



# **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 1<sup>st</sup> 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 1<sup>st</sup> 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 [info@buckinghamshire.gov.uk](mailto:info@buckinghamshire.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 Barring 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/](http://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

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 [0](#).

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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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, Iwer 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 1<sup>st</sup> 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 1<sup>st</sup> 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/](http://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 [\(www.buckinghamshire.gov.uk/\)](http://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](http://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

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

## **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 partnership<sup>1</sup>) 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 conviction<sup>2</sup>. <sup>3</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> 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?’<sup>4</sup>**

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.

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<sup>4</sup> <sup>4</sup>(“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**

<b>Penalty</b>	<b>Comment</b>	<b>Points</b>
Failure to maintain vehicle – major defect.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 2.	4
Failure to maintain vehicle – minor defect.	Major defects includes MOT such as bald tyres and light(s) not working and correct licence plate not displayed.	2
Failure to record details of checks and inspections in vehicle record book.	Minor defects include missing fire extinguisher or first aid kit, unclean vehicle, livery other than licence plate not displayed.	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).		6
Failure to operate the taximeter from commencement of the journey and charging more than the fixed charge for hire of Hackney carriages		6
Hackney Carriage vehicle not displaying the tariff from within the vehicle		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 found to have occurred. Points will 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**

<b>Penalty</b>	<b>Comment</b>	<b>Points</b>
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/manufacture'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.	<b>4</b>
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.	<b>4</b>
Failure to notify the Licensing Authority within 7 days of any driver being employed or granted permission to drive the vehicle.		<b>2</b>
Failure to notify the Licensing Authority within 7 days of any complaint received by the vehicle licence holder relating to the driver.		<b>2</b>
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.	<b>2</b>
Failure to notify the licensing authority in writing of any transfer of interest in the vehicle.	Hackney Carriage and Private Hire Vehicle Licence Condition 12.	<b>2</b>
Failure to return licence plates and licences before selling or transferring a licensed vehicle.		<b>4</b>
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.	<b>6</b>
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.	<b>4</b>
Failure to maintain a vehicle record book.	Hackney Carriage and Private Hire Vehicle Licence Condition 16.	<b>2</b>

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

<p>application for licence.</p>	<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/](http://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 1<sup>st</sup> 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 are 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](mailto: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

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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: .....