carry any additional passengers without the consent of the hirer or carry a child below the age of ten years in the front of the vehicle;
- carry more than one person in the front seat unless the vehicle has manufacturer fitted seats for more than one passenger in the front of the vehicle and is provided with seat belts for all front seat passengers. In this case you must not carry more than 2 front seat passengers;

When carrying any child passenger who is over 135cm in height (approximately 4 feet and 5 inches) or 12 years or older the licence holder must inform them that they must wear a seatbelt

For children under 135cm in height or under 12 years old, if the correct child restraints (i.e. child seats or harnesses) are not available the licence holder must inform their parent or guardian or some other adult responsible for their care that they can travel wearing an adult seatbelt, but this is at the discretion of the responsible adult.

8. **Carriage of Animals**

The licence holder will not allow any animal belonging to them or in their care to ride in the vehicle when they are using the vehicle for private hire.

The licence holder must not refuse any request to carry an assistance dog (for example a guide or hearing dog), accompanying a person with a disability unless they have been exempted in writing for medical reasons by the Licensing Authority from this requirement. If such an exemption certificate has been issued, it must be clearly displayed within the vehicle.

No additional charge will be made for carrying an assistance dog.

The licence holder must not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

9. **Private Hire Vehicle Operator**

The licence holder must not use the vehicle for private hire unless the bookings are invited and accepted by the operator. The licence holder must ensure that the operator has a current private hire vehicle operator's licence issued by the Council.

The licence holder must notify the Licensing Authority in writing of the name and address of the operator that they are working for within seven days from the date that they start driving for that operator.

If the licence holder stops driving for the operator, they must notify the Licensing Authority in writing that they have stopped driving for the operator within seven days.

10. Deposit of Licence

The licence holder must give a copy of their private hire driver's licence to the vehicle licence holder and operator before starting to drive the vehicle. The vehicle licence holder and operator should keep a copy of this licence until the licence holder stops driving that vehicle.

11. Insurance

It is the licence holder's responsibility to make sure that a valid and appropriate certificate of insurance is in force for the vehicle they are driving before they drive it. The licence holder must also make sure that they do not do anything which might invalidate the insurance. The licence holder must provide the certificate of insurance to an authorised officer or police officer on request.

12. Lost Property

After each hiring the licence holder must check the vehicle for any left or lost property. If anything is found the licence holder must hand it to the private hire operator within 48 hours.

13. Inspections / Production of Documents

The licence holder must not obstruct any authorised officer or police officer from carrying out any inspection or test of the vehicle.

The licence holder must provide any of the following documents within five working days if they are requested by an authorised officer:

- the licence holder's DVLA driving licence and an access code to enable the Council to check the licence
- the licence holder's taxi or private hire driver's licence

14. Medical Fitness

The licence holder must notify the Licensing Authority in writing within 5 working days of any change in their medical condition that may adversely affect their ability to drive. This includes both temporary and long-term permanent medical conditions.

At all times when the licence holder is driving a licensed vehicle they must be sober and not under the influence of any illegal drugs. If the licence holder takes any prescription drugs for a medical condition, they must make sure that they do not affect your ability to drive.

If the licence holder feels unwell at any time when driving a licensed vehicle they must stop driving or working until they are fit to return to work.

15. Convictions and DVLA Driving Licence

The licence holder must notify the Licensing Authority in writing within 48 hours if they are arrested, charged, cautioned or convicted of any offence (including motoring offences, the acceptance of speed awareness courses and /or any associated court orders) during the currency of the licence. The licence holder's representative must fulfil this requirement if the licence holder

is detained. Fixed Penalty Notices must be reported to the Licensing Authority in writing when it is accepted, as opposed to when the driving licence has been updated.

The licence holder will make their DVLA driving licence available for inspection on request from the Operator, an authorised officer or a police officer.

The licence holder must retain their DBS Certificate and Update Service registration for the duration of any licence or licence application.

16. Change of Address

The licence holder must notify the Licensing Authority in writing within 7 days of any change in their address, even if it is temporary. The licence holder must also provide an updated copy of their DVLA driving Licence reflecting any change in address details to the Licensing Authority within one month of any change in his or her address.

17. Acknowledgement of Notifications

If the licence holder has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Authority within one month, the licence holder must confirm with the Licensing Authority that the notification has been received.

18. Variation of Conditions

The Council reserves the right to vary, delete or waive any of these Conditions.

19. Appeals

If the licence holder is aggrieved by any of these Conditions, they may appeal to a Magistrates' Court within twenty-one days of when the licence was issued.

INFORMATIVES:

Suspension, Revocation or Refusal to Renew Licence

Without prejudice to these Conditions, the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:

- Any conviction for an offence involving dishonesty, indecency or violence.
- Any offence, or non-compliance with the provisions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976.
- Failure to comply with any of these Conditions. The Council reserves the right to waive any of these Conditions, at its absolute discretion.
- Failing to pay the appropriate licence fee. The Licence will be suspended immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council.

- Any criminal convictions
- Any other reasonable cause

Other Offences

The licence holder would be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847.
- Fails to comply with any reasonable request of an authorised officer.
- Without reasonable cause fails to give the authorised officer any other assistance or information which they may require.

HACKNEY CARRIAGE DRIVERS CODE OF CONDUCT

The following requirements are made by Buckinghamshire Council to ensure efficient and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

1. General

The licence holder will ensure that he or she complies at all times with all of the requirements of any Act and Regulations affecting the operation of hackney carriages, this Code of Conduct or any policy implemented by the Council.

2. Maintenance of the Vehicle

Licence holders must ensure before they drive a licensed vehicle that:

- it is in a roadworthy condition, thoroughly cleaned, undamaged and that all equipment, fittings and fixtures are present and working.
- the tyres are of the correct pressure and tread depth and the lights are working properly (so far as is possible)
- it complies with all of the conditions attached to the vehicle licence
- the licence plate issued by the Council is securely fixed to the outside rear of the vehicle so that other road users and pedestrians can clearly read it
- the interior licence disc is properly displayed and clearly visible.
- any roof sign on a hackney carriage is securely attached and working
- they record details of checks and inspections in the relevant record book.
- they report any defect discovered to the owner(s) and private hire operator.

3. Conduct of the Licence Holder

The licence holder will:

- at all times be clean and respectably dressed with good personal hygiene;
- behave in a civil and orderly manner, not use foul and abusive language and treat passengers other road users and authorised officers with courtesy and respect;
- not discriminate against any person because of their race, colour, creed, age, gender, sexuality or disability;
- drive at all times in a careful and considerate manner and ensure that both their driving and behaviour are of a high standard;
- not carry, at any time, any form of object on their person or in their vehicle which could be used as a weapon, without a reasonable excuse,. What constitutes a reasonable excuse is to

be determined by the Licensing Service;

- not demand a fare greater than previously agreed between their passenger and the operator or the fare shown on the meter if they are driving a hackney carriage;
- not smoke or use any electronic smoking device in a licensed vehicle at any time or allow their passengers to do so;
- not obtain the telephone numbers of, or engage in any form of contact on social media with any passenger under the age of 18 years, whilst working;
- keep their licence and identity badge secure and never lend them to any other person;
- help any passenger getting into or out of the vehicle if requested and take all reasonable steps to make sure that passengers are safe when they are travelling in, getting into or out of the vehicle;
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
- help any passenger with the loading and unloading of their luggage into and out of the vehicle if requested;
- have successfully completed an Approved Passenger Assistance Training Course and have been issued with the appropriate identify badge before they drive a wheelchair accessible vehicle;
- provide a receipt for the journey if requested by the passenger;
- use the shortest possible route to reach the destination unless the passenger requests a different route;
- not drive the vehicle without the written permission of the vehicle licence holder;
- not drink, eat or play audio equipment in the vehicle without the permission of the passenger(s);
- use a mobile telephone at any time whilst driving or in control of a licensed vehicle.
- not cause an obstruction on the highway or any pavement or block any entrance;
- comply with any parking or waiting restrictions and all road traffic law;
- safeguard passenger information and comply with any relevant data protection legislation and requirements;
- make sure that no annoyance or disturbance is caused to residents or other road users when in possession or in control of the vehicle;
- not use the vehicle horn or lights or shout to make the passenger(s) aware that they are ready to collect them;
- not initiate any dialogue of a “sexual” nature with a passenger. Licensed drivers are not

permitted to become involved "sexually", or have sexual contact, even with consent, whilst in a licensed vehicle with any person.

4. Taximeter and Fare Table

If the vehicle being driven by the licence holder is fitted with a taximeter, he or she will not change or obstruct the fare recorded until that passenger has had a reasonable opportunity to examine the taximeter and has paid the fare.

The taximeter must not be tampered with.

The licence holder cannot charge more than the fare stated on the taximeter unless the journey finishes outside of the Council area and the fare has been agreed before the journey commences.

The licence holder must also ensure that the correct fare table is clearly displayed in the vehicle in such a way that it can be seen by the passenger(s) at all times.

5. Accidents and Damage to the Vehicle

The licence holder must report any accident (motoring or otherwise) involving the vehicle or any damage that affects the safety, performance or appearance of the vehicle in writing to the Licensing Authority within 72 hours of the accident. The licence holder must ensure that the vehicle is not used for hire until it has been inspected and approved by an authorised officer.

6. Driver's Identity Badge

The licence holder must wear the driver's identity badge issued by the Council in a position where it may be seen at all times when driving a licensed vehicle.

Should the licence or identity badge be lost or stolen, the licence holder must report it to the Licensing Authority in writing immediately and not drive a licensed vehicle until they have received a replacement

The licence holder must return their licence and identity badge immediately if their licence is revoked, suspended or surrendered or when it expires.

7. Passengers

The licence holder will not:

- carry or allow to be carried in the vehicle a greater number of people than the vehicle licence permits and is stated on the licence plate.
- carry any additional passengers without the consent of the hirer or carry a child below the age of ten years in the front of the vehicle;
- carry more than one person in the front seat unless the vehicle has manufacturer fitted seats for more than one passenger in the front of the vehicle and is provided with seat belts for all front seat passengers. In this case you must not carry more than 2 front seat passengers

When carrying any child passenger who is over 135cm in height (approximately 4 feet and 5 inches) or 12 years or older the licence holder must inform them that they must wear a seatbelt

For children under 135cm in height or under 12 years old, if the correct child restraints (i.e. child seats or harnesses) are not available the licence holder must inform their parent or guardian or some other adult responsible for their care that they can travel wearing an adult seatbelt, but this is at the discretion of the responsible adult.

8. Carriage of Animals

The licence holder will not allow any animal belonging to them or in their care to ride in the vehicle when they are using the vehicle for hire.

The licence holder must not refuse any request to carry an assistance dog (for example a guide or hearing dog), accompanying a person with a disability unless they have been exempted in writing for medical reasons by the Licensing Authority from this requirement. If such an exemption certificate has been issued, it must be clearly displayed within the vehicle.

No additional charge will be made for carrying an assistance dog.

The licence holder must not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

9. Deposit of Licence

The licence holder must give a copy of their Hackney Carriage Driver's Licence to the vehicle licence holder before starting to drive the vehicle. The vehicle licence holder should keep a copy of this licence until the licence holder stops driving that vehicle.

10. Insurance

It is the licence holder's responsibility to make sure that a valid and appropriate certificate of insurance is in force for the vehicle they are driving before they drive it. The licence holder must also make sure that they do not do anything which might invalidate the insurance. The licence holder must provide the certificate of insurance to an authorised officer or police officer on request.

11. Lost Property

After each hiring the licence holder must check the vehicle for any left or lost property. If anything is found the licence holder must hand it to the local police station within 48 hours.

12. Inspections / Production of Documents

The licence holder must not obstruct any authorised officer or police officer from carrying out any inspection or test of the vehicle.

The licence holder must provide any of the following documents within five working days if they are requested by an authorised officer:

- the licence holder's DVLA driving licence and an access code to enable the Council to check the licence
- the licence holder's taxi or private hire driver's licence

13. Medical Fitness

The licence holder must notify the Licensing Authority in writing within 5 working days of any change in their medical condition that may adversely affect their ability to drive. This includes both temporary and long-term permanent medical conditions.

At all times when the licence holder is driving a licensed vehicle they must be sober and not under the influence of any illegal drugs. If the licence holder takes any prescription drugs for a medical condition, they must make sure that they do not affect your ability to drive.

If the licence holder feels unwell at any time when driving a licensed vehicle they must stop driving or working until they are fit to return to work.

14. Convictions and DVLA Driving Licence

The licence holder must notify the Licensing Authority in writing within 48 hours if they are arrested, charged, cautioned or convicted of any offence (including motoring offences, the acceptance of speed awareness courses and / or any associated court orders) during the currency of the licence. The licence holder's representative must fulfil this requirement if the licence holder is detained. Fixed Penalty Notices must be reported to the Licensing Authority in writing when it is accepted, as opposed to when the driving licence has been updated.

The licence holder will make their DVLA driving licence available for inspection on request from the Operator, an authorised officer or a police officer.

The licence holder must retain their DBS Certificate and Update Service registration for the duration of any licence or licence application.

15. Change of Address

The licence holder must notify the Licensing Authority in writing within 7 days of any change in their address, even if it is temporary. The licence holder must also provide an updated copy of their DVLA driving Licence reflecting any change in address details to the Licensing Authority within one month of any change in his or her address.

16. Acknowledgement of Notifications

If the licence holder has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Authority within one month, the licence holder must confirm with the Licensing Authority that the notification has been received.

17. Variation of Conditions

The Council reserves the right to vary, delete or waive any of these Conditions.

18. Appeals

If the licence holder is aggrieved by any of these Conditions, they may appeal to a Magistrates' Court within twenty-one days of when the licence was issued.

INFORMATIVES:

Suspension, Revocation or Refusal to Renew Licence

Without prejudice to this Code of Conduct, the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:

- Any conviction for an offence involving dishonesty, indecency or violence.
- Any offence, or non-compliance with the provisions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976.
- Failure to comply with any of these Conditions. The Council reserves the right to waive any of these Conditions, at its absolute discretion.
- Failing to pay the appropriate licence fee. The Licence will be suspended immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council.
- Any criminal convictions
- Any other reasonable cause

Other Offences

The licence holder would be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847.
- Fails to comply with any reasonable request of an authorised officer.
- Without reasonable cause fails to give the authorised officer any other assistance or information which they may require.

Hackney Carriage and Private Hire Vehicle Licence Conditions

The following requirements and conditions are made by Buckinghamshire Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Town Police Clauses Act 1847, the Town Police Clauses Act 1889, the Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985 and other relevant legislation.

1. General

The licence holder must ensure that the vehicle complies in all respects with the requirements of any Act and Regulation affecting the operation of private hire vehicles, hackney carriages, motor vehicles, these conditions and any Code of Practice or policy implemented by the Council.

2. Construction

The Vehicle must be of such design and appearance and include such fittings as are specified by the Council.

3. Maintenance of the Vehicle

The vehicle must be regularly maintained and tested. The vehicle must be checked every day that it is used to ensure that it is roadworthy and complies with these Conditions and that any equipment, fittings or fixtures are present and serviceable. Details of checks and inspections must be recorded in the record book to be kept in line with Condition 16 below.

The colour of the vehicle, its mechanical or structural specification, design, condition or appearance cannot be changed without the prior written consent of the Council. The vehicle, including all fittings, must be kept roadworthy, well maintained and in good working order so that it complies with MOT requirements at all times.

A valid MOT certificate issued by an approved garage must be in force at all times that the vehicle is licensed.

The interior and exterior of the vehicle must be kept in a clean and tidy condition and all bodywork kept free from dents and other distortion and/or damage. Any repairs and cosmetic improvements must be of an acceptable quality with a good paint match. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods must operate correctly and all upholstery must be well maintained and free from unsightly repairs, stains and burns.

The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Licensing Authority.

If a roof rack (or roof box) is being used it must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack, a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.

The vehicle must carry a spare wheel to fit the vehicle and the wheel, together with equipment to change the wheel must be securely stored. This does not apply if the vehicle did not include a spare wheel when new, in which case the manufacturer's alternative (e.g. spray can) will be acceptable.

The vehicle must be fitted with tyres that meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least 2 mm of tread across the entire contact surface.

The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition.

Any protective screen within the vehicle must have been installed in line with the Council's guidelines and be approved by the Licensing Section or an authorised garage prior to use.

The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle was inspected by an approved testing station. Self-adhesive material (tinted or clear) must not be fixed to any part of the glass.

The licence holder must ensure that all drivers permitted to drive the vehicle check and confirm that it is roadworthy and complies with these Conditions before they drive the vehicle. A minimum of 75% light must be transmitted through the front windscreen, 70% light is transmitted through any front passenger windows and a minimum of 60% light through all other glass. Approved executive vehicles are exempted from this requirement.

4. Taximeter and Table of Fares

Hackney carriages must be fitted with a calendar controlled and sealed taximeter which is tamper-proof and has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must be illuminated when in use.

The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.

The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.

When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage Table of Fares.

The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.

The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.

If the meter fails or does not comply with the conditions, the vehicle must not be used as a hackney carriage.

A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

You must not (and you must not allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse or alter any meter with the intent to mislead.

Meters in Private Hire Vehicles

You may use a meter in the private hire vehicle only if it is constructed, attached, and maintained in compliance with the requirements above.

Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.

You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).

You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

5. Damage to the Vehicle

Any damage materially affecting the safety, performance or appearance of the Vehicle or the comfort or convenience of your passengers must be reported in writing to the Licensing Authority within 72 hours of the vehicle being damaged. The Vehicle must not be used until it has been repaired to the satisfaction of the Licensing Authority. Where a vehicle has not been inspected by an authorised officer prior to repairs being carried out, a new MOT certificate will generally be required to ensure that the vehicle is in a roadworthy condition.. If you are in any doubt as to whether the vehicle is affected you must notify the Licensing Authority.

6. Vehicle Inspections

The licence holder must make the vehicle available for inspection by an authorised officer or a police officer at any time and must confirm the location of the vehicle on request.

7. Licence Plate

The licence holder must ensure that the licence plate issued by the Council is securely fixed to the exterior of the rear of the Vehicle at all times and is maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times. Alteration of the size and condition of the licence plate is not permitted. The plate must be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable the plate shall be fixed with the aid of screws and bolts.

The licence plate remains the property of the Council and the licence holder must return the plate to the Licensing Authority immediately upon termination of the licence, whether this is through suspension, surrender, revocation or normal expiry.

The licence holder must report any theft or loss of the plate to the police and the Licensing Authority within 24 hours of becoming aware of the theft or loss. The vehicle must not then be used for hire until a replacement plate has been obtained and fixed to the vehicle.

8. Other Signs or Notices

The licence holder must fix and maintain in good condition and in the specified position, any sign or notice required by the Council. All private hire vehicles which are not subject to an exemption must display yellow door signs on the driver door and the front passenger door of the vehicle. These must be positioned so that the sign is above the rubbing strip on the doors or in any event the top of the sticker cannot be more than 15cm below the bottom of the window. The use of magnets to secure Council issued door stickers is not considered secure and is not permitted unless issued for a temporary vehicle.

Vehicles which have been granted executive status are not required to display the Council issued yellow door signs and must not display any form of signage other than the executive style licence plate.

9. Advertisements and Roof Signs

The licence holder must not display any advertisement in or on the vehicle or fix any roof sign to the vehicle without the written consent of the Council.

10. Drivers

The licence holder must only permit the vehicle to be driven by a driver licensed by the Council to drive private hire vehicles and they are satisfied that the person is a safe and suitable person to drive the vehicle.

Before permitting or employing a driver to drive the vehicle, the licence holder must obtain a copy of their private hire driver licence and must keep a copy of their current licence until the driver no longer drives the vehicle. The licence holder must also provide a copy of this licence to an authorised officer on request.

Before permitting or employing a driver to drive a wheelchair accessible vehicle, the licence holder must ensure that the driver has successfully completed an Approved Passenger Assistance Training Course and has been issued with the appropriate identify badge.

The licence holder must notify the Licensing Authority in writing of any driver permitted to drive the vehicle within seven days of the driver being employed or granted permission to drive the Vehicle.

The licence holder will notify the Licensing Service in writing of any complaint relating to the driver within seven days of receipt of the complaint.

11. Private Hire Vehicle Operator

The licence holder must notify the Licensing Service in writing of any change in the Operator(s) who operate(s) the vehicle within seven days from the date of the change.

12. Transfer of Vehicle

The licence holder must immediately notify the Council in writing of any transfer of their interest in the vehicle and provide the name and address of the person that the interest has been transferred to. The licence holder must return the licence plate and licence before they sell or transfer the vehicle transfer.

13. Insurance

The licence holder must ensure that a valid certificate of insurance that complies with the requirements of road traffic legislation is kept in force in respect of each driver of the vehicle and in relation to its use as either a private hire vehicle or a hackney carriage.

The licence holder must produce the insurance certificate to a Police Officer or an authorised officer on request. The licence holder must ensure that the Licensing Service is given a copy of the current insurance cover during the period of the licence.

14. Convictions

The licence holder must notify the Licensing Authority in writing within 48 hours if they are arrested, charged, cautioned or convicted of any offence (including motoring offences, the acceptance of speed awareness courses and / or any associated court orders) during the currency of the licence. The licence holder's representative must fulfil this requirement if the licence holder is detained. Fixed Penalty Notices must be reported to the Licensing Authority in writing when it is accepted , as opposed to when the driving licence has been updated.

The licence holder will make their DVLA driving licence available for inspection on request from the Operator, an authorised officer or a police officer.

15. Fire Extinguisher and First Aid Kit

At all times the vehicle must carry a 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number painted on it. The fire extinguisher must be properly maintained in accordance with BS 5306; Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.

A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 must be carried in all licensed vehicles so that it is immediately available for use in an emergency. All items contained within the first aid kit must be within their expiry date and in good condition.

16. Record Book

The licence holder must keep a record book that contains the following information:

- the name(s), address(es), and licence number(s) of the persons permitted or employed to drive the Vehicle
- The name and licence number of the person in possession of the vehicle at any time
- records of maintenance checks and inspections undertaken which must include:

- dates and times of each inspection and maintenance check
- the name of the person or garage which undertook the inspection or check
- details of defects identified and dates when the defects were corrected

The licence holder must retain this record book for a minimum period of twelve months and produce it to the authorised officer on request.

17. Change of Address

The licence holder must notify the Licensing Service in writing within 7 days of any change of address, even if it is temporary.

18. Acknowledgement of Notifications

If within one month you have not received written acknowledgement of any notification that you were required to make by the conditions of the licence from the Licensing Service you must confirm with the Licensing Service that the notification has been received.

19. Appeals

If the licence holder is aggrieved by any of these Conditions, they may appeal to a Magistrates' Court within twenty-one days of when the licence is issued

INFORMATIVES:

Suspension, Revocation or Refusal to Renew Licence

- (a) Without prejudice to these Conditions the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:
- that the Vehicle is unfit for use as a private hire vehicle;
 - any offences, or non-compliance with the provisions of the Town Police Clauses Act 1847 or the 1976 Act by the Operator or driver;
 - failure to comply with any of these Conditions;
 - failure to pay the appropriate licence fee. The Licence shall be suspended immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council;
 - any criminal convictions;
 - any other reasonable cause.
- (b) The Licence shall be deemed to be revoked should any defect(s) set out in a notice issued under Section 68 of the 1976 Act be not corrected to the satisfaction of the Authorised Officer within two months from the date the notice is issued.

Other Offences

The licence holder will be guilty of an offence if they:

- wilfully obstruct an Authorised Officer acting in pursuance of Part II of the 1976 Act or the Town Police Clauses Act 1847;
- fail to comply with any requirements properly made to him or her by the Authorised Officer;
- without reasonable cause fail to give the Authorised Officer any other assistance or information which the Authorised Officer may require for the performance of his or her functions.

Executive Private Hire Vehicle Licence Conditions

Definitions:

1. In these conditions, the following expressions have the following meaning:

“Exemption notice” means a notice served by the Council which permits the licensee:

- (1) to display the executive licence plate issued by the Council on the licensed vehicle in place of the normal licence plate required by condition 7 of the Hackney Carriage and Private Hire Vehicle Licence Conditions;
- (2) to tint the windows of the licensed vehicle notwithstanding the Council’s policy in this respect;
- (3) to refrain from displaying door stickers issued by the Council for display on licensed vehicles pursuant to condition 8 of the Hackney Carriage and Private Hire Vehicle Licence Conditions.

“Withdrawal notice” means a notice served by the Council which withdraws an exemption notice and revokes the permissions granted by the exemption notice.

“Work of a corporate or executive nature” means work which satisfies **both** (a) and (b) below. The work must be conducted:

- (a) solely for corporate or other business account customers who have an agreement with the licensee; and
- (b) on an account basis whereby payments are made pursuant to an invoice, remotely and otherwise than for cash.

2. Any vehicle which is the subject of an exemption notice shall only be used for work of a corporate or executive nature.
3. Without prejudice to condition 2:
 - (a) Cash payment for hire shall not be sought or accepted.
 - (b) Bookings shall not be taken from persons who are not corporate or other business account customers of the licensee.
 - (c) The vehicle shall not be used to convey children to or from schools.
4. The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.
5. The Exemption Notice issued by the Council shall be carried within the vehicle at all times and presented for inspection at the request of an Authorised Officer, a Police Officer or the Hirer.
6. Other than the executive licence plate issued by the Council, no advertisement, signage, logos or insignia shall be displayed in, on or from the vehicle.
7. The driver of the vehicle shall be dressed in a business suit or jacket and tie with smart trousers.
8. The Council may serve a Withdrawal Notice in its absolute discretion. Following service of a Withdrawal Notice, the Licensee shall return the executive licence plate to the Council forthwith, and may not use the vehicle for private hire work unless and until the vehicle is fitted with a standard private hire licence plate (as required by condition 7 of the Hackney Carriage and Private Hire Vehicle

Licence Conditions), door stickers (as required by condition 9 of the Hackney Carriage and Private Hire Vehicle Licence Conditions), and complies with the Council's policy in relation to tinted windows.

9. Executive status is not transferable between private hire operators. The Licensee must notify the Authorised Officer in writing of any change in the Operator(s) who are operating the vehicle in line with condition 11 of the Hackney Carriage and Private Hire Vehicle Licence conditions and the Authorised Officer will determine whether retention of executive status is appropriate.

Non Standard Private Hire Vehicle Licence Conditions for Stretched Limousines and Novelty Vehicles

A limousine, or other novelty vehicle capable of carrying no more than 8 passengers for hire or reward is a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below:-

- 1 For the purposes of this policy and licence conditions, a stretched limousine is defined as a luxurious vehicle, whether left or right hand drive, that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches [3048 millimetres]. The vehicle shall be capable of carrying up to, but not exceeding eight seated passengers. Each passenger seating area will be at least 400mm wide.
- 2 For the purposes of this policy, a novelty vehicle shall be defined as follows:-
 - a) any vehicle that has been specially constructed adapted or converted by a low volume specialist vehicle manufacturer or modifier;
 - b) any vehicle that has been specially modified from its original design or specification and that is capable of carrying up to but not exceeding 8 passengers;
 - d) vehicles intended for the carriage of fare paying passengers that, prior to the introduction of this policy/conditions, would not be licensed by the Authority as a private hire vehicle because they did not comply with one or more of the Standard Conditions relating to Private Hire Vehicles;
 - e) Any vehicle that, in the opinion of the Licensing Team Leader, because of its specialist design/styling or origin or age is required to be classed as a Novelty Vehicle.

3 Age of Vehicle

Stretch limousines and other novelty vehicles will be licensed up to a maximum of fourteen years from the date of registration; provided the vehicle presented meets all of the Council's other criteria in terms of appearance and maintenance.

4 Licence Plates

The vehicle licence plate must be kept in the boot of the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The internal plate must be displayed in the front windscreen at all times so that the details are clearly visible from both the interior and exterior of the vehicle. Where a partition is fitted to the vehicle a further internal licence plate must be displayed in the passenger compartment of the vehicle so that it is clearly visible to occupants.

5 Driver

Only a licensed private hire driver is permitted to drive the vehicle whilst it is licensed. The driver must ensure that they wear their Council-issued identity badge in a prominent position on their person at all times whilst working or driving the vehicle.

The driver shall at all times be clean and respectable in their dress and behave in a civil and orderly manner.

6 Advertisements and Roof Signs

The Licensee shall not display any advertisement in or on the Vehicle or affix any roof sign to the Vehicle without the written consent of the Council.

7 Passengers and Passenger Safety

- a) The proprietor shall not permit the Limousine/Novelty Vehicle to be used to carry a greater number of passengers than the number prescribed in the licence. For the avoidance of doubt a child in arms is classed as a person whatever age.
- b) No fare paying passengers will be carried in the front of the vehicle.
- c) Where a clear view into the vehicle is restricted by either a window tint or the nature of the vehicle, the vehicle shall not carry less than two passengers at any one time. Where the passengers in the vehicle consist of persons under the age of 14 years they will be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.
- d) All passengers must remain seated at all times when the vehicle is in motion.
- e) The proprietor of the vehicle must:
 - i) Provide sufficient means by which any person in the vehicle may communicate with the driver.
 - ii) Ensure that the interior of the vehicle is kept wind and watertight.
 - iii) Ensure that the seats in the passenger compartment are kept properly cushioned and covered.
 - iv) Ensure that the floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.
 - v) Provide facilities for luggage to be conveyed safely and be protected from inclement weather.
 - vi) Provide at least two doors for use of persons conveyed in Limousine/Novelty Vehicle and a separate means of ingress and egress for the driver.
 - vii) Ensure that the interior and exterior of the Limousine/Novelty Vehicle is kept in a clean condition.
 - viii) Ensure that seatbelts are fitted to all forward and rear facing seats. In accordance with Construction and Use Regulations, where seat belts are fitted they must be readily available to be worn by passengers at all times when the vehicle is in motion.
 - ix) Ensure that an approved first aid kit and fire extinguisher will be carried in the vehicle at all times when the vehicle is in use. The fire extinguisher must be replaced every two years or earlier if necessary.

9 Interior Lighting

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

12 Tyres and Road Wheels

The vehicle shall be equipped with a minimum of 4 road wheels and 1 full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer.

- 13 [Windows](#)
The front windscreen shall allow a minimum level of 75% light transmittance and the front driver and passenger windows shall allow a minimum level of 70% light transmittance.
- 14 [Decommissioned Vehicle Markings](#)
Novelty vehicles based on decommissioned Military or Emergency Response vehicles must have all official marking or lights removed. Any colour scheme must be of a contrast to the original colour scheme and to that of any previous or current military or emergency response vehicles.
- 15 [Roof Racks](#)
Without prejudice to any other conditions in the Licence, a roof rack or any other device for storing luggage shall not be installed or maintained on any part of the exterior of the vehicle except with the approval of the Council.
- 16 [Exemption Notice for Displaying a Licence Plate / Door Stickers](#)
A certificate exempting the vehicle from displaying a licence plate and Council-issued door stickers will be issued by the Council. This certificate must be carried in the vehicle at all times and be available for inspection on request by an authorised officer of the Council or a police constable.
- 17 [Convictions](#)
The licence holder must notify the Licensing Authority in writing within 48 hours if they are arrested, charged, cautioned or convicted of any offence (including motoring offences, the acceptance of speed awareness courses and / or any associated court orders) during the currency of the licence. The licence holder's representative must fulfil this requirement if the licence holder is detained. Fixed Penalty Notices must be reported to the Licensing Authority in writing when it is accepted, as opposed to when the driving licence has been updated.
- 18 [Touting](#)
No person shall tout, solicit or approach any person to encourage them to be carried in the vehicle.
- 19 [Alcohol](#)
Alcoholic drinks provided in the vehicle shall be available only under the terms of an appropriate licence relating to the sale and supply of alcohol. This includes any complimentary drinks provided as part of the hiring.

Alcohol shall only be consumed while the vehicle is stationary and the bottle shall immediately afterwards be placed in a secure receptacle. Suitable stowage shall be provided for any containers during the journey.

If all of the passengers are below the age of 18, there shall be no alcohol in the vehicle for consumption or otherwise.

Any glassware used in the vehicle must be made of shatterproof glass or plastic.

20 Licensing Act 2003

The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.

The limousine operator shall ensure that a performing rights licence is held where appropriate.

A Premises Licence will be required for the provision of any form of regulated entertainment within the scope of the Licensing Act 2003 when the vehicle is parked.

- 21 The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.
- 22 The driver shall have been appropriately trained to drive the type of vehicle being used. Evidence of this training shall be provided to an Authorised Officer on request.

The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

Private Hire Vehicle Operator Licence Conditions

The following requirements and conditions are made by Buckinghamshire Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

1. General

The licence holder will ensure that he or she complies in all respects with the requirements of any Act and Regulations affecting the operation of private hire vehicles and motor vehicles, these Conditions and any Code of Practice or policy implemented by the Council.

The licence holder will take all reasonable precautions for the safety of the public, passengers, hirers and employees and is personally responsible for making sure that employees are aware of these conditions and any other relevant necessary information to enable them to fulfil their role.

2. Nominated Person

The licence holder will ensure that any person appointed as a Nominated Person is:

- at least 21 years of age
- appointed by the licence holder in writing
- a regular employee of the licence holder
- capable of supervising the licence holder's business properly

The licence holder will ensure that the Nominated Person has a copy of this Licence and is aware of these Conditions.

3. Person in Charge

The licence holder or a Nominated Person will be in direct control of the business at all times when bookings can be accepted and will not carry out other duties which may prevent them from having direct control.. The licence holder will remain ultimately responsible for compliance with the requirements of this licence.

The licence holder must keep a written record of the name, dates and times when a Nominated Person acts as a person in charge.

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

4. Standard of Service

The licence holder will provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose will in particular:

- ensure that passengers are collected at the agreed time and place and that, in the case of a delay, the operator should take all reasonable steps to inform the customer;
- ensure that passengers are delivered to the agreed destination;
- ensure that any information provided by hirers or passengers is kept safe and secure and in line with data protection requirements;
- ensure that any part of the premises provided for the use of the public to make bookings or wait for vehicles is kept clean, adequately heated and ventilated, provided with adequate seating facilities and provided with a notice indicating that the service provided is in respect of pre-booked journeys only;
- ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- establish and maintain a procedure for dealing with complaints relating to any private hire booking accepted by them;
- establish and maintain a policy for the employment of ex-offenders which includes the requirement for all staff to provide a satisfactory Basic Disclosure from the Disclosure and Barring Service which is not more than 3 months old before they start working for the operator, with a new Basic Certificate provided on an annual basis;
- ensure that where bookings are sub-contracted to another private hire operator, that the receiving operator also has a policy for the employment of ex-offenders and requires Basic Disclosures from all staff as referred to above;
- ensure that no annoyance or disturbance is caused to residents or other road users by the operation of a vehicle or the operation of the licence holder's business in general;
- if requested to do so by a person making a private hire booking, agree the fare for the journey booked or provide an estimate of the fare;
- ensure that the driver is authorised in writing by the vehicle licence holder to drive the vehicle before the driver commences a journey;
- ensure that any driver of a wheelchair accessible vehicle has successfully completed an Approved Passenger Assistance Training Course and has been issued with the appropriate identify badge;
- where a Public Carriage Vehicle is required to carry out a booking, inform the hirer that the driver may not have been required to provide an Enhanced Disclosure from the Disclosure and Barring Service.
- ensure that the vehicle complies with the vehicle licence conditions before it is used to fulfil a booking;
- ensure that all drivers permitted or employed to drive the vehicle are familiar with the conditions, legislation and byelaws regulating the operation of the vehicle;

5. Number of Vehicles

The licence holder will ensure that the number of vehicles used by the licence holder does not exceed the number of vehicles specified in the licence..

6. Details of Drivers

The licence holder will keep at the Operating Centre a record containing the details set out below for each driver who carries out bookings accepted by them.

The details to be kept for each driver are:

- the surname, forename, address and date of birth
- the National Insurance number
- a photocopy of his or her DVLA driving licence
- a copy of his or her private hire driver licence
- the radio call sign for the driver (if applicable)
- the date on which they started working for the licence holder
- the date on which they stopped working for the licence holder

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

7. Details of Staff

The private hire operator must maintain a register of all persons engaged by the operator, in any capacity as part of the private hire operator's business. The details must include:

- the full name of the person engaged by the operator
- that person's address
- that person's national insurance number
- details and confirmation that checks have been made to ensure that person has the right to remain and work in the United Kingdom
- details and confirmation that checks have been made to ensure that person has provided a DBS certificate and meets the requirements of the licence holder's conviction policy
- dates that the person started (and where applicable) stopped working for the licence holder

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

8. Booking Records

For the purposes of Section 56(2) of the 1976 Act, the licence holder will keep at the Operating Centre a record, containing the information listed below:

- The full name of the call handler accepting the booking;
- the date on which the booking is made and, if different, the date of the proposed journey;
- the name of the hirer, or if more than one person, the names of them;
- a contact telephone number and e-mail address of the hirer, if provided;
- the agreed time and place of collection;
- the main destination given at the time of the booking;
- any fare or estimated fare quoted;
- the name or call-sign of the driver carrying out the booking;
- the registration number of the vehicle carrying out the booking;
- the name of the individual who dispatched the vehicle;
- if applicable, the name of the other operator to whom the booking has been sub-contracted;

The licence holder will ensure that all of the above information is recorded before the commencement of each journey and is kept for a minimum of twelve months in a format which is legible and can be immediately provided to the Licensing Authority on request, either as a hard copy or electronically.

9. Details of Vehicles

For the purposes of Section 56(3) of the 1976 Act, the licence holder will keep a record containing the information referred to below relating to each Vehicle operated by the licence holder.

The details to be kept for each vehicle are:

- the make, model and colour;
- the registration number;
- the name and address of the registered keeper and owner (if different) ;
- a copy of the current private hire vehicle licence;
- a copy of the current certificate of insurance;
- the radio call sign for the vehicle (if applicable);
- the date on which the vehicle started to be operated by the licence holder; and

- the date on which the vehicle stopped being operated by the licence holder.

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

10. **Trading Name**

The licence holder will only use a trading name which has previously been approved in writing by the Licensing Authority. This requirement includes any names used on promotional material, advertisements, website information or any other written documents.

11. **Record of Complaints**

The licence holder will keep a record containing the following information:

- the name of the complainant and any address, telephone number or other contact details provided by him or her
- the nature of the complaint
- details of any investigation carried out and subsequent action taken as a result

In relation to a complaint made in respect of private hire booking:-

- the name of the driver who carried out the booking
- the date of the related booking
- the registration mark of the Vehicle used for the booking

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

12. **Insurance**

The licence holder will maintain in force, where relevant, employer's liability insurance in line with the Employer's Liability Compulsory Insurance Act 1969.

For Operating Centres which are accessible to members of the public, the licence holder will maintain in force public liability insurance which provides a minimum indemnity of £10,000,000 in respect of any one event.

The licence holder will ensure that every Vehicle operated by him or her is covered by a certificate of insurance or cover note indemnifying the owner of the vehicle for the carriage of passengers for hire and reward and will keep a copy of the current certificate or cover note for a minimum period of 12 months.

13. **Fares and Fare Table**

The licence holder will agree the fare for the journey booked or provide an estimate of the fare if requested by the hirer.

Where the licence holder has a table of fares, they will ensure that a copy of the current fare table is clearly displayed in any vehicles operated by them and a copy of the table of fares is also exhibited at the Operating Centre.

When the licence holder uses a hackney carriage to fulfil a private hire booking they will ensure that the fare charged will not be greater than the fare or rate of fares set by the Council under Section 65 of the 1976 Act for hackney carriages. When any such hackney carriage is used, the fare will be calculated from the point in the district at which the Hirer commences his or her journey.

14. Operating Centre

The licence holder will not use the Operating Centre until the Authorised Officer has approved its location in writing. This includes any change of premises during the period of the licence.

Any authorised officer and Police Officer will be permitted by the licence holder to visit and inspect the Operating Centre at any time.

15. Change of Address

The licence holder must notify the Licensing Service in writing within 7 days of any change in their home address, even if it is temporary.

16. Operator Licences in Company Names

Where a licence has been issued in the name of a company, the licence holder will notify the Licensing Authority in writing within seven days of any change in the directorship of the company. Any new directors would then be required to submit an application for the appropriate level of Disclosure and Barring Service Disclosure Certificate and undertake the relevant knowledge test, and Child Sexual Exploitation training, both within two months of the notification.

17. Convictions

The licence holder is required to produce a new basic disclosure from the Disclosure and Barring Service (DBS) on an annual basis, unless they hold a current driver's licence with the Council. The disclosure must be dated and produced within a month prior to the anniversary of the grant of the licence.

During the period of the Licence, the licence holder must within 48 hours notify the Licensing Authority in writing if any of the following are arrested, charged, cautioned or convicted of any offence

- where the Operator is an individual, against him or her;
- where the Operator is a firm, against any partner of that firm, or
- where the Operator is a Company, against the Company itself, a Director or Officer of the Company

The licence holder's representative must fulfil this requirement if the licence holder is detained.

Fixed Penalty Notices must be reported to the Licensing Authority in writing upon acceptance from

a police officer, as opposed to when the driving licence has been updated.

18. Provision of information

During the currency of the licence the Licensee shall within 7 days of the date of an event detailed below give the Authorised Officer written notice of the following:

- any change in the information provided in the original application for the grant of the Licence, or any subsequent application for the variation thereof, if any driver ceases to be available to the Operator for carrying out bookings, by virtue of that driver's unsatisfactory conduct in connection with the driving of a vehicle including the name and address of the driver and the circumstances of the case;
- a vehicle or vehicles cease to be used by the Operator for carrying out bookings, by virtue of that vehicle's unsatisfactory condition; or
- any complaint concerning a contract for hire or purported contract for hire relating or arising from the Licensee's business and of any action (if any) which the Licensee has taken in response to the complaint.

Further to a reasonable request, the licence holder will provide such records or information as required by an authorised officer or police officer by a specific time and date and in an acceptable format.

19. Copy of the Licence and Conditions

The Licence must be clearly displayed within the Operating Centre and these Conditions must also be available at the Operating Centre for inspection at all times.

20. Acknowledgement of Notifications

If the licence holder has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Authority within one month, the licence holder must confirm with the Licensing Authority that the notification has been received.

21. Variation of Conditions

The Council reserves the right to vary, delete or waive any of these Conditions

22. Appeals

If aggrieved by any of these Conditions, the licence holder may appeal to a Magistrates' Court within twenty-one days of the issue of the Licence.

INFORMATIVES:

Suspension, Revocation or Refusal to Renew Licence

Without prejudice to these Conditions, the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:-

- any offence under, or non-compliance with, the provisions of the 1976 Act
- any conduct on the part of the Licensee which appears to the Council to render him or her unfit to hold an operator's licence
- any material change since the grant of the Licence in any of the circumstances of the Licensee on the basis of which the Licence was granted
- failure to comply with any of these Conditions.
- failure to pay the appropriate licence fee.
- any criminal convictions
- any other reasonable cause

Other Offences

The licence holder would be guilty of an offence if he or she:

- wilfully obstructs an Authorised Officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- fails to comply with any requirements made to him or her by the Authorised Officer;
- without reasonable cause fails to give the Authorised Officer any other assistance or information which the Authorised Officer may require for the performance of his or her functions.

APPENDIX (4)

CRIMINAL RECORDS AND UNACCEPTABLE BEHAVIOUR POLICY

GUIDELINES FOR THE ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES

The sole purpose of Hackney carriage and private hire licensing is to protect the public. That is the only consideration the council can take into account when determining application for a licence, or whether to take action against an existing licence (suspend, revoke or refuse to renew).

Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

The purpose of this policy is to lay down guidelines as to what Buckinghamshire Council regard as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.

Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire vehicle’s licence.

“Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership¹) is “safe and suitable” to hold the licence.

In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction². ³ Relevant fixed penalties and community resolutions will also be considered as criminal conduct.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing

¹ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

² This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that on the balance of probability amount to criminal behaviour, but which have not resulted in a conviction. This may include Fixed Penalty Notices (FPNs) Penalty Notices for Disorder (PNDs) and community resolutions.

In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines and taking legal advice where appropriate.

Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

As the council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will generally result in a licence being refused, or if already granted, revoked and may result in prosecution.

As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

When considering whether an applicant or licence holder is fit and proper to hold a licence the Council will consider the following question:

'Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?'⁴

If on the balance of probabilities, the answer to the question is 'no', the person concerned will not be permitted to hold a licence. An equivalent test will be applied when considering vehicle and operator licence holders.

The council has to make difficult decisions but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licence holder will be made on the balance of probability. This means that an applicant or licence holder will not be 'given the benefit of doubt'. If the council is only "50/50" as to whether the applicant or licence holder is 'fit and proper', they will not be permitted to hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Drivers

As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

⁴ 4 ("Statutory Taxi and Private Hire Vehicle Standards", Department for Transport ,July 2020)

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any ‘barred’ list.

Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving

without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle Licence Holders

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

APPENDIX (5) - PENALTY POINTS POLICY AND SCHEDULE

Introduction

- 1.1 This document provides guidance in relation to the penalty point system for taxi and private hire enforcement used by Buckinghamshire Council. The system operates alongside and in addition to the Council's other enforcement powers in respect of hackney carriage and private hire licensing controls. The operation of the points system is not intended to fetter the Council's discretion to exercise the full range of its enforcement powers as it sees fit.
- 1.2 Penalty points may be awarded to licence holders for failure to comply with the Council's conditions and standards. The system may be used to issue points to licensed drivers, operators and vehicle owners. The schedule below sets out the applicable breaches for each category of licence and indicates the number of penalty points that may be awarded for failure to comply.
- 1.3 The penalty points system may be enforced by authorised officers of the Council and police officers who are duly authorised under the Local Government (Miscellaneous Provisions) Act 1976 and Town and Police Clauses Act 1847. In addition, Police Community Support Officers and other Local Authority Officers may refer taxi misdemeanours, along with the appropriate evidence to the Council's Licensing Service which, in the Council's discretion, could result in the issuing of points. Points may be issued arising from complaints from other third parties such as members of the public. Points may also be used in lieu of a written warning, for example if an applicant's criminal disclosure reveals matters which are not sufficiently serious to warrant regulatory sanction.
- 1.4 Licence holders who accumulate 12 points or more with 18 months will have their licence reviewed, which may result in temporary suspension or additional assessment and testing. Licence holders who regularly accumulate points can expect more serious consequences, such as longer periods of suspension and possible revocation of their licence.

Penalty points in operation

- 1.5 Penalty points may be issued immediately in the form of a Penalty Points Notice or following investigation by the Licensing Service.
- 1.6 Any penalty points issued will be confirmed in writing to the relevant licence holder or issued as a penalty points notice at the time of enforcement.
- 1.7 Penalty points will be issued depending on the points designated for that specific breach or, as appropriate, a specific number of points within the designated range depending on the facts and circumstances.
- 1.8 The Council retains the discretion to issue penalty points to the driver, vehicle licence holder and operator for the same contravention if the circumstances warrant it.
- 1.9 Penalty points against a driver who is an employee will not necessarily result in additional imposition of points to their operator.
- 1.10 Points will remain on the licensee's file for a period of 18 months from the date of issue and will

operate on a rolling basis. If the licence lapses during this period, the points would be noted on the system and will generally be carried onto a new licence.

- 1.11 There is no financial penalty associated with the system, and the licence holder may continue to work.
- 1.12 For persons holding more than one vehicle licence the threshold for commencement of formal action will be increased by 4 points per vehicle licence held.
For example a person holding 2 Vehicle Licences will have a threshold of 16 points or more before formal action is taken under the penalty point scheme.
- 1.13 If there are three repeat contraventions within a 6-month period the offender will automatically be referred to the Officer Panel.

Officer Panel Decision

- 1.14 Where 12 points or applicable threshold (see 1.12 above) are imposed on an individual licence in any one 18 month period, the licence holder will be interviewed by one or more officers from the Licensing Service to allow the licence holder to provide any information in response to the concerns raised.
- 1.15 Following the interview a report will be presented to a panel, usually comprising of 3 council officers. The panel will decide what action, if any, needs to be taken in respect of the licence. The investigating officer will not take part in the decision-making process. As a guide the panel will generally recommend one of the following:
 - Suspension of the licence for up to a maximum of three months for licence holders
 - Requirement to attend further practical assessment and / or testing
 - Longer period of suspension or revocation of the licence for licence holders who have previously been referred to the office panel or where there are significant concerns for public safety
- 1.16 The above recommendations do not fetter the discretion of the panel who may also decide to take no further action, to suspend the licence for any period or to revoke a licence.
- 1.17 Further to the serving of any suspension period, the points leading to the suspension will be removed from the licence holder's record although details of the non-compliance resulting in the imposition of the points may be taken into consideration in the future.
- 1.18 The licence holder will be informed of the officer panel's decision in writing.
- 1.19 The Council reserves the right to suspend, revoke or refuse to renew a licence or to prosecute in appropriate circumstances and without reference to the penalty points system.

Right of Appeal

- 1.20 If a licence holder is not satisfied that the points attributed for an alleged breach were imposed fairly, then an appeal may be made, in writing, to the Licensing Service within 14 days of receiving a penalty points notice. No appeals will be considered outside of this time.
The decision will be reviewed by a senior officer, unconnected with the original investigation,

who will, taking into consideration the representations made, either uphold the issuing of the penalty points notice or dismiss it. Where multiple points have been issued the licence holder must clearly stipulate which points they wish to be reviewed. The reviewing officer will give reasons for their decision which will be notified to the licence holder. If the decision is upheld, any points will be applied from the date of issue of the original notice.

- 1.21 A revocation or suspension of a driver's licence or the refusal to renew a licence can be appealed to the Magistrates' Court within 21 days of the date that the decision is received.

Changes to the points system

- 1.22 The Council reserves the right to make changes to the points system and, in particular, to vary the number of points which can be issued for a specified breach and to vary the list of specified breaches.

SCHEDULE OF PENALTY POINTS

Hackney Carriage and Private Hire Drivers

Penalty	Comment	Points
Failure to maintain vehicle – major defect.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 2. Major defects includes MOT such as bald tyres and light(s) not working and correct licence plate not displayed.	4
Failure to maintain vehicle – minor defect.	Minor defects include missing fire extinguisher or first aid kit, unclean vehicle, livery other than licence plate not displayed.	2
Failure to record details of checks and inspections in vehicle record book.		2
Failure to report vehicle defect to vehicle owner and operator.		2
Poor conduct – major	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 3. For example any discriminatory behaviour, aggression, poor driving, overcharging/extending route, inappropriate behaviour/conversation with passengers, failure to provide adequate passenger assistance, obstruction of the highway or an entrance, failure to comply with parking/waiting restrictions, causing a disturbance. For more serious breaches penalty points may not be considered appropriate and other regulatory options may apply in the first instance such as prosecution, suspension and revocation.	4

Poor conduct – minor	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 3. For example: unacceptable dress/hygiene, disrespectful behaviour, failure to provide receipt, driving vehicle without <u>written</u> permission from owner, eating/drinking/playing radio without passenger consent. For more serious breaches penalty points may not be considered appropriate and other regulatory options may apply in the first instance such as prosecution, suspension and revocation.	2
Obstructing taximeter from customer view or cancelling fare before customer has had opportunity to view.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	2
Tampering with taxi meter (missing seals) or driving with faulty taximeter.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	6
Charging more than agreed fare or metered fare if no prior fare agreed (private hire).	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	6
Failure to operate the taximeter from commencement of the journey and charging more than the fixed charge for hire of Hackney carriages	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	6
Hackney Carriage vehicle not displaying the tariff from within the vehicle	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	2
Failure to report an accident to the Licensing Authority within 72 hours.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 5.	4
Failure of a Hackney Carriage / Private Hire Driver to wear driver's badge or report badge lost or stolen.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 6.	4
Carrying additional passengers without consent of the hirer.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 7.	4
Failing to comply with a reasonable request to carry an animal belonging to a passenger.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 8. If the request relates to a passenger assistance dog recognised under the Equalities Act 2010 a more serious sanction will be applied.	2

Failure to notify the Licensing Authority within 7 days of starting/ending work with an operator.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 9.	2
Failing to give a copy of the driver's licence to vehicle licence holder and operator.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 10.	2
Failure to provide a copy of the vehicle insurance to an authorised officer on request.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 11.	4
Failure to hand in lost property to the operator within 48 hours.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 12.	2
Obstructing an authorised officer or police from inspecting a vehicle.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 13.	6
Failure to provide DVLA licence, check code or taxi/private hire driver's licence within 5 working days of a request.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 13.	4
Failure to notify the Licensing Authority with 5 working days of a change to medical condition that may affect driving.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 14.	4
Failure to notify the Licensing Authority of arrest, charge, caution, criminal conviction, FPN within 48 hours.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 15. In circumstances where the licence is not revoked in line with the "Fit and Proper Test"	4
Failure to disclose requested historical information on application for licence.	Policy Sections 3, "Hackney Carriage / Private Hire Driver Licence" and appendix 4, "Unacceptable Behaviour Policy" All applicants are required to supply information relating to historical criminal behaviour as specified on the application form. This includes convictions and also matters that on the balance of probability amount to criminal behaviour but which have not resulted in a conviction. This may include Fixed Penalty Notices (FPNs) Penalty Notices for Disorder (PNDs), cautions and community resolutions. Applicants are also required to disclose whether they have ever had a licence application refused or revoked by any licensing authority. Generally failure to disclose requested historical information will be considered an act of dishonesty and applications will be refused or licences revoked where this has been found to have occurred. Points will be issued as an alternative in exceptional circumstances.	6

Failure to notify the Licensing Authority of change of address within 7 days.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 16.	4
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Hackney Carriage and Private Hire Vehicle Licence Holders

Penalty	Comment	Points
Failure to maintain vehicle – major defect. This includes items likely to fail a MOT such as bald tyres and light(s) not working.	Hackney Carriage and Private Hire Vehicle Licence Condition 3	4
Failure to maintain vehicle – minor defect. For example missing fire extinguisher, first aid kit, spare wheel/manufacturer's alternative; unclean vehicle.		2
Failure to mount taximeter appropriately.	Hackney Carriage and Private Hire Vehicle Licence Condition 4	4
Failure to set hackney carriage meter to the fare levels approved by the Licensing Authority.		4
Failure to display a table of fares in the vehicle where it can easily be seen by passengers.		2
Tampering with taxi meter, including seals, without reasonable excuse.		6
Failure to report damage to the Licensing Authority within 72 hours.	Hackney Carriage and Private Hire Vehicle Licence Condition 5	4
Failure to make licensed vehicle available for inspection or confirm location of vehicle to police officer or authorised officer.	Hackney Carriage and Private Hire Vehicle Licence Condition 6	6
Failure to display licence plate, door signs, window badge or any other livery required	Hackney Carriage and Private Hire Vehicle Licence Conditions 7 and 8.	4
Displaying advertisements and roof signs without consent.	Hackney Carriage and Private Hire Vehicle Licence Condition 9.	2

Failure to provide a copy of the private hire driver's licence of any authorised drivers of the vehicle to an authorised officer on request.	Hackney Carriage and Private Hire Vehicle Licence Condition 10.	4
Allowing a driver who has not completed an approved Passenger Assistance Training Course to drive licensed Wheelchair Accessible Vehicle.	Hackney Carriage and Private Hire Vehicle Licence Condition 10.	4
Failure to notify the Licensing Authority within 7 days of any driver being employed or granted permission to drive the vehicle.		2
Failure to notify the Licensing Authority within 7 days of any complaint received by the vehicle licence holder relating to the driver.		2
Failure to notify the Licensing Authority within 7 days of any change to the operator who operates the vehicle.	Hackney Carriage and Private Hire Vehicle Licence Condition 11.	2
Failure to notify the licensing authority in writing of any transfer on interest in the vehicle.	Hackney Carriage and Private Hire Vehicle Licence Condition 12.	2
Failure to return licence plates and licences before selling or transferring a licensed vehicle.		4
Failure to produce the current insurance certificate for the vehicle to a police officer or authorised officer on request.	Hackney Carriage and Private Hire Vehicle Licence Condition 13.	6
Failure to notify the Licensing Authority of arrest, charge, caution, criminal conviction, FPN within 48 hours.	Hackney Carriage and Private Hire Vehicle Licence Condition 14.	4
Failure to maintain a vehicle record book.	Hackney Carriage and Private Hire Vehicle Licence Condition 16.	2

Failure to notify Licensing Authority of a change of address within 7 days	Hackney Carriage and Private Hire Vehicle Licence Condition 16.	4
Failure to disclose requested historical information on application for licence.	Policy Sections 4, "Hackney Carriage / Private Hire Vehicle Licence" and appendix 4, "Unacceptable Behaviour Policy" All applicants are required to supply information relating to historical criminal behaviour as specified on the application form. This includes convictions and also matters that on the balance of probability amount to criminal behaviour but which have not resulted in a conviction. This may include Fixed Penalty Notices (FPNs) Penalty Notices for Disorder (PNDs), cautions and community resolutions. Applicants are also required to disclose whether they have ever had a licence application refused or revoked by any licensing authority. Generally failure to disclose requested historical information will be considered an act of dishonesty and applications will be refused or licences revoked where this has found to have occurred. Points will issued as an alternative in exceptional circumstances.	6

Private Hire Operators

Penalty	Comment	Points
Failure to provide Nominated Person aware of licence conditions.	Private Hire Vehicle Operator Licence condition 2	4
Failure to maintain accurate records of Nominated Persons.	Private Hire Vehicle Operator Licence condition 3	4
Failure to provide appropriate standard of service.	Private Hire Vehicle Operator Licence condition 4. Includes ensuring passengers are collected and delivered as agreed, passenger information is kept safe, passenger waiting areas are adequate, facilities and equipment is maintained, appropriate complaints procedure, ex-offenders employment policy and basic DBS checks on staff, prevention of disturbance, agreement of fares with passengers, driver and vehicle authorisations in place, drivers of WAVs appropriately qualified, hirers informed if a PCV is dispatched and driver may not be enhanced DBS checked, ensure vehicles comply with licence conditions and drivers are aware of those conditions.	4
Operating more vehicles than specified on the licence.	Private Hire Vehicle Operator Licence condition 5	4
Failure to maintain accurate records of Drivers.	Private Hire Vehicle Operator Licence condition 6.	4
Failure to maintain accurate records of Staff.	Private Hire Vehicle Operator Licence condition 7.	4

Failure to maintain adequate Booking Records.	Private Hire Vehicle Operator Licence condition 8.	4
Failure to maintain adequate Vehicle records..	Private Hire Vehicle Operator Licence condition 9.	4
Using a trading name which has not been authorised.	Private Hire Vehicle Operator Licence condition 10.	4
Failure to maintain adequate Record of complaints.	Private Hire Vehicle Operator Licence condition 11.	4
Failure to maintain copies of insurance document for vehicles.	Private Hire Vehicle Operator Licence condition 12. An operator who allows a vehicle to be used that is not adequately insured is likely to be subject to a more serious sanction.	4
Failure to display table of fares in vehicles and in operating centres.	Private Hire Vehicle Operator Licence condition 13.	4
Using a new operating centre without written approval from an authorised officer.	Private Hire Vehicle Operator Licence condition 14.	
Failure of licence holder to notify the Licensing Authority of a change to home address within 7 days.	Private Hire Vehicle Operator Licence condition 15.	4
Failure of licence holder to notify the Licensing Authority of a change to Company Directors within 7 days.	Private Hire Vehicle Operator Licence condition 16. New Company Directors are required to submit an application for a Basic DBS disclosure certificate, attend safeguard training and undertake a knowledge assessment – failure to meet this requirement may result in a more serious sanction such as licence suspension.	4
Failure to notify the Licensing Authority of arrest, charge, caution, criminal conviction, FPN within 48 hours.	Private Hire Vehicle Operator Licence condition 17. Licence Holders are required to produce a Basic DBS disclosure certificate on an annual basis - failure to meet this requirement may result in a more serious sanction such as licence suspension.	6
Failure to provide information within 7 days of a specified event.	Private Hire Vehicle Operator Licence condition 18. Specified events include: any change in the information provided in the original application or subsequent variation application, if a driver ceases to be available due to the driver's conduct, a vehicle ceases to be available due to unsatisfactory condition, details of any complaints received.	4
Failure to provide records or information in relation to a specified event.	Private Hire Vehicle Operator Licence condition 18.	4
Failure to display licence or make licence conditions available at the operating centre.	Private Hire Vehicle Operator Licence condition 19.	
Failure to disclose requested historical information on	Policy Sections 5, "Private Hire Operator Licence" and appendix 4, "Unacceptable Behaviour Policy".	6

application for licence.	<p>All applicants are required to supply information relating to historical criminal behaviour as specified on the application form. This includes convictions and also matters that on the balance of probability amount to criminal behaviour but which have not resulted in a conviction. This may include Fixed Penalty Notices (FPNs) Penalty Notices for Disorder (PNDs), cautions and community resolutions. Applicants are also required to disclose whether they have ever had a licence application refused or revoked by any licensing authority. Generally failure to disclose requested historical information will be considered an act of dishonesty and applications will be refused or licences revoked where this has found to have occurred. Points will issued as an alternative in exceptional circumstances.</p>	
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APPENDIX (6) – LICENSING ENFORCEMENT POLICY

Introduction

The Licensing Service performs a range of licensing and registration duties as required by legislation or as a matter of Council policy. The Council will strive to ensure that the vulnerable are protected in a healthy environment as outlined in its Corporate Plan.

The underlying principle of the licensing regime is public protection.

The purpose of this Policy is to set out the steps officers will take when considering what, if any, action is necessary where possible offences or non-conformities are identified whilst carrying out their duties.

In carrying out its functions, the Licensing Authority will act with impartiality and be objective, consistent and recognise the rights of individuals. In carrying out their duties all officers will have regard to this policy along with the Council's Enforcement Policy for Regulatory functions (available at www.buckinghamshire.gov.uk/) and the Regulator's Compliance Code and the Enforcement Concordat. The aim of these documents is to make enforcement transparent and to ensure it is carried out in an equitable, practical and consistent manner.

The policy will be kept under review and revised periodically as appropriate.

Enforcement Concordat and the Regulators Code

Proportionality - action taken by enforcing authorities should proportionally reflect any risks, and the seriousness of any breach which will include consideration of the financial implications of any request.

Consistency - a similar approach should be taken in similar circumstances to achieve similar results, although it does not necessarily mean uniformity. Due regard shall be had to codes of practice and the activities of other Councils to achieve consistency.

Openness - customers should be helped by officers to understand what is expected of them and what they should expect from officers. Customers should be clearly informed of the difference between statutory requirements and advice/guidance/informal requests. Information will be provided in plain language and officers will be open about how they set about their work, including any charges.

Helpfulness - officers will provide a courteous and efficient service, properly identifying themselves at all times. Performance standards and the level of service customers should expect shall be made freely available.

Complaints about Service - The Council's complaints procedure shall be easily accessible and this, and any right of appeal, shall be explained to customers when appropriate.

Appointment and Authorisation of Officers

Officers are authorised depending upon qualification, experience and competency. The level of authorisation of officers is set out in the relevant internal scheme of delegation which stems from the Council's Constitution. Officers carry identity cards at all times when on duty and these should be shown to any customer on request.

Procedure

There are a number of options that will be considered in respect of one of the following:

- a) matters that have been identified during the application process which cause concern regarding the *fit and proper* person test;
- b) a complaint is received;
- c) unlicensed activity is suspected;
- d) the Licensee has not complied with the conditions of a licence or byelaw made by the Council;
- e) an officer has identified that a possible criminal offence has been committed;

In the first instance, the applicant / licensee will generally be contacted by telephone to arrange for them to attend an informal interview at the Council Offices at a mutually convenient date and time so that the matter can be discussed.

Informal interviews with drivers and or applicants will be recorded on disk/tape to ensure that there is an accurate record of the meeting.

Where a criminal offence is suspected, the suspect will be formally invited to attend an interview under caution at the Council offices.

Following the interview an investigation will be carried out, taking into account any relevant information, and a decision will be made as to the most appropriate action to be taken.

Enforcement Options

The Council defines “Informal Action” as the retention of information on Council records with no further steps taken in respect of a licensee/applicant. The Council defines “Formal Action” as action against a licensee or applicant where there is a statutory right of appeal.

1. Informal action

- (i) Warning as to future conduct – formal notice issued when concerns have been raised in respect of a specific matter and which will usually remain on file during the currency of any licence or application.
- (ii) An advisory notice – written confirmation of the matter investigated where no formal action is required but a record of the matter is to be retained on file.
- (iii) Formal warning – written notice where a breach of licence conditions and/or breach of a byelaw has been identified and which will be retained on file.
- (iv) Final warning – written notice where a breach of licence conditions and/or breach of a byelaw has been identified and further breach of which is likely to result in suspension or revocation of the licence.

Circumstances where informal action is considered appropriate may include but is not limited to the following:

- the breach is not of a serious nature;
- there is no significant risk to the health or safety of any person;
- there is no previous history of non-compliance;

- there is no independent evidence to support the matter under consideration;
- the breach was as a result of a genuine mistake or misunderstanding.

Where action has been taken in accordance with (i) to (iv) above the recipient of the notice will be advised of their right to appeal in writing within 14 days of the date of the notice to the Head of Licensing, Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF.

2. Formal Action

Revocation/Refusal of current/future licence/application or restriction of such licence by imposition of conditions or suspension of a licence.

Where the Council has granted a licence, previous informal action recorded on file may be taken into account in deciding whether to revoke a licence, refuse a further application or impose conditions on future licences.

Where the Council is considering such steps, the licensee/applicant will be given notice of the course of action being considered and given the opportunity to respond at a formal interview to be held at council offices or alternatively in writing.

Circumstances where the Council may consider such action include but are not limited to the following:

- there has been or is a significant contravention of the legislation;
- there has been or is a significant risk to the health or safety of any person;
- there is a lack of confidence in an informal approach being positively responded to or such an approach has already failed;
- there is a history of non-compliance.

3. Prosecution

Circumstances where the Council may consider a prosecution include but are not limited to the following:

- the alleged offence is a flagrant breach of the law and the health, safety or wellbeing of any person has been put at risk;
- the failure to correct serious potential risk which has been identified and the person responsible has been given a reasonable opportunity to comply with the legislation;
- there is a history of non-compliance or offences.

In cases where prosecution is under consideration, a file containing all the relevant evidence and information will be submitted by the Licensing Service to the District Solicitor for a decision to be made in accordance with the Code of Crown Prosecutors.

Should the Council depart from this policy, in exceptional circumstances, the reasons will be recorded.

APPENDIX 7 - ADVERTISING POLICY FOR PRIVATE HIRE VEHICLES

SIGNS, NOTICES AND ADVERTISEMENTS ETC.

- (1) No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as required by any statutory provision or in conformity with the following conditions **and** with written approval of Buckinghamshire Council. Prior to approval being given an application must be made in writing to the Council giving the plate number of the vehicle on which the advertisement is proposed to be displayed, plus the name and address of the applicant, details of the position, colour, size, subject-matter, wording proposed and any other information that the Council may require.
- i. No advertisement shall exceed 510mm x 297mm in size. Any advertisement must appear in landscape format.
 - ii. Any company name and/or telephone number appearing on any advertisement must have been previously authorised by the Council in writing. Any use of the words "Taxi" and/or "Cab", or any other word or combination of letters which when pronounced would sound similar, is strictly prohibited
 - iii. Roof signs of any description are strictly prohibited.
 - iv. No advertisements shall be placed anywhere on or in the vehicle other than the vehicle's rear passenger doors or rear panels. Advertisements must not be placed on rear tailgates/doors.
 - v. Any advertisement appearing on the outside of the vehicle must be of such form as not to become easily soiled, defaced or detached.
 - vi. Any material and/or adhesive used in the manufacture, and for the purpose of, affixing any advertisement to any part of the vehicle must not be inflammable.
 - vii. Any advertisement appearing in or on the vehicle must be legal, honest, decent and truthful within the standards laid down by the British Advertising Standards Authority or any public body succeeding to it.

- (2) Commercial advertisements

Commercial advertising for any company, body or corporate entity other than the operating company is strictly prohibited.

APPENDIX (8) – CCTV GUIDELINES FOR LICENSED VEHICLES

Introduction

It is the Council's intention that from the 1st April 2023 all licensed vehicles must be fitted with an approved CCTV system. The Council does not, however, currently mandate this requirement and so these guidelines set out only to ensure that CCTV systems in licensed vehicles within the Buckinghamshire Council area are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of private hire drivers and their passengers.

Vehicle licensees, who may also be the licensed driver and/or private hire operator, installing CCTV systems must fully comply with the requirements set out in the guidelines.

For the purposes of these guidelines, the term 'CCTV system' will include any electronic recording device attached to the inside of the vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or outside of the vehicle. In addition to the standard CCTV camera system, these may include, for example, such devices as events/incident/accident data recording devices.

The purpose of CCTV systems

The purpose of a CCTV system is to provide a safer environment for the benefit of vehicle drivers and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the Police and/or an Authorised Officer of the Council in investigating incidents of crime, disorder, accident and complaint;
- Assisting insurance companies in investigating motor vehicle accidents.

It is important that any person who suspects a crime has been committed and who has a CCTV system which may contain relevant information to the crime, should report that suspected crime to the Police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.

An Authorised Officer of the Council or the Police may, at any reasonable time and upon production of identification, if requested, examine any CCTV system.

General Requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in these guidelines. Only CCTV systems meeting these requirements and approved by the Licensing Authority can be installed in licensed vehicles.

The installation and operation of the CCTV system shall comply with the requirements of the Information Commissioner's Office (ICO) Code of Practice which is available on the ICO website. A check list for limited users of CCTV systems can be found on this website at:

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

The CCTV system shall at all times remain the property of the vehicle licence holder or the driver who uses the vehicle, who will be liable, at all times, for its use in the vehicle. The vehicle licence holder shall be

responsible for the maintenance of the system and shall ensure that it is checked regularly and maintained in working order at all times.

The CCTV system must comply with any legislative requirements contained in the Road Vehicles Construction and Use Regulations 1986 (as amended).

The CCTV system must be designed, constructed and installed in such a way and in such materials as to present no danger to the passengers or the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse or wear and tear.

The CCTV system must meet all applicable legal requirements as regards safety, technical acceptability and operational/date integrity.

The CCTV system must be marked as complying with current European Industry Standards.

The CCTV system must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

The CCTV system must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

No CCTV system may be installed in a licensed vehicle without the prior written consent of the Licensing Authority.

The CCTV system must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

The CCTV system must not obscure the view of the road through the windscreen. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.

If more than one camera is being installed, their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the driver and passengers.

All system components requiring calibration in situ should be easily accessible.

The CCTV system must be capable of date, time and vehicle identification information.

Activation of the Camera

Activation of the CCTV system may be via a number and combination of options including:

- Door switches;
- Ignition;
- Drivers' panic button.

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

Audio Recording

The CCTV system must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. Wherever possible, a system must be used without this facility; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised, a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Retention of CCTV images

Images captured must remain secure at all times.

The images must be digitally encrypted.

The positioning of the CCTV system should be such that the hard disk or data card is not accessible to any passenger traveling in the vehicle.

The CCTV system must be capable of recording and storing images for a minimum period of fourteen days.

The CCTV system must be capable of capturing images that in low light conditions must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.

The CCTV system must be capable of storing images in a manner which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.

Notification to the Information Commissioner's Office

The CCTV system must be registered with the ICO by the data controller. The 'data controller' is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller is responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

Evidence of the registration must be forwarded to the Licensing Authority. The notification requires renewal on an annual basis and payment of the appropriate fee.

Evidence of registration with the ICO must be present to an authorised officer of the Council or the Police at any time during the term of the vehicle licence.

Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines.

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies, Authorised Officers of the Council, insurance companies / brokers / loss adjusters, or exceptionally other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10). More guidance on handling Subject Access requests can be found in the ICO's Subject Access Request Code of Practice, which is available on their website.

Signage

All licensed vehicles fitted with a CCTV system must display two signs in prominent positions. The sign must state 'CCTV cameras in operation' and 'the system is owned and operated by.....'. The name and contact details of the data controller must be stated on the sign. The contact details can be in the form of a telephone number, email address or website URL.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. The signage must be maintained in a clean and legible condition.

The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.

Appendix 9

National Register of Taxi Licence Refusals and Revocations (NR3)

Buckinghamshire Council as licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- Where a hackney carriage/PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for and being granted, a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy below.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at x@buckinghamshire.gov.uk. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website:
<https://ico.org.uk/make-a-complaint/>

Council Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the ‘first authority’ refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the ‘second authority’ refers to a licensing authority which is seeking more detailed information about the entry.

I. Overarching principles

This policy covers the use that this authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers’ licence. This information is important in the context of a subsequent application to another authority for a drivers’ licence by a person who has had their licence refused or revoked in the past.

This authority has signed up to the NR3. This means that when an application for a taxi drivers’ licence is refused, or when an existing taxi drivers’ licence is revoked, that information will be placed upon the register.

Throughout this policy reference is made to ‘taxi drivers licence.’ This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

When an application for a new drivers’ licence, or renewal of an existing drivers’ licence is received, this authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose.

Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates’ court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates’ court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates’ court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates’ court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates’ court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with this authority’s general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority’s general policy on the erasure and destruction of personal data. For further information see <https://www.buckinghamshire.gov.uk/your-council/privacy/privacy-policy/>

II. Making a request for further information regarding an entry on NR3

When an application is made to this authority for the grant of a new, or renewal of, a taxi driver’s licence, this authority will check the NR3.

This authority will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

III. Responding to a request made for further information regarding an entry on NR3

When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within this Council's 'Policy on relevance of criminal conduct & unacceptable behaviour (The fit and proper test)'. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the Council's policy) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for

refusal to grant or revocation relates to a conviction (or similar as defined in the Council's policy) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

IV. Using any information obtained as a result of a request to another authority

When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the Council's usual process for determining applications.

This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

Appendix 1 - information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).
(For completion by requestor authority)

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that

the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed at

<https://www.aylesburyvaledc.gov.uk/section/taxi-licensing>.

Signed:

Name:

Position:

Date.....

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual

Declaration by providing authority

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:

Name:

Position:

Date:

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Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15** Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.

4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).

4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a ‘fit and proper’ person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police**. Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is ‘fit and proper’. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA’s Councillors’ [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should “*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*”. While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as ‘NR3’). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own polices.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual compliant, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the ‘balance of probabilities’ assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an ‘independent witness’ to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more

4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).

4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence**. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.

5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – ‘*Together, we can tackle child abuse*’ which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where an applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.

7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**

8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed ‘fit and proper’ but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee’s time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

- (a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
 - (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is ‘fit and proper’ to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions¹	Yes	Yes	Yes	Yes
Spent convictions²	No	Yes	Yes	Yes
Spent cautions^{1 & 2}	No	Yes	Yes	Yes
Additional police Information³	No	No	Yes	Yes
Barred list(s) Information⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that ‘ensures appropriate security’, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers’ private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner’s Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



Taxi Licensing in Buckinghamshire - Public Survey: Summary report

This report was created on Monday 28 September 2020 at 08:48 and includes 583 responses.

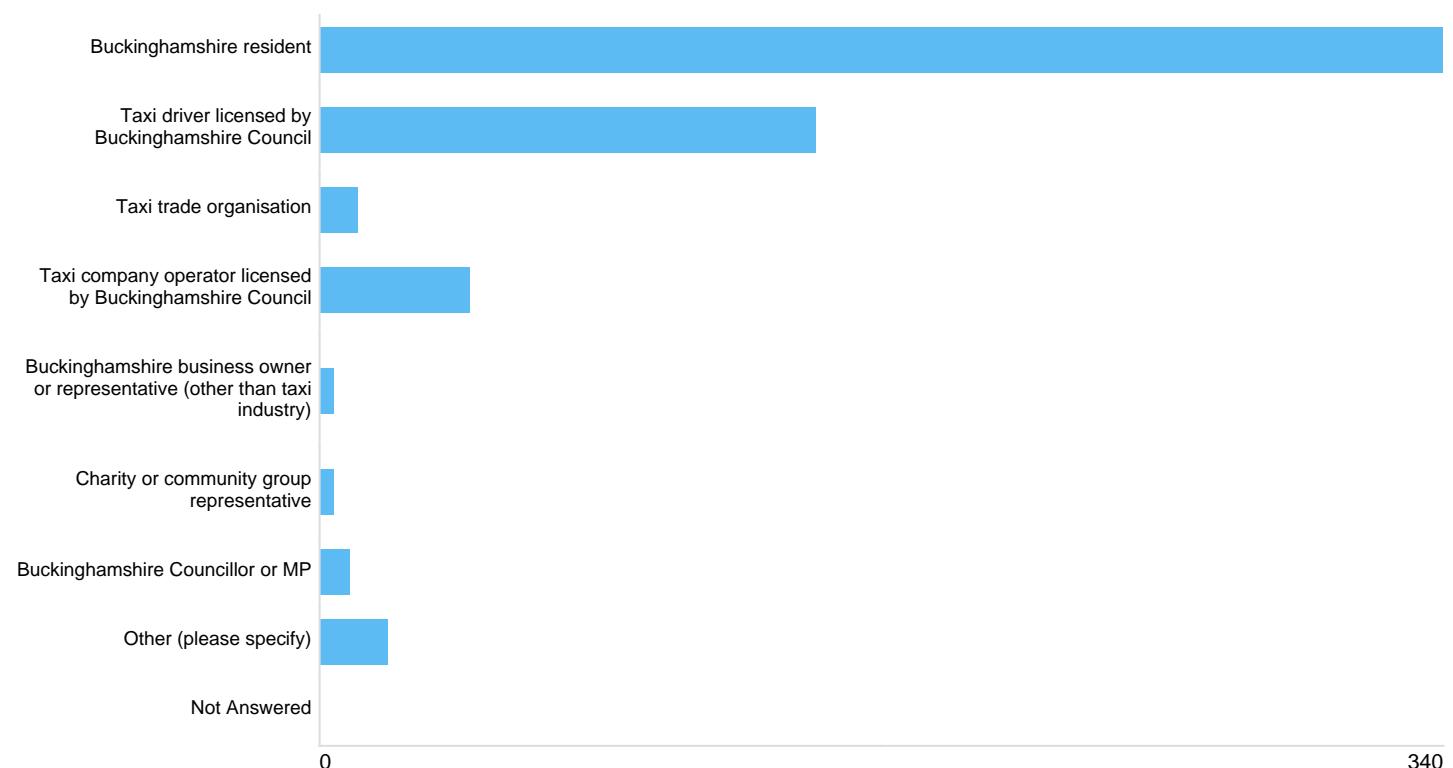
The consultation ran from 07/09/2020 to 27/09/2020.

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Question 13: If there are any locations where you would use a taxi rank that doesn't have one at the moment, please provide details.	14
Taxi rank locations	14
Question 14: Do you think we should keep these separate taxi operating zones?	14
Zones	14
Question 15: Please explain why you gave that last answer.	14
Zone answer reasons	14
Question 16: Do you have any other comments about taxi licensing or how taxis operate in Buckinghamshire?	14
Additional comments	14

Question 1: Which of the following best describes your main interest in taxi licensing

Status



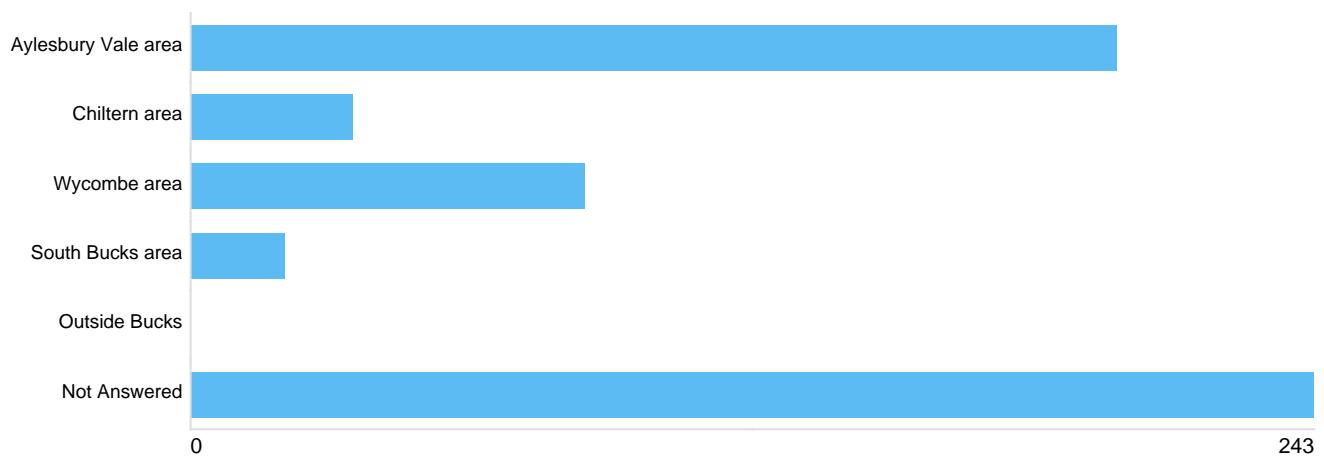
Option	Total	Percent
Buckinghamshire resident	340	58.32%
Taxi driver licensed by Buckinghamshire Council	150	25.73%
Taxi trade organisation	11	1.89%
Taxi company operator licensed by Buckinghamshire Council	45	7.72%
Buckinghamshire business owner or representative (other than taxi industry)	4	0.69%
Charity or community group representative	4	0.69%
Buckinghamshire Councillor or MP	9	1.54%
Other (please specify)	20	3.43%
Not Answered	0	0.00%

Other

There were 23 responses to this part of the question.

Question 2: Which area do you live in?

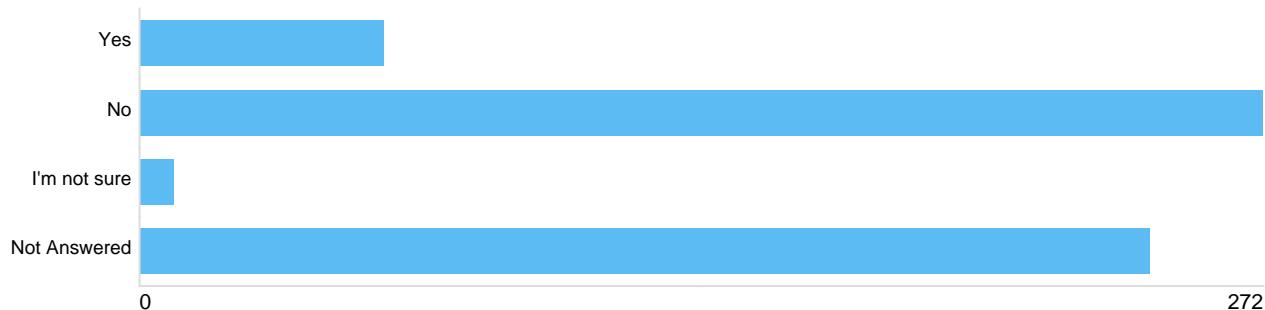
Live



Option	Total	Percent
Aylesbury Vale area	200	34.31%
Chiltern area	35	6.00%
Wycombe area	85	14.58%
South Bucks area	20	3.43%
Outside Bucks	0	0.00%
Not Answered	243	41.68%

Question 3: Do you consider yourself to have a disability or long-term health condition?

Disability



Option	Total	Percent
Yes	59	10.12%
No	272	46.66%
I'm not sure	8	1.37%
Not Answered	244	41.85%

Question 4: What area do you represent?

Area

There were 9 responses to this part of the question.

Question 5: What is the name of your charity or community organisation?

Organisation name

There were 4 responses to this part of the question.

Question 6: Do you drive a Hackney Carriage or a Private Hire Vehicle?

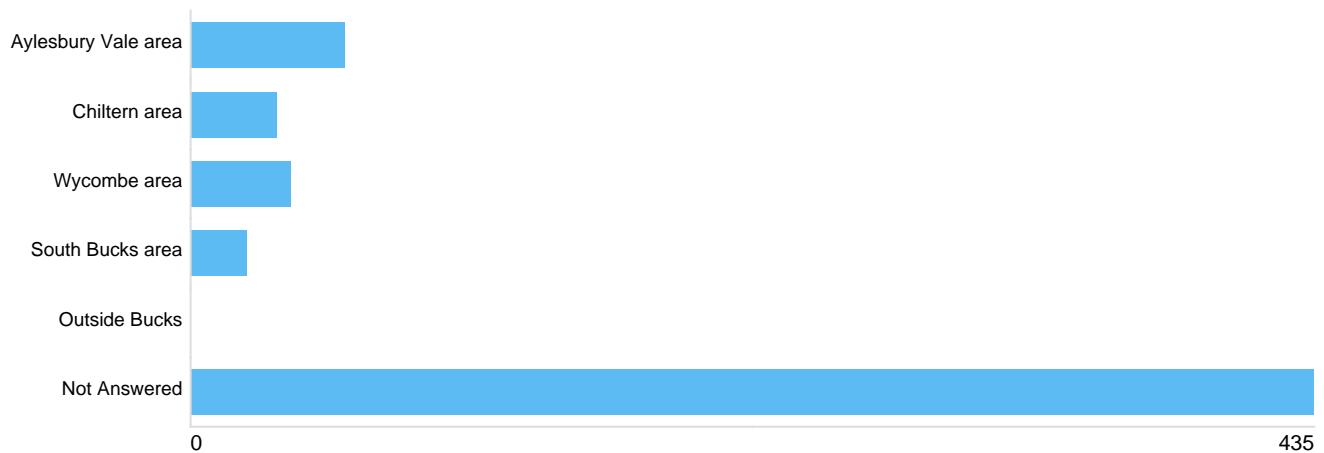
Taxi type



Option	Total	Percent
Hackney Carriage	71	12.18%
Private Hire Vehicle	74	12.69%
Not Answered	438	75.13%

Question 7: Which areas are you licensed by? Please select all that apply.

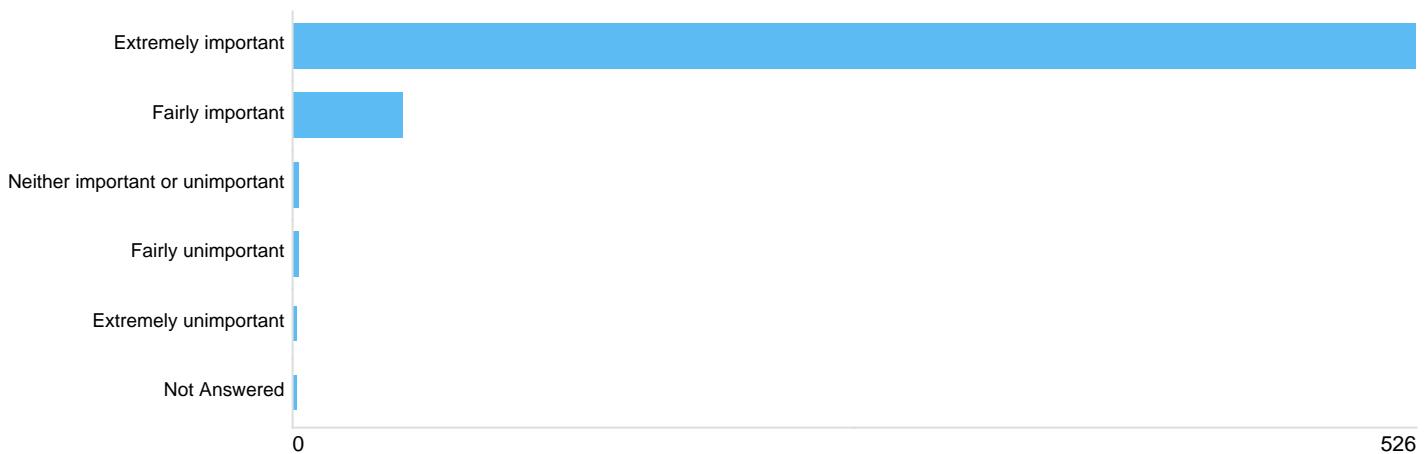
Licensed area



Option	Total	Percent
Aylesbury Vale area	59	10.12%
Chiltern area	33	5.66%
Wycombe area	38	6.52%
South Bucks area	21	3.60%
Outside Bucks	0	0.00%
Not Answered	435	74.61%

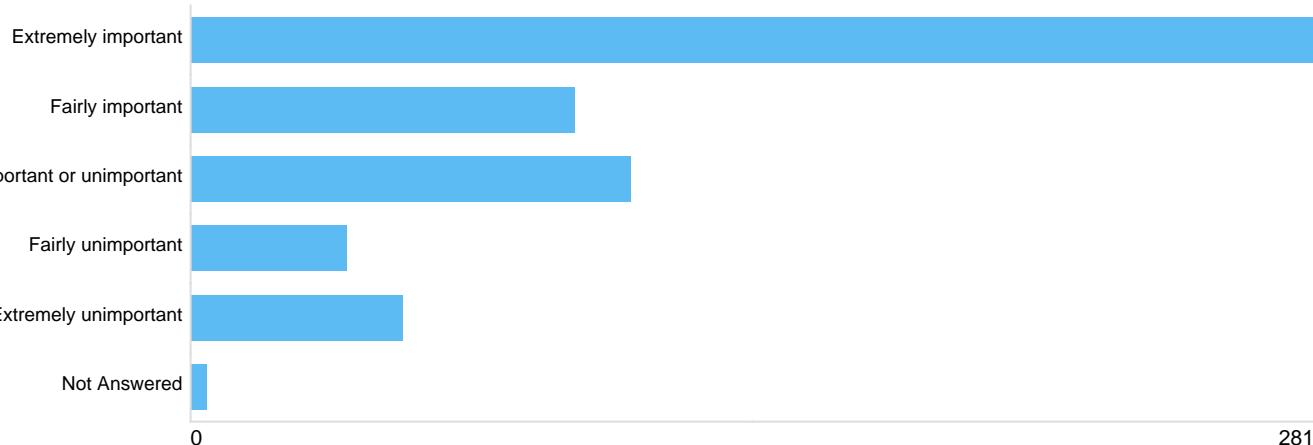
Question 8: Thinking about taxi vehicles, how important are each of the following points to you?

Vehicles - Vehicles are safe and roadworthy



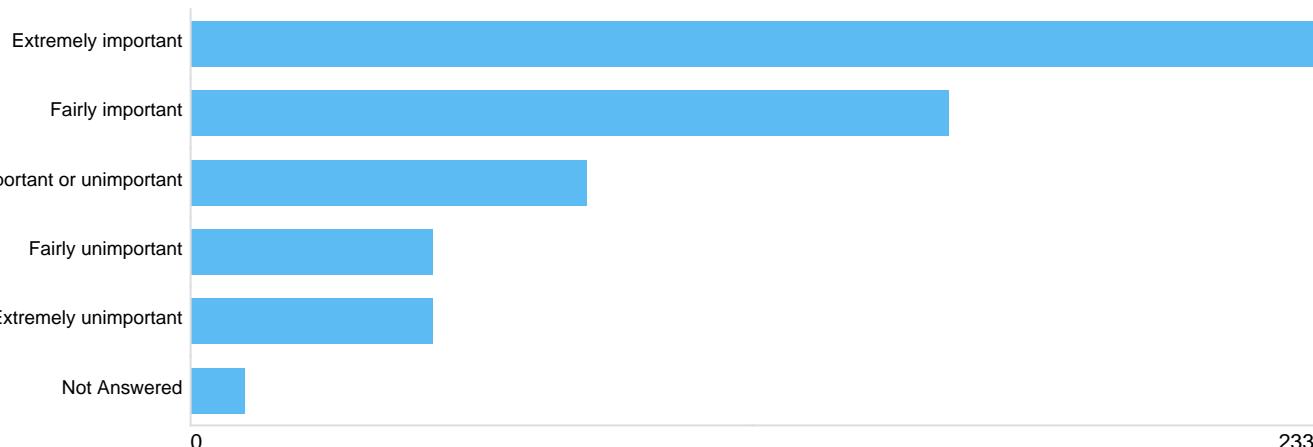
Option	Total	Percent
Extremely important	526	90.22%
Fairly important	51	8.75%
Neither important or unimportant	2	0.34%
Fairly unimportant	2	0.34%
Extremely unimportant	1	0.17%
Not Answered	1	0.17%

Vehicles - Vehicles have their compliance tests at a Council-run garage rather than a private garage



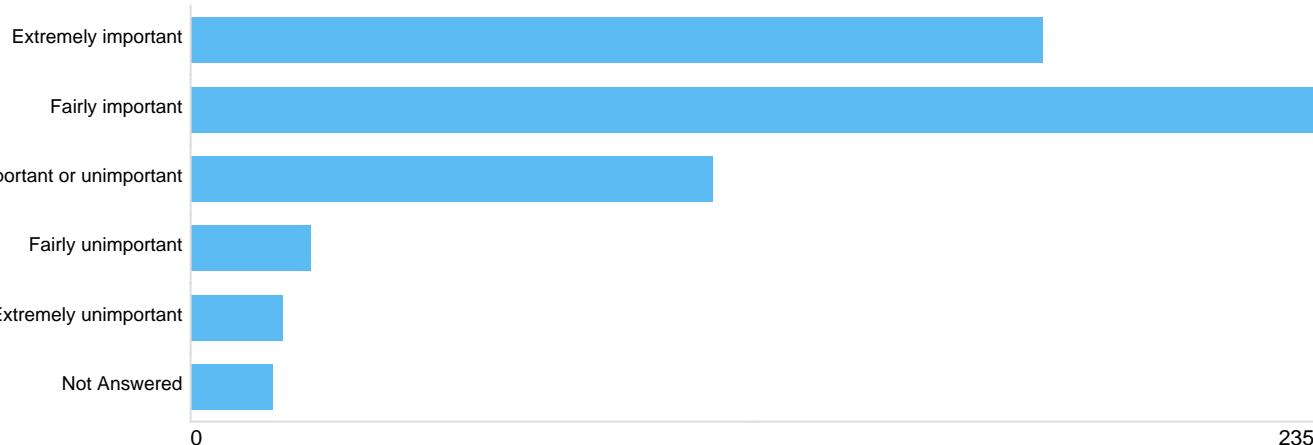
Option	Total	Percent
Extremely important	281	48.20%
Fairly important	96	16.47%
Neither important or unimportant	110	18.87%
Fairly unimportant	39	6.69%
Extremely unimportant	53	9.09%
Not Answered	4	0.69%

Vehicles - Vehicles older than 6 years are tested more often



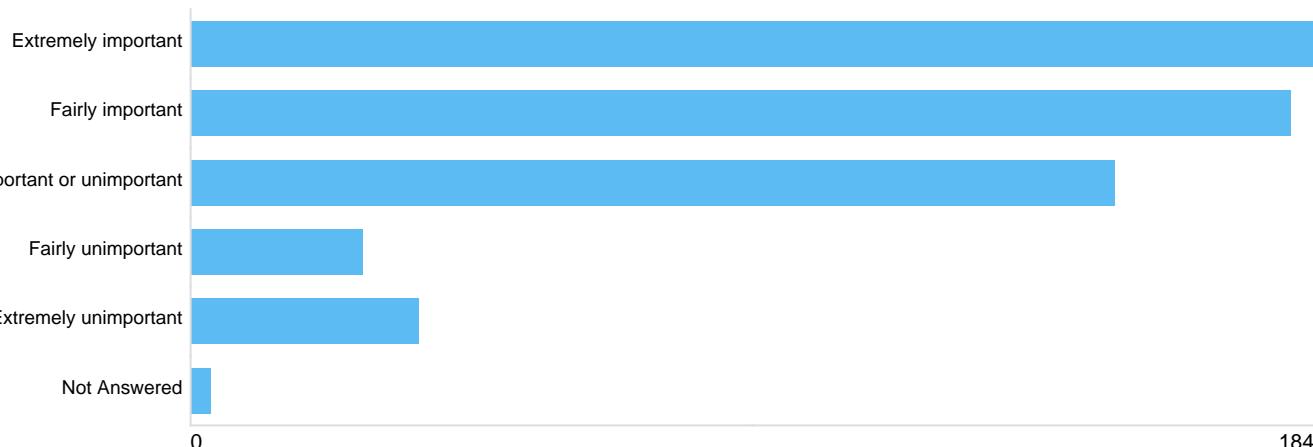
Option	Total	Percent
Extremely important	233	39.97%
Fairly important	157	26.93%
Neither important or unimportant	82	14.07%
Fairly unimportant	50	8.58%
Extremely unimportant	50	8.58%
Not Answered	11	1.89%

Vehicles - Vehicles are environmentally-friendly



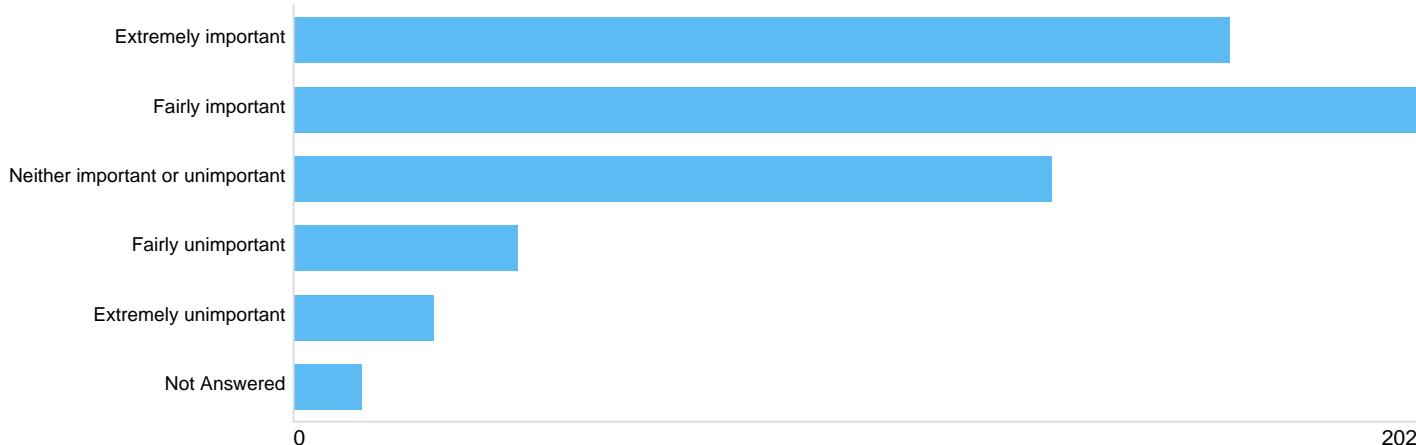
Option	Total	Percent
Extremely important	178	30.53%
Fairly important	235	40.31%
Neither important or unimportant	109	18.70%
Fairly unimportant	25	4.29%
Extremely unimportant	19	3.26%
Not Answered	17	2.92%

Vehicles - The Council provide incentives for electric vehicles



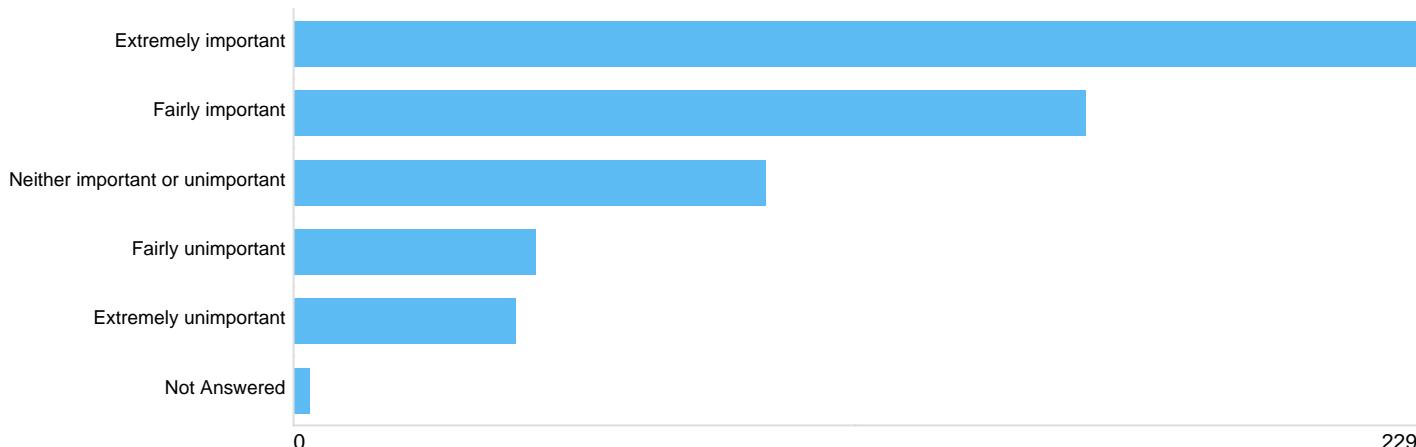
Option	Total	Percent
Extremely important	184	31.56%
Fairly important	180	30.87%
Neither important or unimportant	151	25.90%
Fairly unimportant	28	4.80%
Extremely unimportant	37	6.35%
Not Answered	3	0.51%

Vehicles - Vehicles are wheelchair- accessible



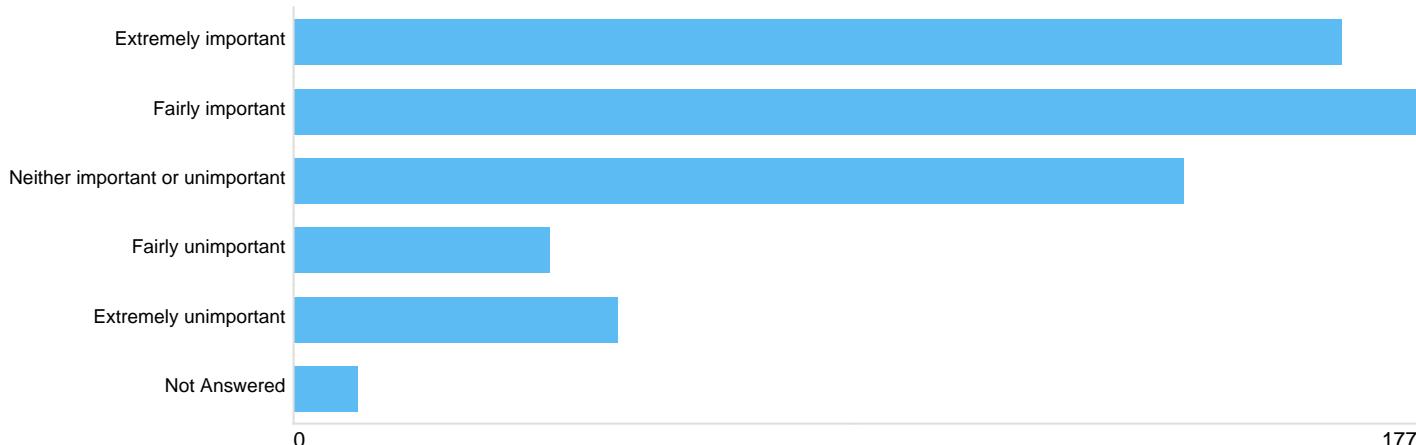
Option	Total	Percent
Extremely important	168	28.82%
Fairly important	202	34.65%
Neither important or unimportant	136	23.33%
Fairly unimportant	40	6.86%
Extremely unimportant	25	4.29%
Not Answered	12	2.06%

Vehicles - There's a clear view into vehicles through all windows



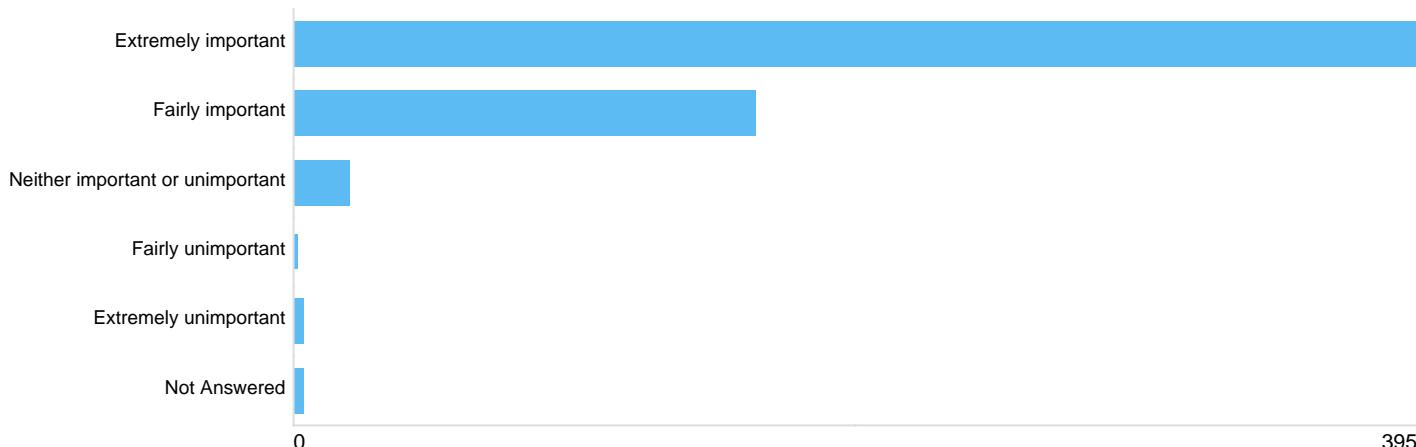
Option	Total	Percent
Extremely important	229	39.28%
Fairly important	161	27.62%
Neither important or unimportant	96	16.47%
Fairly unimportant	49	8.40%
Extremely unimportant	45	7.72%
Not Answered	3	0.51%

Vehicles - Vehicles have CCTV installed



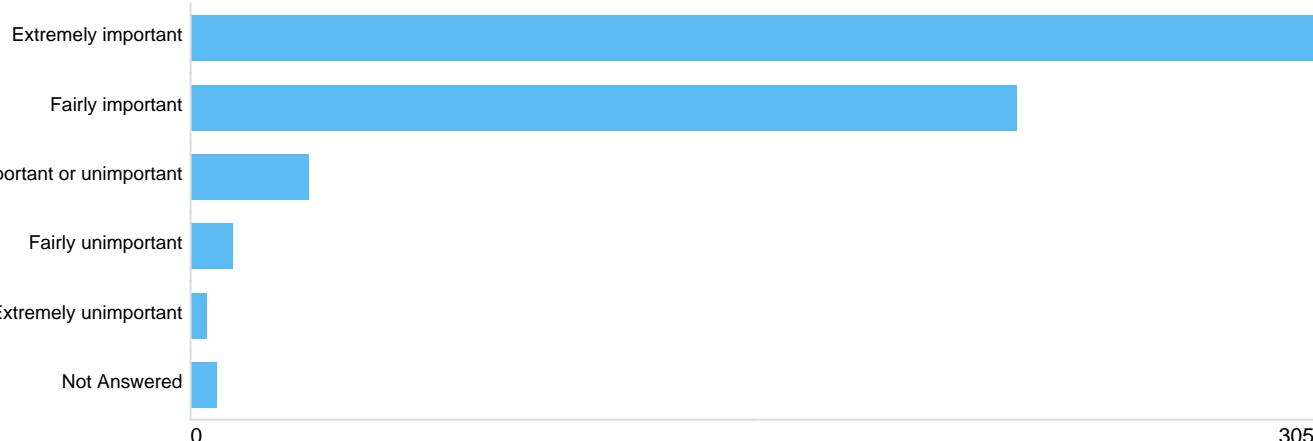
Option	Total	Percent
Extremely important	165	28.30%
Fairly important	177	30.36%
Neither important or unimportant	140	24.01%
Fairly unimportant	40	6.86%
Extremely unimportant	51	8.75%
Not Answered	10	1.72%

Vehicles - Vehicle interiors are clean, tidy and presentable



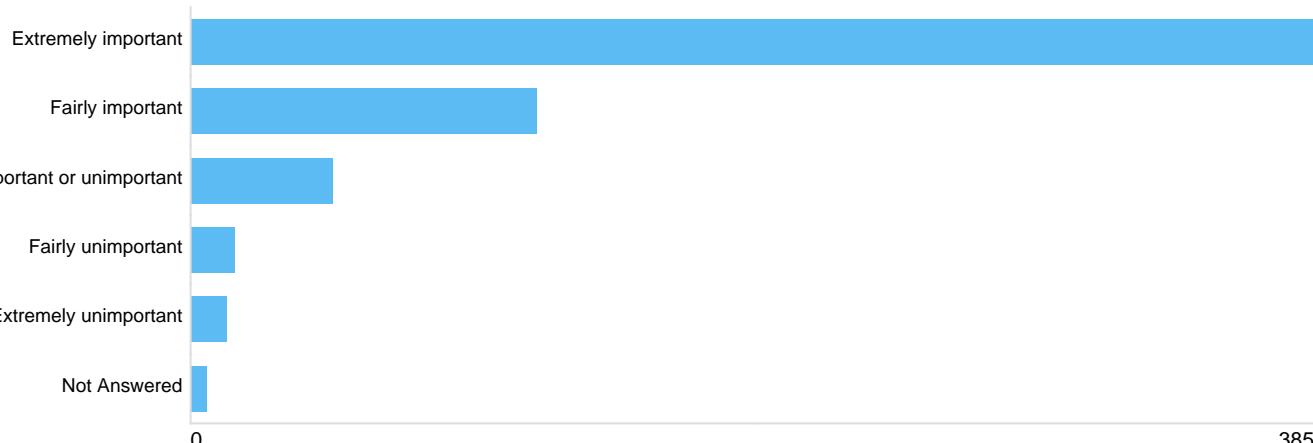
Option	Total	Percent
Extremely important	395	67.75%
Fairly important	162	27.79%
Neither important or unimportant	19	3.26%
Fairly unimportant	1	0.17%
Extremely unimportant	3	0.51%
Not Answered	3	0.51%

Vehicles - Vehicle exteriors are in good condition



Option	Total	Percent
Extremely important	305	52.32%
Fairly important	224	38.42%
Neither important or unimportant	32	5.49%
Fairly unimportant	11	1.89%
Extremely unimportant	4	0.69%
Not Answered	7	1.20%

Vehicles - Vehicles can be clearly identified as 'taxis'



Option	Total	Percent
Extremely important	385	66.04%
Fairly important	118	20.24%
Neither important or unimportant	48	8.23%
Fairly unimportant	15	2.57%
Extremely unimportant	12	2.06%
Not Answered	5	0.86%

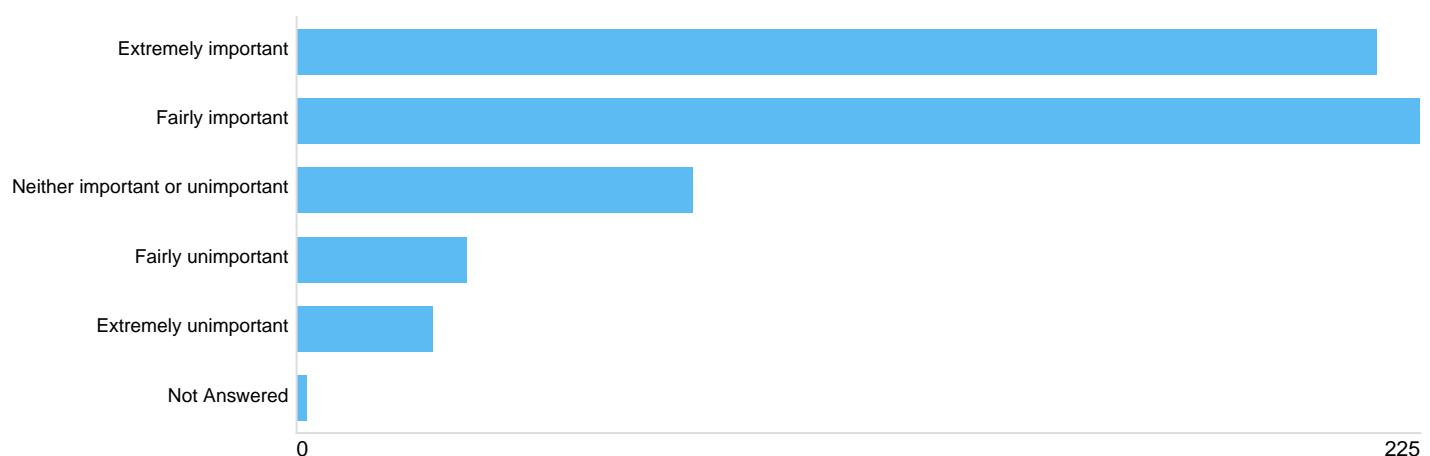
Question 9: Do you have any other comments about taxi vehicles?

Comments vehicles

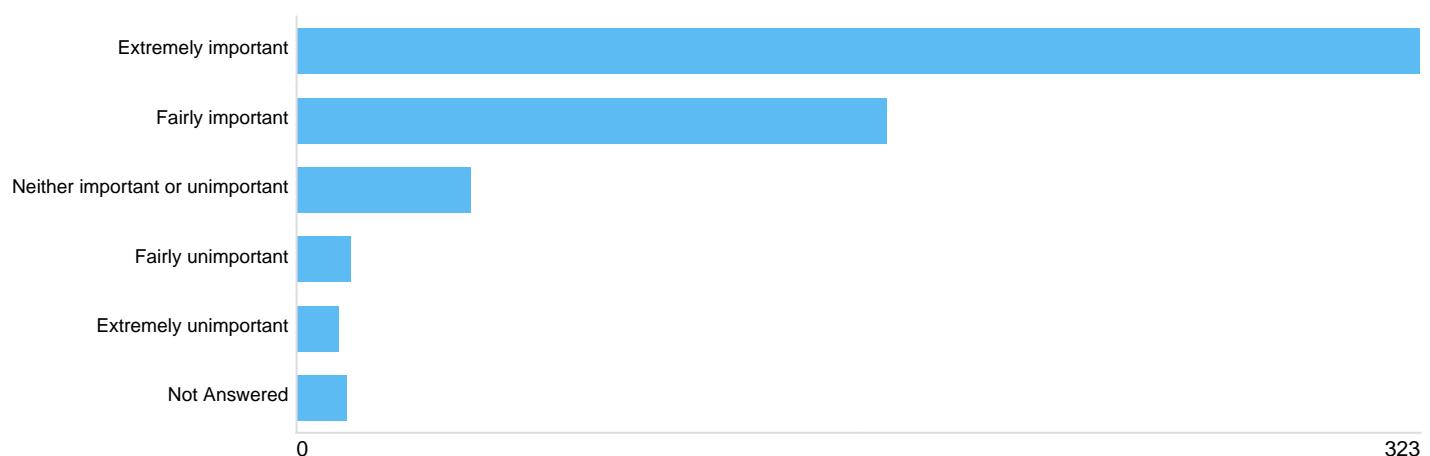
There were 230 responses to this part of the question.

Question 10: Thinking about taxi drivers, how important are each of the following points to you?

Drivers - Taxi drivers know the local area without relying on SatNav systems

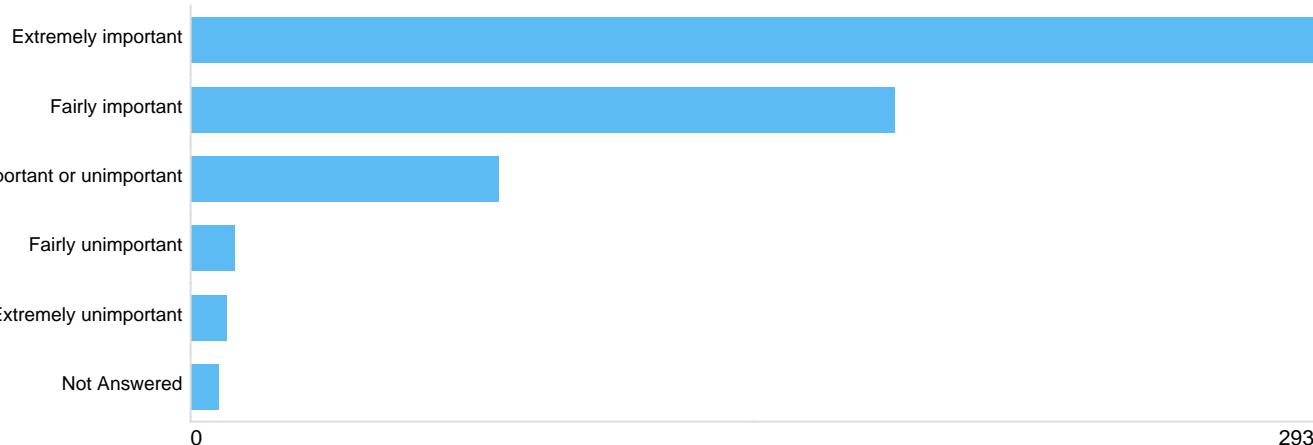


Drivers - Taxi drivers receive regular safeguarding training



Option	Total	Percent
Extremely important	323	55.40%
Fairly important	169	28.99%
Neither important or unimportant	50	8.58%
Fairly unimportant	15	2.57%
Extremely unimportant	12	2.06%
Not Answered	14	2.40%

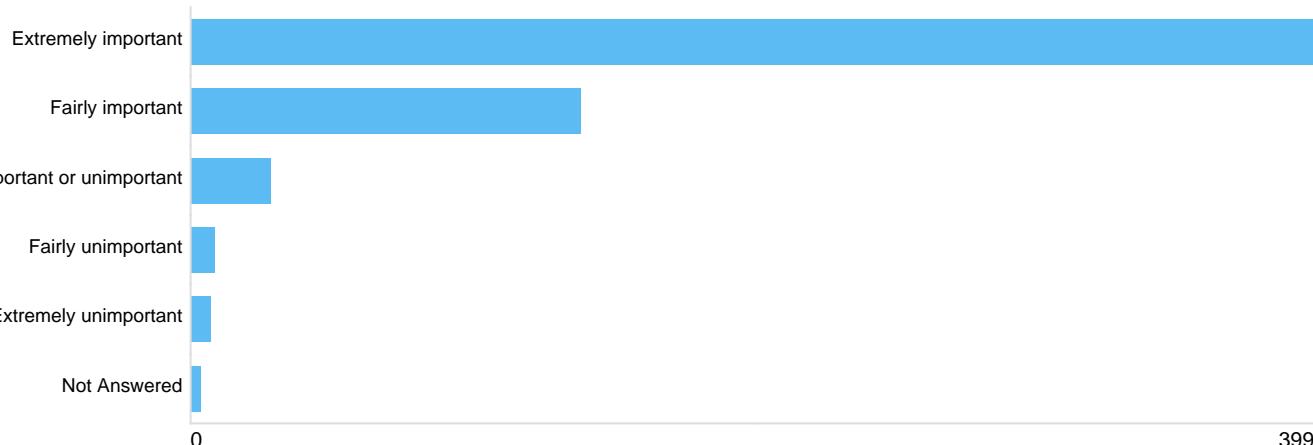
Drivers - Taxi drivers receive regular disability awareness training



293

Option	Total	Percent
Extremely important	293	50.26%
Fairly important	183	31.39%
Neither important or unimportant	80	13.72%
Fairly unimportant	11	1.89%
Extremely unimportant	9	1.54%
Not Answered	7	1.20%

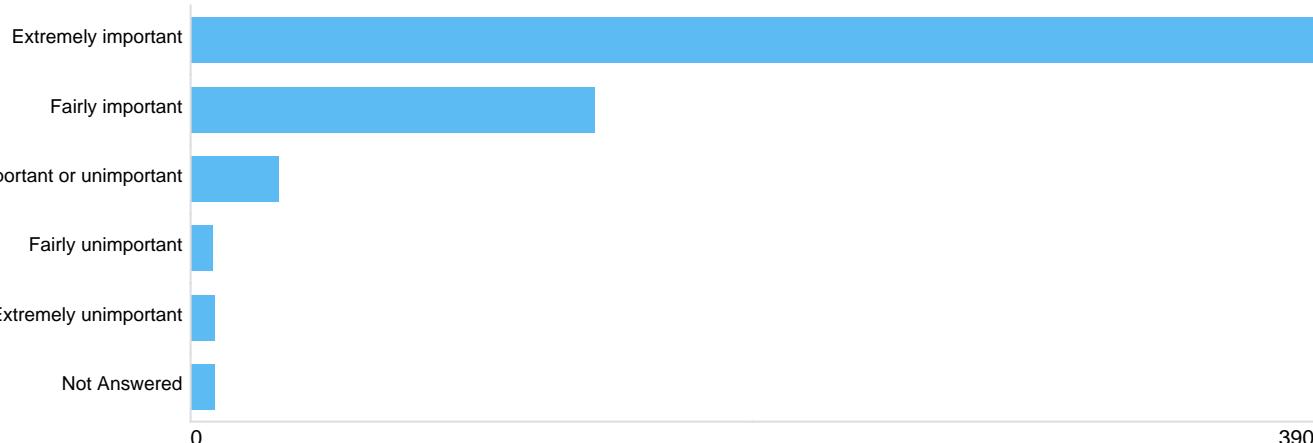
Drivers - Taxi drivers can understand and speak clearly in English



399

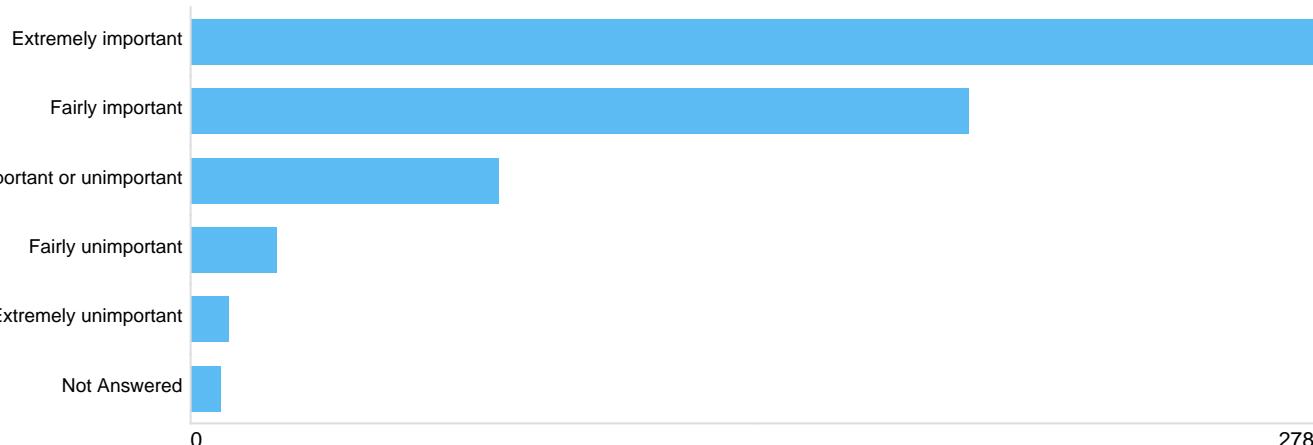
Option	Total	Percent
Extremely important	399	68.44%
Fairly important	138	23.67%
Neither important or unimportant	28	4.80%
Fairly unimportant	8	1.37%
Extremely unimportant	7	1.20%
Not Answered	3	0.51%

Drivers - Taxi drivers can read basic English



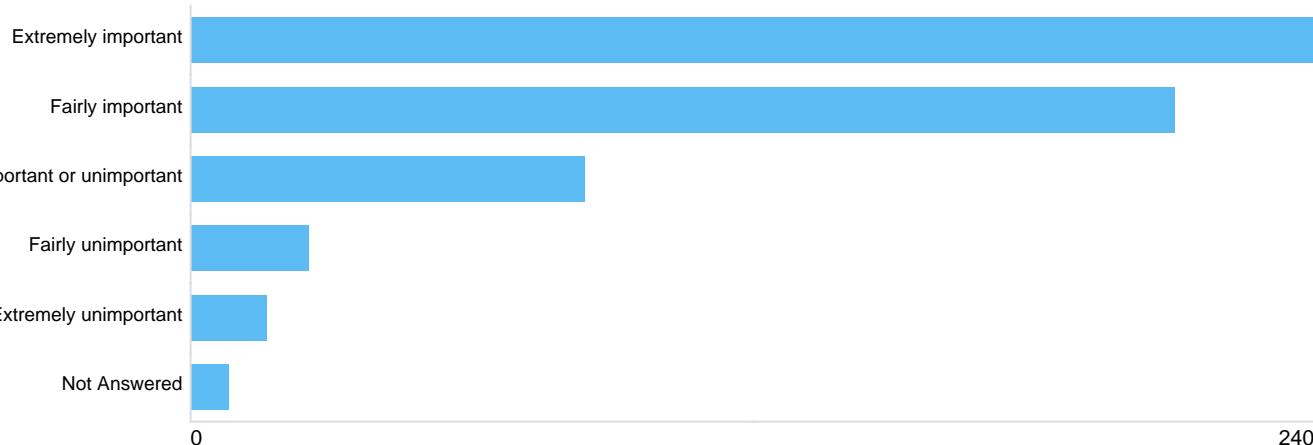
Option	Total	Percent
Extremely important	390	66.90%
Fairly important	140	24.01%
Neither important or unimportant	30	5.15%
Fairly unimportant	7	1.20%
Extremely unimportant	8	1.37%
Not Answered	8	1.37%

Drivers - Taxi drivers receive regular medical checks



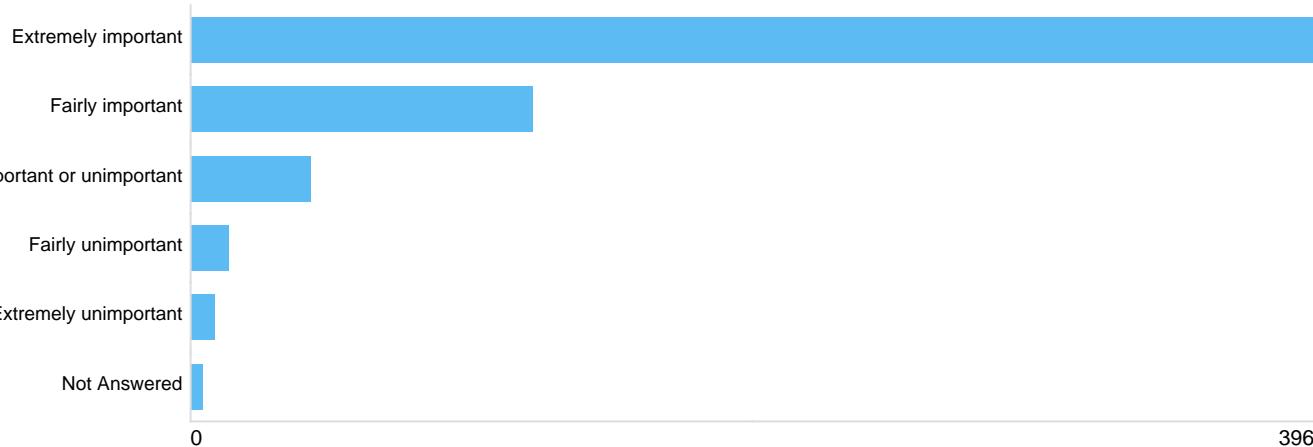
Option	Total	Percent
Extremely important	278	47.68%
Fairly important	192	32.93%
Neither important or unimportant	76	13.04%
Fairly unimportant	21	3.60%
Extremely unimportant	9	1.54%
Not Answered	7	1.20%

Drivers - Older taxi drivers receive medical checks more often



Option	Total	Percent
Extremely important	240	41.17%
Fairly important	210	36.02%
Neither important or unimportant	84	14.41%
Fairly unimportant	25	4.29%
Extremely unimportant	16	2.74%
Not Answered	8	1.37%

Drivers - The Council undertakes drug and alcohol tests on drivers where appropriate



Option	Total	Percent
Extremely important	396	67.92%
Fairly important	120	20.58%
Neither important or unimportant	42	7.20%
Fairly unimportant	13	2.23%
Extremely unimportant	8	1.37%
Not Answered	4	0.69%

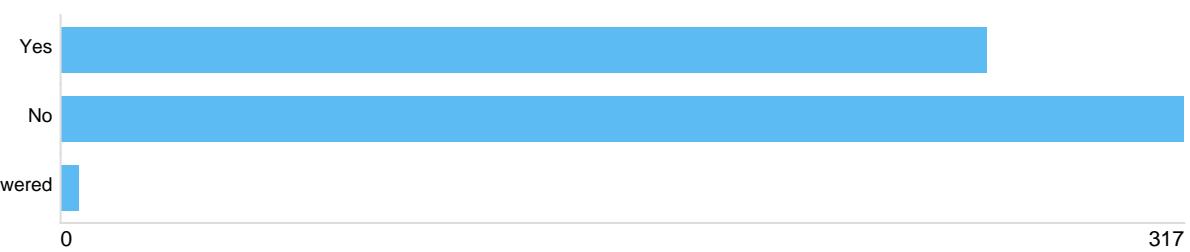
Question 11: Do you have any other comments about taxi drivers?

Comments drivers

There were 178 responses to this part of the question.

Question 12: Do you use taxi ranks?

Taxi rank use



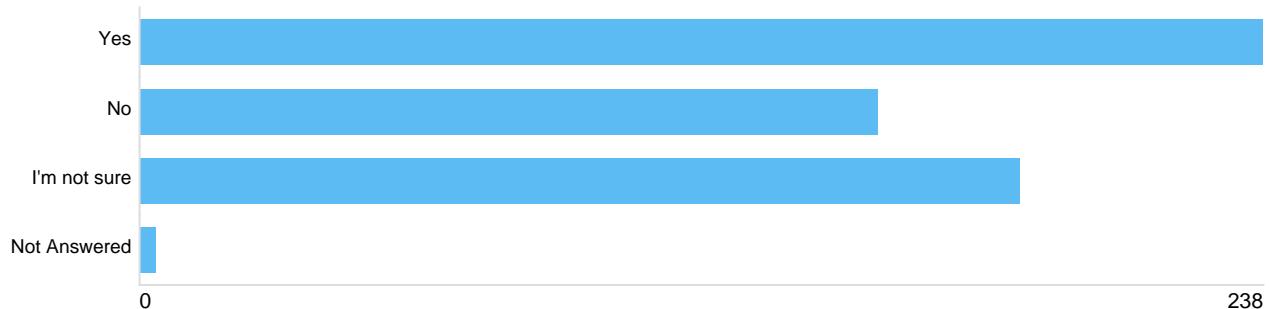
Question 13: If there are any locations where you would use a taxi rank that doesn't have one at the moment, please provide details.

Taxi rank locations

There were 119 responses to this part of the question.

Question 14: Do you think we should keep these separate taxi operating zones?

Zones



Question 15: Please explain why you gave that last answer.

Zone answer reasons

There were 351 responses to this part of the question.

Question 16: Do you have any other comments about taxi licensing or how taxis operate in Buckinghamshire?

Additional comments

There were 243 responses to this part of the question.

Removal of zones assessment report.

Most local authorities allow licensed hackney carriages to ply and stand for hire throughout the entire Council area. Only a relatively small number of local authority areas are divided into separate hackney carriage zones. These zones only exist as a result of changes to local authority boundaries in circumstances where two or more former Districts are brought together. Newly created unitary Councils have a straightforward decision to make: either the hackney carriage licensing arrangements of the former Districts areas can be retained as separate zones or the Council can decide to remove the zones and effectively operate a single hackney carriage area. Local authorities do not have the power to create separate hackney carriage zones or partially retain zones and, once removed, former zones cannot be reinstated.

The issue of zones is inextricably linked to the provision of wheelchair accessible vehicles (WAVs) and numerical limits.

Under the current arrangements Buckinghamshire Council has inherited different vehicle specification requirements in respect of hackney carriages. The former Aylesbury Vale vehicles are all WAVs and in the other areas newly licensed hackney carriage vehicles are required to be WAVs, with grandfather rights for non-WAV vehicles that were licensed prior to the introduction of WAV requirements in those areas. Should the existing zones be merged, then arguably those vehicle licence holders bound by the WAV requirement are at a financial disadvantage compared to their competitors who are not required to provide a WAV. However, it is also arguable that a WAV hackney carriage is not always the most appropriate vehicle and there are those with certain disabilities that find accessing WAVs difficult and a saloon style vehicle is preferable. The merging of zones and allowing grandfather rights to continue should contribute to a mixed fleet of hackney carriages across the whole Council area.

In accordance with the Transport Act 1984, limits can be imposed on the number of licensed hackney carriages permitted to operate in an area. Numerical limits can only be imposed in circumstances where the Council is satisfied that there is no significant demand for hackney carriages which is unmet. Should the Council decide to remove its existing hackney carriage zones then any existing numerical limits would no longer be applicable. The Council could potentially adopt a new numerical limit for the whole of its area if it was considered appropriate. Any decision to implement and retain numerical limits must be supported by robust evidence to withstand legal challenge; the preferred approach advocated by the Department for Transport is to allow market forces to determine the appropriate levels of supply.

As the existence of separate zones within a Local Authority area is relatively uncommon there is a scarcity of evidence to support decision making when considering whether or not to merge zones. In 2009, as a result of structural changes to local government, 9 new

unitary authorities were created and most of these new authorities incorporated 2 or more former District Councils and by extension, hackney carriage zones.

Local Authority	Hackney Carriage Zones 2009	Hackney Carriage Zones 2020
Durham	7 (2 with numerical limits)	1
Wiltshire	4	4 (decision pending)
Northumberland	6	6 (pending future decision)
Shropshire	5	5 (1 zone from 1 st April 21)
Bedford Borough	1	1
Central Bedfordshire	2	1
Cheshire East	3	3
Cheshire West & Chester	4	4
Cornwall	6 (3 with numerical limits).	6

To date only Durham and Central Bedfordshire have implemented the merger of the former hackney carriage zones. Interestingly Durham had the highest number of former zones, seven, and Central Bedfordshire the least number of zones, two. Bedford Borough had no decision to make as only one zone existed prior to the unitary decision taking effect. Shropshire have resolved to merge their 5 zones from 1 April 2021. Wiltshire intend to consult on zones in 2021.

A brief questionnaire was sent to the licensing authority for each area and questions included:

- Whether they had kept pre-existing zones
- Whether they thought this was the correct decision If they were planning to change their current arrangements
- Whether they had maintained numerical limits for zone(s), where applicable

At the time of writing Durham, Wiltshire, Northumberland and Cheshire West & Chester have responded to the questionnaire. These responses are summarised below:

Durham

On becoming a unitary Council in 2009, Durham had 7 separate hackney carriage zones, 2 of which had numerical limits. In 2010, Durham consulted on the following options:

- Remove all zones and no numerical limits
- Retain existing zones and retain numerical limits for 2 zones
- Retain existing zones and remove numerical limits for 2 zones.
- Retain existing zones and survey all zones for numerical limits
- Remove existing zones and survey whole Council area.

Responses to the consultation were mixed. The trade operating within the two zones with limitation policies were opposed to the amalgamation of zones and removal of numerical limits. The trade from the other areas, the police and other consulted parties were supportive of the removal of zones and deregulation of numerical limits. Despite the resistance from some sectors of the trade in 2011 the Council took the decision to merge the zones and created a single zone. The Council acknowledged that while there would inevitably be a ‘settling down period’ the decision to merge zones would ultimately provide a better service to the public. The cost of an unmet demand survey for the whole area was considered but thought cost prohibitive. Anecdotally, some 9 years after the decision took effect, Durham’s Licensing Service have reported that it was “definitely” the right decision. As anticipated there was a period of bedding in and initially an influx of vehicles into areas perceived as high demand. Over time, within 2 years, market forces took effect and supply reduced to meet demand. An additional benefit cited was that the public were now receiving an improved night time service in the centre of Durham. Traditionally hackney drivers had preferred to focus on the day time trade resulting in an under supply of hackney carriages operating in the evening. Following the merger of the zones, drivers from the former outer zones were now coming into Durham at night to fulfil this demand.

Wiltshire

Wiltshire became a unitary authority in 2009 and retained its 4 pre-existing zones. A review was undertaken with the trade in 2015 in relation to moving to a new single zone but the trade was split 50/50 on this option so no action was taken. Feedback indicates that the decision made at that time to retain the existing zones was correct. This meant that each zone operated with an office and workshop in each area allowing the drivers to drop in when required, build relationships with the team and arrange appointments at short notice. However, they are now considering putting forward a proposal to move to a single zone and this proposal is mainly driven by likely cost saving efficiencies. Operating a single zone would allow them to undertake all operations and inspections from a single office, although they indicate that this may be seen as a reduction in service by the trade. A report will be submitted to their Licensing Committee and, if approved, consultation will commence with the industry. Wiltshire does not currently limit the numbers within its zones and leaves it to supply and demand to dictate the correct level.

Northumberland

On becoming a Council in 2009, Northumberland decided to retain its 6 pre-existing zones. The preferred option would have been to create 2 zones, an urban zone for the south and a rural zone for the north. As this was not an option the 6 zones were retained. The decision is likely to be reviewed again but there are no timescales for this work at this time. In general the larger operators in the area are lobbying for one zone to be created, whereas the smaller operators prefer to keep the smaller zones. There are no numerical limits on the zones but all new vehicles are required to be WAVs.

Cheshire West and Chester

Cheshire West and Chester has operated three zones since 1 April 2009. One zone was subject to a numerical limit but this was removed following an unmet demand survey in 2018. All licensed vehicles are required to be WAVs.

For the unitary authorities that have not responded, web based research was conducted on this issue and findings summarised as follows:

Central Bedfordshire

Central Bedfordshire was formed from the merger of the former Districts of Mid and South Beds in 2009. Early consultation revealed that there were concerns from the trade from both the former zones about losing existing business. The trade also felt that it was not fair to the general public if drivers did not know the area that they were working in. Despite these concerns the Council made the decision to merge the zones in 2010.

Shropshire

Shropshire currently has five separate hackney carriage zones, one of which requires all vehicles to be WAVs. In September 2019 Shropshire Council resolved to remove the Hackney Carriage zones and this decision will take effect from 1 April 2021. From this time all licensed hackney carriages will be required to be WAVs and this appears to be the main reason for the decision to merge the zones. Interestingly less than 3% of the local trade responded to the consultation and of those that did, 67% supported the merge of the zones and the introduction of the Council wide WAV policy.

Cheshire East

Cheshire East has operated three zones since 1 April 2009, no further information is available at the time of writing this report.

Cornwall

Cornwall has retained six hackney carriage zones since reorganisation in 2009. Three of those zones are subject to numerical limits. One of the zones requires vehicles to be a “Disabled Access Vehicle”.

Summary

The current position concerning licensing arrangements and hackney carriage zones within Buckinghamshire Council is comprehensively set out in the main Licensing Committee report. The Council's pre-consultation survey shows similar results to views in other areas that have consulted on this matter, with local trade holding conflicting opinions on the zone issue. By the 1st April 2021 of the nine other unitary Council's in a similar position,

- four will have one single hackney carriage zone
- one intends to consult on the issue next year,
- one is considering a consultation on the issue,
- one has not made a decision

- the remaining two have not responded to the questionnaire so their position is unclear.

On balance it appears the propensity among unitary Councils is to follow Department for Transport recommendations and merge the hackney carriage zones. Decisions to merge zones have broadly been taken for economic reasons, specifically to allow market forces to determine supply levels and generate cost savings for the Council, and accessibility reasons, to improve the availability of hackney carriages both generally and for passengers with a disability.

Whilst it is not legally possible to reverse a decision once the zones are removed, there are relevant measures that the Council could consider to address some of the perceived concerns such a decision may raise including:

- Hackney Carriage fares can be revised to ensure that vehicle owners and drivers costs are met. Fares in some of the existing Buckinghamshire Council zones are among the lowest in the country.
- The location and quantity of taxi ranks can be reviewed and new standing areas introduced to facilitate their use.
- More robust measures can be introduced to ensure ranks are robustly marshalled to facilitate access and monitor their use. Emerging technology such as parking sensors (already in use in some areas) could be introduced to show drivers and passengers when ranks are free or busy.
- The ability to specify vehicle requirements and amend policy requirements means that the Council can continue not only to require new hackney carriage vehicles to be WAVs, but any decision concerning grandfather rights on non-WAVs could also be revised should there be found to be a lack of WAVs in the future.
- Topographical knowledge tests for drivers can be adapted and applied retrospectively so that all hackney drivers are required to have a level of geographical knowledge for the areas where they are working. In addition modern navigational technology is readily available and provides a reliable means of travelling the most direct route from A to B; arguably it is more reliable than local knowledge as the technology also monitors real time traffic flows.
- The commission of an unmet demand survey could be conducted for the whole of Buckinghamshire to inform the introduction of numerical limits in the single zoned area should it be considered desirable if there is perceived over supply of hackney carriages.

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