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Criminal Records Policy

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1. **Introduction**

1.1 Cherwell and South Northants District Councils are responsible for issuing Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and therefore must ensure, to the best of their abilities, that those who are granted a licence are ‘fit and proper’. In undertaking this duty the Council’s primary concerns are protecting public safety.

2. **Scope**

2.1 This policy provides guidance for licence applicants on what is taken into account when determining if an applicant is a ‘fit and proper’ person to hold a licence. This policy relates to any application regardless of whether it is a new or a renewal application and will also apply to current licence holders. Whilst criminal convictions will play a large part in the determination of the application other information relating to the applicant’s honesty and integrity, driving ability and information provided by the Police or any other body will also be taken into account.

2.2 This policy mainly relates to the determination of a driver licence application/ renewal however its principles are equally applicable in the determination of a Hackney Carriage/ Private Hire Vehicle licence and a Private Hire Vehicle Operator licence. Therefore when a conviction is noted on any application form and is considered relevant in determining if an applicant is ‘fit and proper’ this policy will be referred to in order to assist the determination of the application.

2.3 This policy applies from the date of publication to all current licences and to all new licence and renewal applications after the publication date.

3. **Background**

3.1 In order to protect public safety the Council is mindful of the following:

- That a person is a **fit and proper** person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

3.2 There is no strict legal definition for what constitutes a ‘fit and proper person’ and it will be in the opinion of the Council as to whether or not an applicant is a ‘fit and proper’ person.
3.3 To assist in determining whether an applicant is a ‘fit and proper’ person to hold a licence the Council will undertake any checks deemed necessary and will take every step to ensure that licences are not issued to or used by unsuitable people. The Council will take the following into consideration:

- Criminality – details provided from the Disclosure Barring Service (DBS) Certificate or intelligence from the Police
- Period of holding a DVLA driver’s licence – An applicant who has not held their licence for at least one year will not be eligible to apply for a licence
- Number of endorsed driving licence penalty points – as detailed in the DVLA licence check
- Right to work – Evidence that the applicant is eligible to work in the UK must be provided within the application. If the leave to work is less than the drivers licence (3 years) the licence will only be issued for the same period however the fee remains the same.
- Medical fitness – A completed medical must be provided with the application by a doctor who has full access to the applicant’s medical records and history. If we are not satisfied with the medical submitted further assessments may be required
- The Standard of verbal and written English
- The Standard of driving/driving ability
- General conduct/standards of behaviour (including online activity)
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process) – For example, where an applicant has not disclosed all criminal convictions on the application form as requested but the DBS Certificate details convictions this will be considered to be dishonest and the application may not be looked on favourably
- The previous licensing history of existing/former licence holders – including information sought from neighbouring authorities that the applicant may have previously worked in
- Knowledge and understanding of requirements of a licenced driver
- Or anything else that may bring into doubt the applicants suitability to hold a licence

- **To ask the question “Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”**

3.4 The Council may also take into account information and intelligence provided by other agencies including, but not limited to, the Police, Immigration Services, Children and Adult Safeguarding Teams.

3.5 This policy is a guide for applicants, Council officers and members, however, it is not possible to detail every possible situation and every application is dealt with on a case by case basis. If exceptional circumstances dictate, it may be necessary for the Council to depart from the policy and the Council reserves the right to do so.
3.6 For the avoidance of doubt, where it is detailed in this policy that a specified period of time from conviction is required to elapse before an application will be considered, the date of conviction is the date upon which an applicant pleads guilty or is found guilty. Where it is detailed in this policy that a specified period of time from the completion of sentence/licence period is required to elapse before an application will be considered, the completion of sentence is the date upon which an applicant’s sentence, including any licence period, is completed.

3.7 The Council reserves the right to review and if necessary reverse any previous decisions if information comes to light that identifies that the initial decision was incorrect.

4. General Policy

4.1.1 A previous conviction is not an automatic bar to an applicant being granted a licence. The criteria set out below (4.2.3) will be considered and an applicant with a previous conviction will be expected to:

1. Have remained free of further convictions for a specified period of time; and
2. Provide evidence that s/he is a fit and proper person to hold a licence. It is the applicant’s responsibility to produce any evidence s/he thinks relevant to assist in the determination of his/her ‘fit and proper’ status. Simply remaining free from convictions is not necessarily enough to demonstrate that an applicant is fit and proper, particularly in light of evidence of poor driving or where the behaviour of the applicant has been called into question.

4.2.2 The criteria set out below (4.2.3) would normally be applied in the determination of all applications. The Council may depart from this policy where required to do so by exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

4.3.3 Applicants must include on the application form all details of:

- Any arrest or request to voluntarily attend a police station for interview or formal questioning;
- Convictions, cautions, binding overs, reprimands or final warnings;
- Being charged with an offence or summoned to court;
- Issued with a Fixed Penalty Notice;
- DVLA driving licence endorsements;
- Civil proceedings, orders or injunctions.
4.2 Appeals

4.2.1 Any applicant refused a driver or operator licence, or who has a licence suspended or revoked on the grounds that the Council is not satisfied that the applicant is a fit and proper person to hold such a licence has a right to appeal to the Magistrate’s Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, S 77 (1)].

4.3 Powers

4.3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976: Allows the Council to suspend, revoke or refuse to renew a licence if the applicant licence holder has been convicted of an offence involving dishonesty; indecency; violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975: Allows the Council to take into account all convictions recorded against an applicant or licence whether ‘spent’ or not. The Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared. The time periods post-conviction referred to later in this policy are guidelines only. For example being 10 years clear of an arson offence will not mean a licence will be automatically granted.

4.3.3 Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976: The Councils are required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver licence or Operator Licence is a “fit and proper” person to hold such a licence. However, if an applicant has any convictions, cautions, warnings, charges awaiting trial or on-going investigations, the Council will consider:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant’s age at the time of offence/incident leading to the conviction, warning, caution etc.
- Whether the conviction, caution, warning etc. forms part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
• Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder,
  - Whether the applicant has intentionally, knowingly or recklessly misled the Council or lied as part of the application process,
  - Information provided by other agencies/Council departments.

4.3.4 In accordance with the conditions attached to the licence, existing holders of a driver licence or operator licence are required to notify the licensing department of the Council in writing, by letter or email within 7 days of his/her being:

- Arrested or requested to voluntarily attend a police station for interview or formal questioning;
- Administered with a caution, binding over, reprimand or final warning;
- Charged with an offence or summoned to court;
- Convicted of an offence;
- Issued with a Fixed Penalty Notice;
- Receiving a DVLA driving licence endorsement;
- The subject of any civil proceedings, orders or injunctions.

4.3.5 All drivers will have an enhanced Disclosure Barring Service (DBS) check undertaken at the time of application. All new and renewal applicants must attend the Council Offices for the DBS check to be completed. Once the certificate has been received by the applicant the applicant must sign up to the DBS Online Update Service within 19 days of the certificate issue. The costs of all DBS checks are the responsibility of the applicant. The DBS Online Update Service is a less expensive service that ensures a quicker turnaround of the certificate; the fee for the service must be paid on an annual basis by the applicant. The applicant must sign up to the service before the licence is issued as it is a condition of the licence that the applicant/licence holder has signed up, and remains signed up to the service.

4.3.6 Information as to the suitability of the applicant may be sought from any external organisations. The Common Law Disclosure Policy used by all Police forces may result in receiving information which calls into question the suitability of the applicant. Such information may be provided to the Council at the point of application or throughout the duration of the licence.

4.3.7 It is an offence for any person to intentionally, knowingly or recklessly make a false declaration, or to omit any material particular in giving information required by way of the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976).
Where an applicant has made a false statement or a false declaration on the application for the grant or renewal of a licence, the licence will normally be refused.

4.3.8 Any offences or behaviour not stated in this Policy will not prevent the Council from taking into account those offences or behaviours.

4.4 Options when Determining an Application and Reviewing a Licence

4.4.1 When determining an application or reviewing an existing licence the Council has the following options:

- approve the application or take no further action
- refuse the application/ revoke the licence/ suspend the licence
- issue a warning which may include the use of enforcement penalty points

5. Serious Offences Involving Violence

5.1 Licenced drivers have close regular contact with the public. Serious consideration will be given to applicants and licence holders convicted of offences of violence. No application will be granted and an existing licence revoked where a conviction offence has resulted in a loss of life.

5.1.2 A licence application will be refused or an existing licence revoked where the applicant / licence holder has a conviction or is convicted of any of the following offences:

- Murder
- Rape
- Offences related to Child Sexual Exploitation
- Manslaughter
- Manslaughter or Culpable Homicide while Driving
- Offences related to Child Sexual Exploitation
- Terrorism
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
5.1.3 Consideration will only be given to the granting of a licence if at least 10 years have passed since the completion of any sentence and/ or licence period following conviction the following offences:-

- Arson
- Malicious wounding
- Actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Any Public Order Act 1986 offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Any offence (including attempted or conspiracy to commit offences) that are similar to those above.

A licence application will be refused if the applicant has more than one conviction for an offence of violence, irrespective of the dates of conviction.

An existing licence will ordinarily be revoked if the licence holder is convicted of an offence of violence.

5.1.4 Consideration may only be given to the granting of a licence if at least 5 years have passed since the completion of sentence and/ or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offence (including attempted or conspiracy to commit offences) that are similar to those above.

5.2 Possession of a Weapon

5.2.1 If an applicant or licence holder has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the applicant/ licence holder is a fit and proper person to hold such a licence. At least 3 years must have passed since the completion of the sentence/ and or licence period, before a licence is granted.
6. Sexual and Indecency Offences

6.1 Licenced drivers often carry unaccompanied and vulnerable passengers; the Council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Convictions for sexual or indecency offences will result in the refusal of an application or revocation of an existing licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and/or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003)
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Grooming
- Making obscene/indecent telephone calls
- Indecent exposure
- Any similar offence (including attempted or conspiracy to commit) offences which replace the above

6.2 In addition to the above the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

7. Dishonesty

7.1 A licenced Hackney Carriage/Private Hire Vehicle driver is expected to be trustworthy. In the course of their working duties a Hackney Carriage/ Private Hire Vehicle driver will deal with cash transactions and valuable property may be left in their vehicles. Drivers will also deal with passengers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

7.2 In general, a minimum period of 5 years free of conviction or at least 5 years have passed since the completion of sentence/ and or licence period should be required before granting a licence to an applicant convicted of a dishonesty offence. Offences involving dishonesty include:

- Theft
- Burglary
• Fraud
• Benefit fraud
• Handling or receiving stolen goods
• Forgery
• Obtaining money or property by deception
• Other deception
• Taking a vehicle without consent
• Or any similar offence (including attempted or conspiracy to commit) offences which replace the above

7.3 An existing licence will ordinarily be revoked if the licence holder is convicted of an offence of dishonesty.

8. Alcohol and Drugs

8.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety. Whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, the nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully.

8.2 Hackney Carriage / Private Hire Vehicle drivers are professional, vocational drivers and a serious view is taken by the Council of convictions for driving, or being in charge of a vehicle while under the influence of alcohol or drugs. More than one conviction for an alcohol or drug related offence raises significant doubts as to the fitness of an applicant / driver to drive the public. At least 5 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be granted. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be granted.

8.3 A licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs and a current licence will be revoked, because of the nature of a driver’s involvement with the public.

8.4 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal/controlled drugs until at least 5 years have passed since the completion of any sentence and/ or licence period, and only then after full consideration of the nature of the offence and the quantity/type of drugs involved.

8.5 If there is evidence of persistent alcohol or drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant is a recovering addict evidence will be required to show 5 years free from alcohol / drug use after detoxification treatment is required.
9. Driving Offences involving the Loss of Life

9.1 A very serious view is to be taken of any applicant or licenced driver convicted of a driving offence that resulted in the loss of life. A Hackney Carriage / Private Hire Vehicle driver licence will be refused or revoked if the applicant / licenced driver has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

10. Other Traffic Offences

10.1 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences, waiting in a restricted area, or offences of a similar nature may not ordinarily merit the refusal of an application, but the application will be subject to consideration as part of the Council’s Penalty Points Scheme. However, if an applicant has more than 6 points or 6 points for a singular offence the application will be refused. If a licenced driver tots up more than 6 DVLA points or has his/ her licence endorsed with 6 DVLA points for a singular offence, the licence will be revoked. Hackney Carriage / Private Hire Vehicle drivers are professional drivers and the Council expects such drivers to maintain the highest standards of driving.

10.2 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court rather than a fixed penalty), or offences of a similar nature will give rise to serious doubts about the applicant’s suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least one year free of such convictions. For applicants with more than one offence this should normally be increased to two years.

10.3 Where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

10.4 A list of all DVLA offence codes can be found here: https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points
11. Outstanding Charges or Summons

11.1 If an applicant is the subject of an outstanding charge or summons his/ her application may be suspended until the matter is resolved. If an existing licence holder is subject to an outstanding charge or summons his/ her licence may be suspended or revoked dependant on the information available. Such a decision will be made on a case by case basis.

12. Non-Conviction Information

12.1 The Council will also take into account situations and circumstances that have not resulted in a prosecution or conviction. This may include acquittals, circumstances in which convictions were quashed due to misdirection by the court, circumstances where the decision was taken not to prosecute, situations where the applicant or licence holder has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness/ complainant and the licence holder will also be taken into account.

12.2 If an applicant has been arrested or charged, but not prosecuted or convicted, in relation to a serious offence which calls into question his/ her fit and proper status, serious consideration will be given to refusing the application. An existing licence holder in the same situation is subject to the same. His/ her licence may be suspended or revoked dependant on the information available. Such offences include violent and/ or sexual offences of dishonesty and drug related offences.

12.3 In assessing the action to take, the safety of the travelling public will be the overriding consideration.

13. Licensing Offences

13.1 Certain offences under the Hackney Carriage / Private Hire Vehicle licensing legislation such as plying for hire, overcharging (Hackney Carriages), refusing to carry disabled persons or assistance dogs (in the absence of the requisite exemption) will prevent a licence being granted. An existing licence holder should expect his/ her licence to be revoked following a conviction for a licensing offence. In such circumstances a licence will not be granted until a period of 3 years has passed since the date of conviction.
14. Insurance Offences

14.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided the applicant has been free of conviction for 3 years; however strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed. If the second conviction occurs whilst a licence is held that licence will be revoked.

14.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have an Operator licence revoked immediately and will not be permitted to hold a licence for a period of at least three years from the date of conviction.

15. Applicants with Periods of Residency outside the UK

15.1 If an applicant has spent 6 continuous months or more overseas (since the age of 16) the Council will expect to see evidence of a criminal record check from the Country/Countries visited covering the 6 month period.

15.2 Due to the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required; for those Countries for which checks are not available, the Council will require a Certificate of Good Conduct authenticated by the relevant Embassy.

16. Summary

16.1 A previous conviction will not always automatically result in the refusal of a licence and a conviction obtained during the period of a licence will not always automatically result in the revocation of an existing licence. In most cases, an applicant or licence holder whose licence has been revoked as a result of a conviction would be expected to have remained free from conviction for 3 to 10 years (depending on the offence committed before an application is likely to be successful. If there is any doubt about the suitability of an individual to be a licence holder, the Council’s primary consideration is the need to protect the public.
16.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant’s suitability to be licenced. A series of convictions over a period of time is more likely to give cause for concern than an isolated conviction, but in all cases the protection of the public is the Council’s primary consideration.

16.3 A suspension or revocation of the licence of an existing licence holder takes effect at the end of the period of 21 days beginning with the day on which notice is given to the licence holder. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the licence holder includes such a statement and explanation,, the suspension or revocation takes effect when the notice is given to the driver [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976].
Appendix B

Driver Application Process and Conditions

The Application Process

If you are a new driver wishing to apply for a driver’s licence for a Hackney Carriage/Private Hire Vehicle please visit www.cherwell-dc.gov.uk or www.southnorthants.gov.uk to download an application form. Alternatively you can email licensing@cherwell-dc.uk or licensing@southnorthants.gov.uk to request a copy be emailed to you.

If you are already a driver and your licence is due for renewal, your renewal date will appear on the paper counterpart of your licence, you will not receive a separate reminder. Please allow sufficient time before expiry when booking your appointment, leaving it to the latter part of the month may result in your application not being processed in time. It is your responsibility to apply to renew your licence in time.

You must complete all sections of the application form. It is important to note that the following matters must be disclosed on the application form, irrespective of the age of the matter:-

• Arrests and/ or voluntary attendances at police station for interview or formal questioning;
• Convictions, cautions, binding overs, reprimands or final warnings;
• Charges awaiting trial;
• Summons to court;
• Fixed Penalty Notices
• DVLA driving licence endorsements;
• Civil proceedings, orders or injunctions.

The Council is seeking to ensure the honesty and integrity of the Hackney Carriage / Private Hire Vehicle drivers it licenses and will not look favourably at an application where offences have not been detailed on an application form, but appear on the Disclosure Barring Service Certificate, or if the Council receives information from other agencies which should have been disclosed on the application form.

If you have spent six months or more continuously outside the UK evidence of a criminal record check from the Country/Countries visited covering the duration overseas will be required. For stays longer than 6 months outside of the European Union a certificate of good conduct is required to be authenticated by the relevant embassy. If the applicant has resided in this country for less than 5 years a Certificate of Good Conduct is required from either the local Police from where they lived or the Embassy of that country where they resided previously. This also applies to overseas stays of 6 months more during that 5 year period.
All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals.

The list below states what evidence needs to be provided to prove the applicant has a right to work in the UK, this list is not exhaustive and other documents may be accepted (please follow this link; https://www.gov.uk/government/organisations/uk-visas-and-immigration), however this must be discussed with the Council in advance of the application being submitted. Any issues with the documentation provided may result in a delay in issuing the licence or renewal of an existing licence.

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth/Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment. You must make an appointment to attend the Council Offices with your completed application and supporting documentation.

During your appointment your application and supporting documentation will be reviewed. Your DVLA record will be checked online and your Disclosure Barring Service (DBS) application form checked to ensure it has been completed correctly. For licence renewals a check of the DBS Online Update Service will be undertaken if you have brought your current certificate to your appointment. If you have not signed up to the DBS Online Update Service your application may be delayed or refused. Payment for the application must be made at the time of submitting the paperwork and a receipt will be given. An application will not be progressed until:

- The application is completed in full*
- Group 2 Medical form completed by a doctor with access to your patient records has been received*
- Payment for the application has been made*
- All supporting documents required have been seen and photocopied (including 2 passport photographs)*
- The Disclosure Barring Service application has been completed*
- Council approved safeguarding training has been undertaken*
- A Council approved Spoken English qualification has been produced
- A Council approved driving qualification has been produced
- Topographical Knowledge Test has been passed
• All requirements marked with a * need to be carried out at renewal as well

If you have any offences on your application form or Disclosure Barring Service (DBS) Certificate the Council will refer to the Criminal Convictions Policy (see appendix A) in determining your application.

Once your DBS Certificate has been posted to you, you must apply to the DBS Online Update Service as part of the terms and conditions of your licence within 19 days of the certificate being issued. This ensures that your criminal record can be checked throughout the duration of your licence and enables a faster licence renewal application process at a lower cost. The licence fee for your application/renewal is in addition to this fee. To register your Certificate visit: www.gov.uk/dbs-update-service.

All driver licences will be issued for a period of three years unless otherwise determined by the Council. All licences will be a joint Hackney Carriage/ Private Hire Vehicle driver licence.

All applications for a Hackney Carriage / Private Hire Vehicle drivers licence are to be made on the Council’s official form and must be submitted together with all necessary documentation.

Licence applications will be determined by an Authorised Licensing Officer.

Driver Licence Conditions

1. Driver Badge/Licence

1.1 The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council in a prominent visible place on the outer clothing. The badge must be clearly visible to passengers and made available on request.

1.2 The driver’s badge remains the property of the Council. The badge must be returned to the Council immediately if the licence is suspended or revoked. Upon expiry the badge must be returned to the Council within 7 days.

1.3 The driver of a Hackney Carriage / Private Hire Vehicle /shall submit the original Private Hire Vehicle Driver’s licence to his/ her employer (Private Hire Vehicle Operator) before commencing employment as a driver of Private Hire Vehicle. The employer (Private Hire Vehicle Operator) shall retain the original Private Hire Vehicle Driver’s licence until such time as the driver ceases to be so employed.

1.4 Hackney Carriage and Private Hire Vehicles shall not be driven by unlicensed drivers under any circumstances.
2. **Conduct of Driver**

2.1 The driver of a Hackney Carriage/Private Hire Vehicle shall at all times when the vehicle is being driven for hire be clean and smartly dressed.

2.2 The driver shall not at any time behave in an abusive, aggressive or threatening manner to any passenger, officer of the Council or any officer authorised by the Council.

2.3 Drivers of Private Hire Vehicles shall not ply the street for hire nor shall s/he use Hackney Carriage stands (taxi ranks).

2.4 Drivers must at all times when working with vulnerable passengers comply with the below detailed safeguarding principles:

A vulnerable passenger is a passenger whose age or disability means that s/he is more susceptible to harm than a typical passenger. Vulnerable passengers include children, elderly persons or somebody with learning difficulties. In addition, an individual should be considered vulnerable if she does not fall within one of the above categories, but whose condition is such as to render him/her more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

The following safeguarding principles aim to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the Hackney Carriage or Private Hire trade. The following safeguarding principles must be complied with and embedded into driver working practice:

- Drivers must carry photo ID at all times and wear it in accordance with the conditions of the licence.

- A lone vulnerable passenger must not be transported in the front passenger seat of the vehicle.

- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver/operator must not undertake the journey.

- Drivers should always ask if a vulnerable passenger needs help and should not make assumptions.

- Drivers must remain professional at all times and should not:
  - Touch a person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing, sexualised or discriminatory language)
  - Behave in a way that may make a passenger feel intimidated or threatened
  - Attempt to misuse personal details obtained via the business about a person; these standards are equally applicable when working with vulnerable and non-vulnerable passengers.
Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so). If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, the driver must report this to the police by telephoning 101 (or in appropriate cases by calling 999).

If a driver/operator is concerned about someone else’s conduct, they should report any concerns to the Council’s Licensing Department; South Northants Council 01327 322278 and Cherwell District Council 01295 753744, Police (101) or Crimestoppers (0800 555111).

2.5 Licensed Drivers must comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

2.6 Licensed Drivers must afford all reasonable assistance with passenger luggage and shopping as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage, shopping, disability aids or wheelchair.

2.7 Licensed Drivers must take all reasonable steps to ensure the safety of passengers entering, travelling in, or alighting from the vehicle, especially those passengers with a disability.

2.8 Licensed Drivers must not smoke tobacco or a similar substance, or E-Cigarettes/Vaping Cigarettes in the vehicle at any time as provided by the Health Act 2006.

2.9 Licensed Drivers must at all times when driving a licensed vehicle ensure that the vehicle is clean, roadworthy and well maintained, meets Council vehicle licence conditions.

2.10 Licensed Drivers must ensure that none of the markings/signs/notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible. The licence plate must be securely attached externally to the rear of the vehicle.

2.11 Licensed Drivers must, when aware that the vehicle has been hired to be in attendance at an appointed time and place, or when otherwise instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.

2.12 Licensed Drivers must undertake an inspection of any vehicle being driven whilst working as a Hackney Carriage/Private Hire Vehicle driver. This inspection must be undertaken at least daily and before the first carriage of a fare paying passenger in the vehicle whilst it is being driven by the licensed driver.
3. **Change of Address**

3.1 Licensed Drivers must notify the Council in writing within 7 days of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

4. **Customer and Other Personal Information**

4.1 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted/updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent and/or used for any other purpose (such as unsolicited marketing calls). If a driver is found to be contacting a customer after the booking has been completed his/her licence may be suspended or revoked.

5. **Accidents**

5.1 If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within 24 hours of reporting the accident (except in exceptional circumstances when the report must be made as soon as possible after the accident – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

6. **Fares**

6.1 Licensed Drivers must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

6.2 Licensed Drivers must not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

6.3 Licensed Drivers must, if requested by the hirer, provide a written receipt for the fare paid. The receipt must bear the name and address of the proprietor of the vehicle together with the badge number of the driver.
7. **Passengers**

7.1 The licence holder must not carry more persons than is permitted by the vehicle licence.

7.2 Licensed Drivers will not allow to be conveyed in the front of a licensed vehicle:

- more than one person, unless the vehicle is manufactured to carry two front seat passengers, and seat belts are fitted for both passengers, or
- any child under the age of 13 years old unless a County Council contract permits otherwise.

7.3 Licensed Drivers must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

7.4 Licensed Drivers must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed Hackney Carriage/Private Hire Vehicle drivers:

**Duty to Assist Passengers in Wheelchairs**

Section 36 of the Disability Discrimination Act 1995 (DDA) places a duty on the driver of a designated* wheelchair accessible Hackney Carriages and Private Hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

* Designated vehicles are those listed by the Council under section 167 of the Equality Act 2010 as being a ‘wheelchair accessible vehicle’. (a list can be obtained on request)

Section 36 of the DDA 1995 remains in effect until such time as section 165 of the Equality Act 2010 comes into force. It will then be a condition of a licence that drivers adhere to the requirements of s165 of the 2010 Act.

8. **Duty to Carry Guide Dogs and Assistance Dogs**

8.1 Drivers must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an ‘assistance dog’ unless the driver has a Medical Exemption granted by the Council and the Notice of Exemption is displayed in the approved manner by it being fixed in a prominent position facing outwards on the dashboard.

8.2 Any animal belonging to or in the custody of any passenger should remain with that passenger and may be conveyed in the front or rear of the vehicle.
8.3 Drivers hired to carry a guide dog must ask the owner where s/he would prefer the dog to be. Most dogs are trained to lie in the front passenger footwell between the feet of the owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Drivers must let the visually impaired person know that this applies.

8.4 If the front foot well is not large enough to accommodate the dog, the guide dog owner must be advised to travel in the rear of the vehicle with the dog in the footwell behind the front passenger seat. The seat should be pushed forward to make room for the dog.

9. **Found Property**
Licensed Drivers must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to the local police station within 24 hours, unless an alternative arrangement has been made with the owner of the property.

10. **Medical Conditions**
10.1 Licensed Drivers must notify the Council in writing without undue delay of any change in medical condition.

10.2 Licensed Drivers must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that s/he is or continues to be physically fit to be a driver of a Hackney Carriage/ Private Hire Vehicle

11. **Convictions, Cautions, Arrest etc.**
11.1 Throughout the duration of the licence, Licensed Drivers must notify the relevant Council **within 3 days** providing full details of any:-

- Convictions, cautions, binding overs, reprimands or final warnings,
- Charges awaiting trial,
- Summons to court,
- Fixed Penalty Notices,
- DVLA driving licence endorsements,
- Civil proceedings, orders or injunctions

Failure to notify the Council of the above will result in enforcement action being taken.
12. Disclosure and Barring Service Online Update Service and Online DVLA System

12.1 Licensed Drivers must subscribe to the Disclosure and Barring Service (DBS) Online Update Service. Any costs associated with maintaining this subscription must be met by the licensed driver.

12.2 Licensed Drivers must give permission for the Council to undertake checks of their DBS and DVLA status should the Council consider it necessary to do so. The Councils will use the DBS Online Update Service to monitor the criminal record of Licensed Drivers.

13. Change of Operator

13.1 Licensed Drivers must notify the Council in writing within 5 working days of a change in their operator.

14. CCTV Recording Equipment

14.1 Drivers are permitted to install in Hackney Carriage Private Hire Vehicles CCTV recording equipment if previously approved by the Council. Approved CCTV recording equipment will have a hard drive which is only accessible by an Authorised Officer of the Council or a Police Officer. Misuse of any approved installed CCTV or use of unauthorised CCTV systems will result in action being taken against the licensed driver which could ultimately result in the revocation of the driver’s licence. All installed CCTV must comply with the Information Commissioner’s CCTV Code of Practice.
Appendix C

Vehicle Application Process and Conditions

Application Process

Any vehicle which is not currently licensed as a Hackney Carriage / Private Hire Vehicle with the Council, no matter how recently the licence elapsed or was transferred, will be treated as a new vehicle application.

Applicants for a new licence for a Hackney Carriage/Private Hire Vehicle please visit www.cherwell-dc.gov.uk or www.southnorthants.gov.uk to download an application form. Alternatively email licensing@cherwell-dc.uk or licensing@southnorthants.gov.uk to request a copy is emailed to you. Please note that new licence applications can only be submitted for vehicles under 6 years old. Once licensed a vehicle will require an MOT test every 6 months. The relevant date will be printed on the vehicle licence.

If you already hold a vehicle licence and your licence is due for renewal your renewal date will appear on the paper counter part of your licence, you will not receive a separate reminder. Please allow sufficient time before expiry when booking your appointment with the Council; leaving it to the latter part of the month may result in your application not being processed in time. It is the licence holder’s responsibility to apply to renew the licence in time.

Any vehicle must be first MOT tested before a request for an appointment is made with the Council. The cost of this test is not included in the licence application fee, neither are the costs included for the periodical tests. This does not apply to newly registered vehicles with less than 100 miles on the odometer.

Any vehicle MOT failures at any time will require retesting at the applicant’s expense. It is the licence holder’s responsibility to ensure that your vehicle is safe at all times and therefore a vehicle should not fail when presented to be tested.

Payment for the application must be made at the time of submitting the application and supporting documentation. A receipt will be provided. No application will be progressed until:

- The application is completed in full
- MOT test showing a pass is enclosed with proof that all mechanical/safety advisories have been rectified
- Insurance documents are enclosed (your insurance document must specify that it is insured to convey passengers for reward) Hackney Carriages require ‘Public Hire’ on insurance. Private Hire vehicles require ‘For hire and reward’
- V5 registration document is enclosed or New Keeper Supplement along with letter headed sales receipt should the vehicle have been recently acquired
- Any other supporting documentation required must be submitted to the Council
Council with the appropriate fee

Procedure for vehicles leased by a hire company:

- The vehicle(s) in question will be licenced in the driver’s name; however the V5 can show the company name
- Must have a signed hire agreement between company and driver
- The Council will not accept fleet insurances, all insurance certificates must show the relevant drivers name for the vehicle(s) in question
- Should the driver of a vehicle(s) change, the Council must be informed in writing and have a new hire agreement showing new driver details – this must be done before the new driver has the vehicle
- Should any of the above be breached or not adhered to, the licence will be revoked

During your appointment at the relevant Council your vehicle will be inspected. Provided it meets the required standards outlined below you will be issued a licence and relevant plates. The external plate must be attached securely to the rear exterior of the vehicle. Once the vehicle is licensed only a person holding a drivers licence issued by the relevant Council will be permitted to drive the vehicle.
VEHICLE LICENCE CONDITIONS

PRIVATE HIRE VEHICLES

1.1 GENERAL

a) Front engine - petrol, diesel, LPG, hybrid or electric front or rear wheel drive
   (if a vehicle is fuelled with LPG and the system is not factory fitted as original equipment the installation must be certified as satisfactory by a qualified vehicle engineer).

b) The vehicle must be right hand drive.

c) The vehicle must have at least three body-side doors for passengers with a separate means of access for the driver. Rear doors may be included in this number as long as there is unobstructed access of at least 30cms via these doors to the rear row seats; this relates to minibus type vehicles.

d) All seats must be fitted with lap and diagonal safety belts as a minimum standard, and may face forwards or backwards, but not sideways.

e) Backward facing seats over or behind the rear wheels and axle(s) having normal access only through a rear door will not be accepted.

f) Both Councils follow guidelines from the Department for Transport in respect of multi-purpose vehicles (MPVs). Accordingly:

   i) Vehicles with folding for moving seats which are constructed to provide access to other seats to which there is no direct access are acceptable, will be licenced for the same number of passengers as there are seats.

   ii) Certain models of Vauxhall Zafira and a number of other models have a rear row of seats which under normal circumstances should only be used by children. In the interests of passenger’s comfort and public safety, these vehicles will only be licenced to carry four passengers.

g) The vehicles must have at least four road wheels; which – unless alloy – must have matching trims.

h) All tyres must be the same dimensions unless specifically designed otherwise. Tyres with embedded nails, etc., are not acceptable; they must be replaced, not repaired. The minimum tread depth will be 2mm and wear must be even.

i) Seats must still be fully ‘sprung’, free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style

1.2 DIMENSIONS

a) A row of seats provided for three persons shall be at least 1295mm (51") wide.

b) Seats designed for two persons shall be at least 865 mm (34") wide.

2 WHEELCHAIR ACCESSIBLE PRIVATE HIRE VEHICLES
The Council adheres to the Equalities Act 2010 in respect of wheelchair accessible vehicles.

a) Suitably modified ‘people mover’ type vehicles may be deemed acceptable for licensing. The vehicle will generally have to comply with the requirements relating to vehicles that carry 5 or more passengers. Further advice may be obtained from the Licensing team at the relevant Council.

b) The vehicle must have a satisfactory arrangement for ramps, steps, handrails and storage of wheelchairs. Fixing of wheelchairs must also be satisfactory. The vehicle must be capable of taking a passenger in a wheelchair; which in turn must be suitably anchored with a safety belt / harness. The dimensions for the door aperture giving access for wheelchair-based persons and the interior dimensions of the vehicle must also be acceptable to the Licensing Authority.

c) All such vehicles will be licenced for the number of non-wheelchair customers only.

3 STRETCH LIMOUSINES

The majority of these vehicles are imported form the USA via Belgium. In the interests of passenger safety, the Council will licence stretch limousines as long as the vehicle meets the required specification and are under six years of age from the date of first registration wherever that may have been.

4 REQUIREMENTS FOR ALL VEHICLES

4.1 LUGGAGE SPACE

A separate lockable luggage compartment shall be provided. For non-saloon vehicles, passengers must be protected from items of luggage contained in the loads space being propelled into the passenger compartment by the vehicle movement. In the case of LPG fuelled vehicles, the vehicle will not be licenced if the LPG tank adversely impacts on the load carrying capacity.

4.2 AGE AND CONDITION OF VEHICLES, AND MECHANICAL TESTING

a) Only vehicles less than six years old will be considered for first-time licensing.

b) All vehicles must have inspections carried out at an approved MOT testing centre (with the exception of newly registered vehicles with less than 100 miles on the odometer) Once licensed a vehicle will require an MOT test every 6 months. The relevant date will be printed on the vehicle licence.

c) A vehicle more than ten years old will not be licensed unless it is in an ‘exceptionally well maintained’ condition and currently licenced by the Council.

To be classed as ‘exceptionally well maintained’, a vehicle must: -

i) Have a full service history showing from the date when the vehicle was first licenced;
ii) The bodywork must be in an unmarked condition i.e. no dents rust or body-filler, and paintwork must be of a uniform colour;

iii) The interior of the vehicle must be clean; all door fittings must be in place and working. All seats must be intact and not sagging, torn, ripped or repaired. All carpets must be clean and properly fitted; headlining must be clean and properly fixed;

iv) There must be no wires hanging loose from the dashboard or anywhere else;

v) The load carrying space must be clean and dry, with flooring in good condition and correctly fitted matting;

vi) Any other items or modifications must be to the satisfaction of an authorised Licensing Officer and be to EU safety standards

4.3 COLOUR, MARKINGS, SIGNS, ADVERTISEMENTS AND WINDOWS

a) The vehicle may be any single colour, but MUST NOT resemble a Hackney Carriage. Signs showing the words TAXI or CAB must not be displayed on or above roof height. Paintwork must be factory standard – no ‘crackle’ or ‘custom’ paint.

b) The name of the company / owner and telephone number may appear on the vehicle subject to the prior approval of the Council. Third party advertising is not permitted.

c) Glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, which prevent clear vision into vehicle are not permitted. Only factory fitted tinted glass will be acceptable which must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986. Under no circumstances will stick on style tinting be permitted.

4.4 EQUIPMENT

The following shall be provided: -

a) Spare wheel and tyre – properly stowed to protect passengers’ luggage;

b) Jack;

c) Wheel brace;

d) Any current alternative to the above that allows the vehicle to complete the journey.

e) Nearside and offside exterior rear view mirrors;

f) The standard factory exhaust system

4.5 RADIO AND AUXILLIARY EQUIPMENT

Any equipment fitted to the vehicle for operational requirements, such as two-way radio, or navigation systems must be fixed to the satisfaction of the Council. The microphone must be properly fixed to the vehicle dashboard.

4.6 DISPLAY OF INFORMATION

Every vehicle (except those with a discreet plate exemption) must have:-
a) The plate issued by the Council displayed securely on the rear outside (and not inside the rear window);
b) Displayed inside and visible to passengers, the smaller plate issued by the Council;
c) Signs with the words “This vehicle must be pre-booked” and the Council’s name and crest. These must be displayed on both nearside and offside front doors. With the permission of the Licensing Manager the signs may incorporate the Private Hire Vehicle company’s name.
d) At least one interior sign showing the red ‘no smoking’ symbol.

4.7 MODIFICATIONS

No modifications shall be made to the standard factory built vehicle without prior consent of the Council.

5. EXCEPTIONS

If a vehicle does not meet all of the above requirements, but is:

a) built to a higher standard than that which is normally acceptable for licensing, or
b) as a result of model changes, does not fully comply with the current specification, the Licensing Manager may use discretion in deciding its suitability for use as a Private Hire Vehicle.

HACKNEY CARRIAGES

1.1 GENERAL

a) All Hackney Carriages (taxis) must be; for South Northamptonshire Council – black and wheelchair accessible, for Cherwell District Council - all Hackney Carriages must be white unless purpose built “London style” taxis and all new grants must be wheelchair accessible.
b) Front engine - petrol, diesel, LPG, hybrid or electric front or rear wheel drive
(If vehicle is fuelled with LPG and the system is not factory fitted as original equipment the installation must be certified by a qualified vehicle engineer as satisfactory).
c) The vehicle must be right-hand drive.
d) Must have at least 3 body-side doors for passengers with a separate means of access for the driver and excluding any rear door.
e) All seats must be fitted with lap & diagonal safety belts as a minimum standard, and may face forwards or backwards, but not sideways. Minimum access to rear seating will be 30cms
f) Backward facing seats over or behind the rear wheels and axle(s) having normal access only through a rear door will not be accepted.
g) The vehicle must have at least four road wheels; which – unless alloy – must have matching trims.
h) All tyres must be the same dimensions unless specifically designed otherwise. Tyres with embedded nails, etc, are not acceptable; they must be replaced, not repaired. The minimum tread depth will be 2mm and wear will be even.

i) A roof sign shall be provided which is capable of being illuminated at night. The roof sign must display the word TAXI, and there must be a sign to indicate when the vehicle is available FOR HIRE.

1.2 DIMENSIONS

a) A row of seats provided the three persons shall be at least 1295mm (51") wide.
b) Seats designed for two persons shall be at least 865mm (34") wide

Any vehicle which has to be modified to meet this requirement will not be accepted.

2. HACKNEY CARRIAGES MUST BE CONSTRUCTED FOR THE CARRIAGE OF PASSENGERS IN WHEELCHAIRS – South Northamptonshire Council ALL VEHICLES / Cherwell District Council NEW GRANTS

b) The vehicle must have satisfactory arrangement for ramps, steps, handrails and storage of wheelchairs. Fixing of wheelchairs must also be satisfactory. It must be capable of taking a wheelchair with passenger, suitably anchored with a safety belt / harness. The dimensions for the door aperture giving access for wheelchair-based persons must also be acceptable to the Licensing Authority relevant Council.

3. REQUIREMENTS FOR ALL VEHICLES

3.1 LUGGAGE SPACE (GENERAL)

A separate lockable luggage compartment shall be provided. Passengers must be protected from items of luggage contained in the load space being propelled into the passenger compartment by the vehicle movement. In the case of LPG fuelled vehicles, the vehicle will not be licensed if the LPG tank adversely impacts on the load carrying capacity.

3.2 AGE AND CONDITION OF VEHICLES AND MECHANICAL TESTING

a) Only vehicles less than six years old will be considered for first-time licensing.
b) All vehicles must have inspections carried out at an approved MOT testing centre. (with the exception of newly registered vehicles with less than 100 miles on the odometer) Once licensed a vehicle will require an MOT test every 6 months. The relevant date will be printed on the vehicle licence.
c) A vehicle more than ten years old will not be licensed unless it is in an ‘exceptionally well maintained’ condition and currently licensed by the Council. **To be classed as ‘exceptionally well maintained’, a vehicle must:**
Have a full service history showing from the date when the vehicle was first licensed;

The bodywork must be in an unmarked condition, meaning no dents, rust or body-filler, and paintwork must be of a uniform colour;

The interior of the vehicle must be clean; all door fittings must be in place and working. All seats must be intact and not sagging, torn, ripped or repaired. All carpets must be clean and properly fitted; headlining must be clean and properly fixed;

There must be no wires hanging loose from the dashboard or anywhere else;

The load carrying space must be clean and dry, with flooring in good condition and correctly fitted matting;

Any other items or modifications must be to the satisfaction of an authorised Licensing Officer.

3.3 COLOUR, MARKINGS, SIGNS, ADVERTISEMENTS AND WINDOWS

a) For South Northamptonshire Council the vehicle must be black, for Cherwell District Council the vehicle must be white unless a purpose built ‘London style’ taxi. All paintwork must be factory standard – no ‘crackle’ or ‘custom’ paint.

b) For Cherwell District Council the vehicle must be white. The word “TAXI” must be shown on both front doors affixed to the vehicle in black block letter, 15 cm high.

c) The name of the company / owner and telephone number may appear on the vehicle subject to the prior approval of the Council. Third party advertising is not permitted without prior approval from the Council.

d) A windscreen sign should be fitted, displaying the words ‘FOR HIRE’.

d) Glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, which prevent clear vision into vehicle are not permitted. Only factory fitted tinted glass will be acceptable which must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986. Under no circumstances will stick on style tinting be permitted.

3.4 TAXIMETER

a) a taximeter must be fitted to all vehicles and it must comply with the following requirements: -

i) be capable of being locked so that when the meter is not in use no fare is recorded;

ii) when in use the fare shall be displayed in clearly legible figures;

iii) must be fitted so that all letters and figures on the meter can be clearly visible to any person travelling in the vehicle;

iv) the letters and figures must be illuminated at night;

v) must be fixed to the vehicle with seals so that no unauthorised person can alter or tamper with the meter without the seal being broken;

vi) vehicles with improperly sealed meters will not be licenced. The meter must be used for all journeys including those booked through a Private Hire operator.

vii) the Measuring Instruments (Taximeters) Regulations 2006 applies to all meters fitted

3.5 EQUIPMENT

The following must be provided: -
3.6 RADIO AND AUXILIARY EQUIPMENT

Any equipment fitted to the vehicle for operational requirements, such as two-way radio, or navigation systems must be fixed to the satisfaction of the relevant Council. Any microphone must be properly fixed to the vehicle dashboard.

3.7 DISPLAY OF INFORMATION

Every vehicle must have:-

a) the plate issued by the Council displayed securely on the outside rear (and not inside the rear window);
b) the smaller plate issued by the Council displayed inside and visible to passengers;
c) At least one sign showing the red ‘no smoking’ symbol prominently displayed.
d) Door signs on nearside and offside front doors displaying the word “TAXI”

3.8 MODIFICATIONS

No modifications shall be made to the standard factory built vehicle without prior consent of the licensing authority.

4. EXCEPTIONS

If a vehicle does not meet all of the above requirements, but is:-

a) built to a higher standard than that which is normally acceptable for licensing, or
b) as a result of model changes, does not fully comply with the current specification, the Licensing Manager may use discretion in deciding its suitability for use as a Hackney Carriage.

Right of appeal

Nothing in these conditions will remove the right to appeal to a Magistrates’ Court against the Council’s refusal to grant or renew a licence, or any decision to suspend or revoke a licence, nor against any conditions which may have been imposed on any such licence by the Council. Any appeal must be made to the relevant Magistrates’ Court within 21 days of the refusal or decision.
Appendix D

Operator Application Process and Conditions

The Application Process

Hackney Carriage / Private Hire Vehicle drivers licensed with the Council are not required to undergo an additional Disclosure Barring Service check in order to apply for an operator’s licence. Operator licence holders must be subscribed to the DBS Online Update Service and when applying for a new operator licence or the renewal of an existing operator licence. The Council will status the status of DBS records online as part of the application process.

Applicants for an operator licence who do not hold a Hackney Carriage / Private Hire Drivers licence issued by Council will be required to submit a Standard DBS Certificate as part of the application. Applicants can apply for a Standard DSB Certificate online at http://www.disclosurescotland.co.uk/basicdisclosureonline

If you already hold an operator licence and your licence is due for renewal the renewal date will appear on the paper counter part of the licence; you will not receive a separate reminder. Please allow sufficient time before expiry when booking your appointment with the Council leaving it to the latter part of the month may result in your application not being processed in time. It is the licence holder’s responsibility to apply to renew a licence in time. Failure to renew in time could result in your business ceasing to operate until such time as the new licence is granted.

If you are a new operator wishing to apply for a licence to operate Private Hire vehicles please visit www.cherwell-dc.gov.uk or www.southnorthants.gov.uk to download an application form. Alternatively you can email licensing@cherwell-dc.uk or licensing@southnorthants.gov.uk to request a copy be emailed to you.

Applicants for an operator licence must complete in full the relevant application form and make an appointment with the Council

Payment for the application must be made at the time of submitting the application and supporting documentation. A receipt will be provided. No application will be progressed until:

- The application is completed in full
- Either a Standard Disclosure Barring Certificate is provided or confirmation that the applicant is subscribed to the DBS Update Service
- A full list of all vehicles you intend to operate
- Proof of identity – a passport or driving licence photocard
• Proof of National Insurance number
• Proof of right to work in the UK
• Public liability insurance

Please note that as part of the application process the Council’s licensing team will consult the Council’s planning team. The planning team has 14 days in which to make any comments in respect of the application.

Operator Licence Conditions

1. Records

Private Hire Vehicle operators must keep records in accordance with the Local Government (Miscellaneous Provision) Act 1976.

The records kept by the operator under Section 56 Local Government (Miscellaneous Provisions) Act 1976 must be kept in a manner, whether written or on a computer, which enables examination and/or audit. Written records must be kept in a bound book.

In all cases, all records must be kept for at least three years, and made available to an Authorised Licensing Officer or police officer within the time specified.

If an operator uses a computerised record system, hard copies of all records must be printed and kept in accordance with the above at the end of each daily working period.

All computerised systems must be checked regularly for time accuracy (this can easily be done online at [http://wwp.greenwichmeantime.co.uk/](http://wwp.greenwichmeantime.co.uk/))

Records to be kept:-
• Vehicle details
• Make and model
• Registration number
• Vehicle owner
• Council plate number
• Fleet number/call-sign (if issued). If a call sign or number is allocated for a temporary period, a record must be kept of the relevant dates and the vehicle and driver concerned
• Copy of the vehicle licence
• Copy of the insurance certificate / cover note
• Copy of the vehicle’s most recent MOT certificate

Driver details

• Name
• Address
• Council Hackney Carriage / Private Hire Vehicle driver licence number
• Copy of the Hackney Carriage / Private Hire Vehicle driver licence
2. Bookings

*General*

Before the commencement of each journey, the operator (or in his/her absence, a responsible member of staff) must enter either in a bound book or on a computer system, the particulars of every booking of a Private Hire Vehicle accepted. The bookings must follow the following format:

- Date and time of receipt of booking
- Name of the hirer
- Contact details of hirer (address and/or phone number)
- Location and time of the pick-up point
- Destination
- The fare quoted for the booking
- Date and time a driver was allocated the booking
- Identity of the driver and vehicle

Example: -

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Name of hirer</th>
<th>Contact details</th>
<th>Pick-up location</th>
<th>Pick-up date/time</th>
<th>Destination</th>
<th>Fare</th>
<th>Date/time</th>
<th>Dvr No</th>
<th>Veh No</th>
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*Computerized systems (e.g. Diplomat, Autocab, Avakia, or others)*

When a computerized system with GPS tracking is installed – and where the software allows this function – it must be used to indicate where a vehicle is at any given time. In addition, a printed plot of a vehicle’s movements must be made available on request.

3. Insurance
The operator must keep a copy of all cover notes and certificates of insurance issued to the drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the operator. When a "block" policy is held by the operator, a full list of all vehicles and drivers covered should be kept for at least one year. The insurance document should show:

(a) name and address of insurance company (and broker if applicable) insuring the use of the vehicle;
(b) date of commencement of any policy of insurance and of any cover notes issued with policy and cover note numbers relating to the use of the vehicle;
(c) date of expiry of the policy and of any cover notes issued;
(d) persons entitled under the terms of the policy to drive the vehicle and details of any limitations as to use (e.g. private hire or public hire).

4. Standard of Service

The operator must at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

(a) when a vehicle has been hired to attend at an appointed time and place, the vehicle shall attend punctually unless delayed or prevented by sufficient cause. Where possible, the operator should contact the customer and inform him/her of any delay;
(b) premises provided by the operator, either for waiting or booking, shall be kept clean, adequately heated, ventilated and well lit with adequate seating provided;
(c) any telephone facilities and radio equipment are maintained in a sound condition;
(d) any complaints received by the operator shall be referred in writing to the Council, together with any action taken;
(e) the operator shall ensure, without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 that all vehicles and drivers owned, controlled or operated in association with the operator shall observe and perform the conditions of their licence;
(f) all vehicles operated by the operator shall be maintained in a satisfactory and roadworthy condition;

Additionally:-

(g) the Council will hold the owner and/or operator of a Private Hire Vehicle responsible for the general condition and roadworthiness of the vehicle(s), and for ensuring that drivers are familiar with all conditions, legislation and byelaws regulating the operation of vehicles;
(h) in certain instances therefore the owner and/or operator may be subject to enforcement action as a result of an offence committed by the driver of their vehicle;
(i) the Council will take into account the circumstances of any offence and the compliance of the owner and/or operator with their obligations in deciding the action, if any, which should be taken against the owner and/or operator.

5. Reference to the Council

The operator must inform the Council in writing within 7 days of:
(a) any convictions, cautions, reprimands, warnings, civil actions, arrests, any bail period incurred by him or any partner, director or company secretary during the period of the licence for any offence;

(b) change of address, both business and personal in writing, within 7 days. (Note: It is your responsibility to ensure that your address is also changed on your driving licence, insurance documents and V5);

It is also in the interests of an operator to inform the Council if s/he is stopping work for any length of time, especially if it is likely to affect the date of licence renewal.

6. Driver / vehicle licences

It is the operator's responsibility to ensure licences for all drivers and vehicles working for and being used by the operator are current.

7. Complaint Book

In relation to condition 4(d) above, each operator must keep in a bound book approved by the Council, a record of all complaints made to him/ her or his/ her agents or managers relative to any aspect of the operator’s business or persons at that time working with or employed by that operator. The complaint book shall be available at all times for inspection by an Authorised Licensing Officer.

8. Door Signs/Advertisements

Should an operator wish to provide drivers/proprietors with door advertising panels (other than those issued by the Council) the below procedure must be followed: -

(a) the sign must be approved by an Authorised Licensing Officer before being put into use;

(b) the sign must be displayed on both front doors of the vehicle;

(c) the sign may contain the name of the company and the telephone number but must incorporate the words, ‘South Northamptonshire Council /Cherwell District Council. Private Hire Vehicle. This vehicle must be pre-booked.’

(d) the sign must not show the word ‘TAXI’ or nor any other word of similar meaning or appearance which may be taken to indicate that the vehicle is a Hackney Carriage.

9. Planning consent for operating base

The Council's current planning policy allows one car to be operated without planning permission. Any more than one car would require an application for change of use of the premises. Planning consent for each operating base must be maintained during the period of a licence.

10. Change of circumstances

Any material change of the circumstances since the licence was granted must be reported to the Council immediately. This includes any changes to drivers or vehicles which must be notified to an Authorised Licensing Officer in writing within 48 hours.
11. General Conduct

During the course of business operators must not cause a nuisance to individuals or other businesses. A maximum of 2 vehicles can be in attendance at the business address at any one time.

**FAILURE TO COMPLY WITH THE CONDITIONS SET OUT IN THIS DOCUMENT MAY RESULT IN PENALTY POINTS BEING AWARDED AGAINST YOU, LEGAL ACTION BEING TAKEN, OR YOUR LICENCE BEING SUSPENDED OR REVOKED**

Right of appeal

Nothing in these conditions will remove the right to appeal to a Magistrates’ Court against the Council’s refusal to grant or renew a licence, or any decision to suspend or revoke a licence, nor against any conditions which may have been imposed on any such licence by the Council. Any appeal must be made to the relevant Magistrates’ Court within 21 days of the refusal or decision.
Appendix E

Hackney Carriage and Private Hire Driver Penalty Points Scheme

Introduction

Points based enforcement is a method by which licenced drivers, operators or owners can be issued with points against their Council issued Hackney Carriage/ Private Hire Drivers or Operator Licence by authorised licensing officers of the Council. Points would be used for less serious breaches of a licence condition or legislative provision. The issuing of points formalises the Councils previous practice of issuing warnings. The aim is to encourage licence holders to comply with licence conditions and legislation and to behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the licenced vehicle trade. The points system operates in addition to all existing enforcement options and has regard to the principles of the Councils overarching ‘Enforcement Policy’ and the Regulators Code.

1. The points system aims to provide a fast and efficient way of dealing with lesser breaches of licence conditions or primary legislation. Licence holders who habitually disregard the less serious aspects of the licensing regime will accumulate points. Points will be issued according to a scale developed by the Council as part of the scheme. Points will accumulate on a licence until a trigger level is reached, at which time the licence holder could be subject to more formal sanctions including the suspension or revocation of his/her licence.

2. The points will be administered by an authorised licensing officer and recorded on the Council’s licensing database. The points system will be used for less serious offences which would not normally trigger more formal enforcement action in the first instance and which are resolved by the licence holder after it is brought to his/her attention. The points system will help provide an open and transparent method of how a licence holder will be assessed in terms of the ‘fit and proper person’ test.

3. Points will remain on a licence for between 12 and 36 months from the date of issue depending on the seriousness of the offence.

4. Where a licence holder accumulates the trigger level of penalty points more than once in any three year period, the Council will decide whether a licence should be suspended or revoked if it is considered that the accumulation of points indicates that the licence holder is no longer a ‘fit and proper person’ to hold a licence. Each case will be considered on its own merits.

5. Points can be issued at the roadside or at the Council’s offices by authorised licensing officers. Points issued to a licence holder will be confirmed in writing within ten working days from the contravention or at the conclusion of an investigation into a complaint.

6. The Council may cancel penalty points issued to a licence holder and take more with formal enforcement action, if additional information becomes available subsequent to the issuing of points which the Council considers to increase the severity of the offence to a level beyond that which can be sanctioned by way of penalty points.
7. The penalty points system will operate without prejudice to the Council’s ability to take alternative enforcement action as provided for by the Private Hire and Hackney Carriage Licensing Policy and/or legislation.
Penalty points system for Hackney Carriage/Private Hire drivers & Private Hire operators

<table>
<thead>
<tr>
<th>Offence/breach of condition</th>
<th>No. of pts</th>
<th>Dvr</th>
<th>Op</th>
<th>Offence/breach of condition</th>
<th>No. of pts</th>
<th>Dvr</th>
<th>Op</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver not holding a current Hackney Carriage/Private Hire driver licence</td>
<td>12*</td>
<td>✓</td>
<td>✓</td>
<td>15 Failure to notify transfer of Private Hire or Hackney Carriage licence within 14 days</td>
<td>4*</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Failure to notify the Council of change of address within 7 calendar days</td>
<td>3*</td>
<td>✓</td>
<td>✓</td>
<td>16 Failure to provide information on vehicle garaging arrangements</td>
<td>3</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Touting/illegally plying for hire</td>
<td>9*</td>
<td>✓</td>
<td>✓</td>
<td>17 Failure to display “taxi” sign on roof of Hackney Carriage</td>
<td>4</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Using unlicensed vehicle or vehicle without insurance</td>
<td>12*</td>
<td>✓</td>
<td>✓</td>
<td>18 Unsatisfactory behaviour or conduct of driver</td>
<td>3</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Failure to produce documents within timescale, when requested to do so</td>
<td>4*</td>
<td>✓</td>
<td>✓</td>
<td>19 Using a non-approved taximeter</td>
<td>6</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Vehicle in unsatisfactory condition inside or out</td>
<td>4</td>
<td>✓</td>
<td>✓</td>
<td>20 Driver not holding a current DVLA licence</td>
<td>12</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Failure to produce vehicle for testing when required</td>
<td>4*</td>
<td>✓</td>
<td>✓</td>
<td>21 Failure to wear driver’s badge</td>
<td>4*</td>
<td>✓</td>
<td></td>
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<tr>
<td>Using a vehicle subject to a prohibition/suspension order</td>
<td>12</td>
<td>✓</td>
<td>✓</td>
<td>22 Failing to notify change of medical circumstances</td>
<td>6</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Using a vehicle for which the licence has been suspended or revoked</td>
<td>12*</td>
<td>✓</td>
<td>✓</td>
<td>23 Failure to return driver’s badge within 7 days of being requested to do so</td>
<td>4*</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Failure to report within 72 hours an accident or damage to a licenced vehicle</td>
<td>3</td>
<td>✓</td>
<td>✓</td>
<td>24 Failure to return vehicle licence plate within 7 days of being requested to do so</td>
<td>4*</td>
<td>✓</td>
<td></td>
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<tr>
<td>Overloading of licenced vehicle (including exceeding the licenced number of passengers)</td>
<td>6*</td>
<td>✓</td>
<td></td>
<td>25 Failure to notify the Council of any motoring or criminal convictions or cautions during period of current licence</td>
<td>6</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Failure to display external or internal licence plate or door sign as required (including not attaching plate in suitable manner)</td>
<td>4*</td>
<td>✓</td>
<td></td>
<td>26 Providing false/misleading information on application form, or failing to provide relevant information</td>
<td>6*</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Carrying an offensive weapon in the vehicle</td>
<td>4–12</td>
<td>✓</td>
<td></td>
<td>27 Any other offence not outlined above namely ….</td>
<td>3-12</td>
<td>✓</td>
<td>✓</td>
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Driver Name: .........................................................  Driver Badge No: ..........................

Vehicle Plate No: ..........................

Signature of Officer .................................  Date: ............................................

Notes:
General

- Those items marked with an asterisk (*) are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other legislation and may result in prosecution in addition to any points penalty imposed.

- Ticks (✔) indicate potential recipients of penalty points for infringements may result in both driver and operator receiving penalty points.

- Where there is a range in points available an Authorised Licensing Officer has the discretion to award the number of points according to the severity of the breach.

- Points generally remain on the driver’s file for a period of 12 months from the date of issue.

- Points awarded for more serious offences (in **bold** print) will remain on the driver’s file for a period of 36 months.

- Any driver or operator awarded points has a right to appeal to the Magistrates Court within 21 days.

Drivers

- On accumulation of 12 or more points in a rolling 12 month period, a driver will be subject to a recommendation to suspend his/her licence.

- For drivers on the first occasion of an accumulation of 12 points, the recommendation would be suspension for 28 consecutive days.

- For drivers on the second occasion of an accumulation of 12 points, the recommendation would be revocation of licence.

Operators

- On accumulation of 24 or more points in a rolling 12 month period, an operator will be subject to a recommendation to suspend his/her licence.

- For an operator on the first occasion of an accumulation of 24 points, the recommendation would be suspension of the operator’s licence for 28 consecutive days.

- For an operator on the second occasion of an accumulation of 24 points, the recommendation would be revocation of licence.

- All suspensions and revocations will be determined by the Licensing Committee.

- Once a suspension has been served, all points will be removed.

- Any driver or operator subject to suspension or revocation has a right to appeal to the Magistrates’ Court within 21 days of the decision.

- Suspensions and revocations will not be implemented until the 21 day appeals period has elapsed; however, driver suspensions on public safety grounds will take immediate effect.