



# **Aylesbury Vale District Council**

## **Taxi and Private Hire Licensing Policy**

**October 2016 – v5**

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## **1.0 INTRODUCTION**

- 1.1 Hackney carriage and private hire licensing is a function of the district council as described by the Town and Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985. Whilst these statutes provide duties on the district council in terms of determining licensing applications and the provision of a taxi service, each local authority has its own structure and procedure in dealing with it.
- 1.2 The purpose of this document is to describe those procedures adopted in Aylesbury Vale District Council and describe the standards expected within the hackney carriage and private hire trades. The standards and procedures used by this Council have evolved by a combination of Licensing Committee decisions, officer initiatives, the adoption of best practice and Department of Transport guidance. This policy sets out the standards and procedures designed to meet our legal obligations and ensure levels of safety expected by the general public. It is also to ensure a high level of customer service and further protect and assist members of the taxi and private hire trade. The various standards, conditions and guidance is set out as appendices attached to this policy.
- 1.3 The policy will be thoroughly reviewed from time to time and when circumstances require it. This policy will set out the Council's general approach to reaching decisions and will assist all those involved in the licensing process.

### **Definitions**

In these conditions:

'the Application' shall mean the application made by the Licensee for the grant of the licence

'Authorised Officer' shall mean any Officer within the Council's Licensing Services authorized by the Council's scheme of delegations

the 'Council' shall mean Aylesbury Vale District Council

the 'Hirer' shall mean any person or persons who from time-to-time hires or books the vehicle

the 'Licensee' shall mean the person(s) named in the Licence

the 'Operator' shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

## **2.0 REFERENCES**

- Town and Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985
- Aylesbury Vale District Council Licensing Committee minutes
- National Association of Licensing and Enforcement Officers

- Jacobs Consultancy – review of taxi licensing policy (April 2005)
- Bucks County Council’s Local Transport Plan
- Mouchel – Taxi review strategy proposal (April 2009)
- CTS – Health check review (2011)
- Vector Consultancy – Unmet Demand Survey (2015)
- Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance – October 2006
- Various other external reports

### **3.0 AIMS AND OBJECTIVES**

3.1 In respect to the taxi service public safety is of paramount importance. The other objectives are to ensure safe, clean, reliable and accessible hackney carriages and private hire vehicles are available for all those who require them. Further more the Council wishes to see the development of the trade to meet the significant growth agenda expected within the Vale. As well as ensuring high standards of safety and service to the general public, the Council recognises the service that the hackney and private hire community provide. The Council will support and encourage initiatives that assist the protection of drivers and will seek to cooperate with its partners to develop driver safety. The Council however cannot ordinarily finance such initiatives.

3.2 The Council will aim to achieve these objectives in the following ways:

- By ensuring that licensed drivers are fit and proper persons and do not pose a threat to the public
- By ensuring that the taxi travelling public are safeguarded from dishonest persons and the safeguarding of children and young and vulnerable people
- By ensuring that licensed drivers achieve as high standard of good practice as possible
- By ensuring that licensed vehicles do not give rise to a risk of passenger safety
- By maximising the use of vehicles that are accessible to persons who have disabilities.
- By encouraging vehicles to operate in all parts of the Vale
- By liaising with the County Council’s Highways Department to ensure that taxis form part of a wider strategic transport plan and form part of the County Council’s Local Transport Plan
- By working in partnership with a variety of other agencies to both support the Council’s objective in relation to the public and the trade

3.3 In seeking to meet these aims the Council will actively cooperate, assist and seek advice from the following agencies:

- Thames Valley Police
- Vehicle Inspectorate
- Vehicle and Operating Service Agency
- Bucks County Council
- Chiltern Railways
- Disclosure and Barring Service
- Department for Transport
- Driving and Vehicle Licensing Agency
- Home Office
- Department for Work and Pensions
- Aylesbury Vale District Council – Planning & Benefits
- Other Local Authorities

## **4. TYPES OF VEHICLE**

### **4.1 White plate hackney carriage – Town of Aylesbury taxis**

Aylesbury Vale District Council currently maintains a limit on the number of white plate hackneys (see section 4.4: restriction of hackney carriage licences in Aylesbury Town). White plated hackney carriages must be European whole type approved and in a black livery. These vehicles can sit on Aylesbury ranks & can ply for hire (i.e. be hailed by a customer) in the town of Aylesbury. They can also undertake private hire work (pre booked) in Aylesbury Vale. A white licence plate is fitted to the rear of the vehicle and a vehicle identity card is displayed in the front of the car. A taxi sign is mounted on the roof. Hackney carriage drivers must always use the meter for all journeys, including when they are operating on a private hire basis.

### **4.2 Red plate hackney carriage – rural taxis**

There are no restrictions on the numbers of red plated hackney vehicles. However they must be European whole type approved and in a white livery. They can only sit on the Buckingham rank & ply for hire outside of Aylesbury town. They also can do private hire work (pre booked) within Aylesbury. These vehicles have to maintain the same standards as white plate hackney vehicles, including the provision of a meter. In addition to the nature, construction and identity of a hackney carriage vehicle the licensing authority must also establish it's function. The function of a rural hackney carriage vehicle is to ply for hire within the area of Aylesbury Vale, with the exception of Aylesbury town centre of course. If the intended use of the hackney carriage is entirely or predominantly pre-booked hiring's outside Aylesbury Vale the licensing authority may exercise it's discretion and refuse to grant the licence.

### **4.3 Private hire & Executive work**

4.3.1 In accordance with the Local Government (Miscellaneous Provisions) Act 1976 there can be no restrictions set by the Council on the numbers of private hire vehicles licensed. All journeys must have been pre booked with a licensed private hire operator. Private hire vehicles are not allowed to park, drop off or pick up from Taxi ranks or ply for hire. Generally they are identified by a yellow licence plate fitted to the rear of the vehicle, a door sign on each of the front doors indicating that it must be booked in advance and a vehicle identity card is displayed in the front of the car. In accordance with the law the fares charged by private hire companies cannot be set by the local authority.

4.3.2 Private hire licences are also sought by companies and individuals providing contract work such as chauffeur-type work. These still attract the need for private hire vehicle, driver and operator licences. However in respect to the carrying out of 'executive' type work, Aylesbury Vale District Council may provide an exemption for the use of door signs and vehicle plates. If an exemption is granted it will be subject to the applicant complying with the Council's detailed requirements on executive work. See appendix 5.

#### **4.4 Restriction of hackney carriage licences in Aylesbury Town**

##### **Background**

- 4.4.1 The number of hackney carriages (taxis) serving Aylesbury town is limited to 50. They are identifiable as black, purpose built taxis displaying a white plate on the rear. Outside the town in the rural district the Council do not limit the number of taxis and the amount is largely determined by market forces.

- 4.4.2 Section 16 of the Transport Act 1985 permits the Council to limit the number of taxis in respect of which licences are granted, if, but only if, the Council is satisfied that there is no significant demand which is unmet.
- 4.4.3 According to the Department for Transport Taxi and Private Hire Licensing: Best Practice Guidance dated March 2010, the Department for Transport encourages a review of quantity restriction policies every three years. The Department regards no quantity restrictions as best practice but acknowledges that ultimately what matters is what is in the interests of the taxi travelling public. This involves balancing the benefits or disadvantages of continuing to limit and the benefits or disadvantages of removing the limit.
- 4.4.4 Independent unmet demand surveys have been conducted every three years up until the year 2008, which like previous surveys concluded that there was no significant unmet demand. In 2011, as circumstances appeared not to have changed in any meaningful way since the 2008 survey the Council appointed a consultant to carry out a 'health check' review of the Council's policy. The review concluded that there was no need for a full review of potential unmet demand at that time as there was no evidence to suggest that circumstances had changed since 2008 which might lead to significant unmet demand. The review recommended that an independent review of policy be undertaken in 2014. Members of Licensing Committee agreed the recommendation and further suggested that the review take place in late 2014 and the findings be implemented in 2015.
- 4.4.5 Although previous surveys have been performed by different companies, the last three were conducted by the same individual consultant. Whilst this has had obvious advantages in terms of knowledge and experience of the issues raised in Aylesbury, it was felt that a new consultant be used on this occasion. Therefore Vector Transport Consultancy, who have no previous experience of Aylesbury were appointed.
- 4.4.6 As far as the substantive issue relating to continuing to restrict the numbers of taxis serving the town of Aylesbury was concerned the report concluded that there is no significant unmet demand and that the Council can continue to limit the number of taxis serving the town of Aylesbury and fix the limit at 50. It further acknowledged that the white plated taxis 'operate a well coordinated and controlled trade organisation. They own a licensed operator company, which accepts telephone bookings as well as rank hires. The organisation monitor the location of drivers and assign drivers to ranks to cover demand.' The report stated 'the presence of such an organisation can provide a greater public benefit, than if the trade comprised of solely owner drivers, without a collective approach to the trade'.
- 4.4.7 In March 2015 the Council's Licensing Committee agreed with the findings with the report and recommend its Implementation by the Cabinet Member for Environment and Health. The decision was subjected to the Council's Cabinet Member approval procedure the Cabinet Member for Environment and Health endorsed the decision to continue to limit as set out earlier.

## **5 ENFORCEMENT**

In exercising its enforcement powers, the Licensing Authority will have regard to the principles that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed. Regard will also be had to the Regulator's Code in formulating the authority's enforcement policies and standards.

This can be summarised as follows:

- Publish an enforcement policy
- Consider impact of regulatory sanctions on economic progress
- Take cost/benefit approach to regulatory intervention
- Keep regulatory interventions under review with view to considering whether removal/ reduction would be appropriate
- Target efforts by taking risk assessment approach
- Incentivise and reward businesses for good levels of compliance
- Ensure inspectors can interpret and apply legal requirements and enforcement policies fairly and consistently
- Inform businesses when considering formal enforcement action (except for serious/urgent cases)
- Ensure sanctions and penalties are proportionate, directed at change of behaviour and deter non-compliance
- Enforce and apply sanctions in a transparent manner
- Provide clear reasons for enforcement actions
- Measure outcomes

## **6. STANDARDS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

### **6.1.1 Driver and Operator Standards**

Only drivers that comply with the requirements and conditions relating to private hire drivers or hackney carriage byelaws may be licensed. When deciding whether an applicant is 'fit and proper' to hold a licence, the Licensing Authority shall refer to its policy on criminal conduct and unacceptable behaviour to determine whether an application shall be granted or refused. Existing drivers must comply with the conditions of their licence and any relevant legislation during the period of their licence. The licensing authority shall refer to its policy on criminal conduct and unacceptable behaviour when dealing with licensed drivers who fail to comply with these conditions or relevant legislation or other unacceptable behaviour.

### **6.1.2 Vehicle Standards**

Only vehicles that comply with the requirements and conditions relating to private hire vehicles may be licensed. The vehicle must remain in the condition as determined by those conditions throughout its licensed period. The licence requirements and conditions are detailed in Appendices attached to this policy.

## **Appendix 1 – Map of district**



Level 2 - £500  
 Level 3 - £1,000  
 Level 4 - £2,500

**(a) Town Police Clauses Act 1847**

<b>Hackneys</b>		
<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
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 an 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 1
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 month's imprisonment
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

**(b) Local Government (Miscellaneous Provisions) Act 1976**

<b>Hackneys</b>		
<b>Section</b>	<b>Offence</b>	<b>Maximum</b>
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	Level 3 (by virtue

	required	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 driver's 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/day
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew	Level 3 (by virtue of s76)
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)
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)	No person shall operate any vehicle as a private hire vehicle (i) if for the vehicle a current licence under the said section 48 is not in force; or (ii) if the driver does not have a current licence under the said section 51.	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	Level 3
<b>Private Hire</b>		
<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
50(1)	Failure to present a PH vehicle for inspection,	Level 3 (by virtue

	as required	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	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/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew	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)

**(c) Transport Act 1980**

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
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

**Appendix 3 - Private Hire & Hackney Carriage Vehicle Standards**

**1 Introduction**

1.1 Private hire vehicles are licensed to perform pre-booked work only, which is obtained through a licensed private hire operator. They must not ply for hire, wait on a taxi stand, or form an unofficial rank in public view. The vehicle should not be manufactured or

adapted to carry more than 8 passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Particular scrutiny will be taken when licensing converted vehicles particularly in respect of anchorage points for wheelchairs as no official standard or testing exists. All vehicles should be suitable for the purpose of carrying passengers for hire and reward. Private hire vehicles include all types of vehicle, regardless of design, which are used solely for the fulfilling of a pre-booking. The public must not be led to believe that a private hire vehicle is a hackney carriage by its appearance or design.

- 1.2 Hackney Carriage vehicles are licensed to perform work of both a pre-booked and non pre-booked nature. They do not need to be controlled through an operator. They may ply for hire and wait on taxi stands. The vehicle should not be manufactured or adapted to carry more than 8 passengers; this number includes any passengers who may be seated in wheelchairs. The vehicle must be Black in colour for the Town of Aylesbury and white in colour for the rural area. It must be a purpose built wheelchair accessible vehicle fitted to European whole type approval full Hackney specification. It will have a roof bar saying "Taxi"

## **2 Application**

- 2.1 All requirements of this Authority relating to for example age, design and condition must be met prior to the issue of a licence. Private hire & hackney carriage licences run for a period of one year after which they have to be renewed. The responsibility for making a timely renewal application rests entirely with the licence holder. Licensees are reminded that determining an application requires arranging a mechanical examination of the vehicle and checking documents and this should be borne in mind when making an application.
- 2.2 A private hire vehicle application will only be considered if the applicant also holds one of the following:
- A Private Hire or Hackney Carriage driver licence issued by Aylesbury Vale District Council , or
  - A Private Hire Operator licence with Aylesbury Vale District Council.

The only exception being where the applicant is from an insurance company who are providing a temporary replacement vehicle to be used under an existing private hire vehicle licence whilst the original vehicle is being repaired. In these cases, the insurance vehicle will be issued with the same licence number as the vehicle it is replacing. At no point must both vehicles be licensed at the same time.

- 2.3 Applications incorrectly completed or with missing documents will not be accepted. A V5 new keeper supplement will not be acceptable for a renewal application when the application is submitted by the same previous owner.
- 2.4 Normally no application will be considered where the proposed vehicle is already licensed by another licensing authority (commonly referred to as 'dual plating')
- 2.5 The vehicle must have a current insurance certificate, or cover note, for Private Hire, (Hire and Reward) or Hackney Carriage (Public Hire). The licensing authority may inspect the validity of this at regular intervals to ensure continuous cover. The vehicle's licence will be suspended where insurance cannot be validated.

- 2.6 The licensing authority may check the validity of other documents relating to the vehicle such as registration document and excise licence (tax disc) during the period of the licence to ensure continuous cover exists at all times.

### **3 Type of vehicle and additional requirements**

- 3.1 Due to the high mileage and general wear and tear achieved, age limits are imposed in relation to private hire vehicles. Any vehicle that has not previously been licensed must be below six years in age, irrespective of the registration date on the registration certificate. Vehicles will not be renewed after they are ten years of age. However this maximum age may be subject to exceptional exemptions at the discretion of the licensing authority e.g. some executive vehicles and some specialized vehicles.
- 3.2 It is the responsibility of the licensee to ensure that the vehicle is regularly serviced and maintained and kept to a high standard of appearance, both externally and internally. Failure to do so may result in a regulatory sanction against the licensee e.g. suspension, revocation or refusal to renew. This also includes the regular maintenance of equipment attached to vehicles such as hydraulic lifts. It is also a requirement that the licensee provide all maintenance records to their licensed operator. The vehicle must be kept in accordance with the Conditions of the vehicle licence (Appendix 4) including the licensing authority's standards for appearance of vehicles.
- 3.3 All private hire vehicles must be submitted for a mechanical test at the Council's nominated garage prior to licensing and have a valid MOT. Vehicles under six years require one inspection a year. Vehicles older than six years require two inspections. In order to obtain a test date or ensure a pre-booked test date in relation to a renewal application, the application must be provided to the licensing authority at least ten working days before the vehicle licence expires or at least five working days before the date of the test, whichever is sooner. The second inspection in relation to vehicles over six years must be completed within thirty days of when it is due. Failure to submit the vehicle to the second inspection within the required time may result in an immediate suspension of the licence.
- 3.4 The Council has no lawful authority to set the fares for private hire vehicles. The fare charged is entirely a matter of negotiation between the hirer and the operator. There is also no lawful authority to require the fitting of a taximeter, however, if one is fitted it would be treated in the same manner as one fitted to a hackney carriage.
- 3.5 A fire extinguisher must be carried in the vehicle to allow drivers to extinguish small fires. The extinguisher should not be located where it may cause injury or roll under the pedals, but be kept secure in the vehicle. To extinguish fires most commonly encountered in vehicles, the extinguisher should be a one kilogram dry powder. It should have a gauge to show the state of charge i.e. the green area should be indicated, and should be manufactured to satisfy relevant BSEN accreditation. We recommend a maximum life of 5 years.
- 3.6 If a spare wheel is carried it should be of the same construction, tire tread pattern, speed rating and size as the road wheels. However where the spare wheel is of the space saver type due to the speed and distance limits imposed on this type of emergency wheel, once fitted, no passengers may be carried on board. Where an event necessitates the use of a space saver wheel whilst passengers are on board, alternative arrangements for the remaining journey must be made. The spare wheel needs to be fit for use and the equipment to allow the driver to change the wheel must be available.

- 3.7 In general terms private hire vehicles must have four passenger doors, must not appear in design to be a hackney carriage, including the use of a roof sign and have forward facing seats. Non standard road vehicles such as tuk tuks or novelty means of transport such as a horse and carriage will be considered on their own merits but because they raise special safety concerns they will be subject to additional scrutiny.

#### **4 Licence plates and other identification**

- 4.1 The Council issue a licence plate to every licensed vehicle to indicate to the public, police, and any other authority that the vehicle is licensed. In order to prevent fraudulent use of a plate, the plate shows the registration number of the vehicle and other identifying details including make, model, expiry date of the licence, and the number of passengers it may carry. The plate must be fixed to the outside rear of the vehicle, be clearly visible, and be able to be removed by an authorised officer. The plate remains the property of the licensing authority and should be returned within 7 days on the issue of a written notice of expiry, suspension or revocation.
- 4.2 In addition door signs issued by the licensing authority must be displayed on either side of the vehicle. These signs are prescribed and produced by the Licensing Authority and state the licence number, the maximum seating and the words 'Be booked be insured' and 'Advance bookings only'. These signs must be permanently stuck to the doors. If they become damaged or unreadable they must be replaced immediately. Failure to display the signs or replace damaged signs may result in formal action by the Council.
- 4.3 Inside the vehicle a window sticker must be displayed at all times. It must be in a position where it can be easily read by a customer.
- 4.4 Private hire vehicles must not display a roof sign or include the word 'taxi', or 'taxis' or something similar on the vehicle, even if the trading name of the company contains such words. They must not in any way confuse members of the public that they are a hackney carriage.
- 4.5 Subject to paragraph 4.4., all private hire businesses must display on the sides of the vehicle the business name so as to be clearly identifiable to the hirer.

#### **5 Executive vehicles**

- 5.1 In certain circumstances, and subject to strict compliance with the specified rules, the Licensing Authority may exempt vehicles used for 'executive' purposes only, as opposed to 'normal' private hire work, from the requirement to display both a plate and door signs. Such an exemption will only exceptionally be granted.
- 5.2 In addition, if an exemption is granted, the licensing authority reserves the absolute right to withdraw it, especially if the rules are not complied with. In which case, the vehicle will be required to display a private hire plate and door signs in the prescribed manner.
- 5.3 Those vehicles that are granted an exemption will be required to display a window sticker on the front windshield. This window sticker contains the same information as that contained on a conventional plate.
- 5.4 Applicants for a new private hire licence or existing licensees seeking an exemption will be required to complete an application form available from the Licensing Authority detailing the executive private hire use of the vehicle concerned. Each application will be

considered on its merit and will not be granted unless the licensing authority is satisfied that the vehicle concerned will genuinely be used for executive work only and that an exemption is therefore justified.

- 5.5 If an exemption is granted, the Licensing Authority will formally notify the licensee that the vehicle concerned is not required to comply with the Licensing Authority's usual condition concerning the need to display a plate and door signs. The notice will specify the executive private hire work the vehicle can be used for as well as the additional record keeping and inspection requirements which will need to be complied with. (attached as Appendix 5)
- 5.6 If the rules are not complied with when the vehicle is being used for private hire purposes, the exemption is immediately and automatically lost. This means that the requirement to comply with the Licensing Authority's usual requirement to display a plate and door signs is automatically re-activated. This will have very serious consequences because it is a criminal offence to use or permit a person to use a private hire vehicle without complying with the licensing authority's requirement to display a plate.

## **6 Passenger seating**

- 6.1 A vehicle can only be licensed to carry up to a maximum of eight passengers. Any licence issued relates to a number of persons to be carried regardless of weight, age, or size, and to exceed that number is an offence. Babies and young children are persons for the purposes of this licence. Some purpose built vehicles can carry up to eight passengers including those seated in wheelchairs. In this case each seat and person seated in a wheelchair, count in respect of seating capacity. All seats should be secure and of a size to ensure passenger comfort and safety. Each seat must be fitted with an approved seat belt.
- 6.2 If a vehicle is manufactured to carry more than eight, and under sixteen passengers it will not be licensed unless the presenter can supply documentation to show that the conversion to an eight seat vehicle, including wheelchair provision, has not compromised the 'vehicle type approval'. N.B. Any vehicle not originally designed for the carriage of passengers should not be licensed unless it has been certified to 'Small Volume Vehicle' testing standard by a garage nominated by the licensing authority.

## **7 Tinted windows**

For safety reasons it should be possible to observe the driver and passengers being carried. Many vehicles are used for the carriage of children, and vulnerable persons, and for this reason tinted windows which prevent clear vision into the vehicle are not permitted except where otherwise agreed with the licensing authority.

## **Appendix 4 – Private Hire Vehicle Conditions**

### **Conditions of Private Hire Vehicle Licence**

Local Government (Miscellaneous Provisions) Act 1976

#### **General**

The Licensee shall ensure that he/she complies in all respects with the requirements of any Act or Regulations affecting the operation of private hire vehicles and motor vehicles.

#### **1. Maintenance of Vehicle**

- 1.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition to the satisfaction of an authorised officer and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.
- 1.2 The appearance of the vehicle shall, in particular, meet the following standards:
- (a) be free from significant areas of visible rust;
  - (b) be free from dents more than 5cm in diameter/length;
  - (c) not have any un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20 cms in length;
  - (d) all panels shall be painted in a matching manufacturer's colour;
  - (e) in conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
  - (f) all seats must be kept clean and tidy and free from all extraneous matter.
  - (g) all carpets and floor covering including headlining shall be complete and free from cuts, tears, staining and soiling.
  - (h) all interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.
  - (i) the boot/luggage compartment shall be kept empty, except for a spare wheel, essential tools and a first aid kit. The compartment shall be kept clean and any covering free from major cuts, tears or other damage or staining;
  - (j) the interior shall be kept clean, tidy and free of any water penetration or litter or other rubbish.

- 1.3 Taking into consideration the excessive mileage covered by a private hire vehicle it should be regularly serviced and maintained (at least every 12000 miles) and records shall be kept and made available to an Authorised Officer or a Police Officer on request. Service and maintenance records from owner drivers shall be provided at regular intervals to the licensed operator.

## **2. Annual and bi-annual mechanical inspections**

Vehicles less than six years of age shall be presented for inspection at any garage appointed by the licensing authority annually at a date and time agreed with the licensing authority. Any vehicle older than six years shall be presented twice yearly at a date and time agreed with the licensing authority. Should the Licensee be unable to make the appointment with the garage they must inform the licensing authority at least twenty four hours prior to the appointment and make a new appointment. In respect to the second inspection as it relates to vehicles older than six years the Licensee must ensure that the vehicle is available for inspection on the date and time agreed with the licensing authority and in the event of a cancellation, within two weeks of the initial date.

## **3. Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the licensing authority at any time while the licence is in force.

## **4. Identification Plate, Door Signs and Windshield Card**

- 4.1 Subject to 6.2, the vehicle licence plate, identifying the vehicle as a private hire vehicle (and required to be exhibited on the vehicle by virtue of Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976) shall be securely fixed to the outside rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an Authorised Officer or a Police Officer.
- 4.2 Provided a notice in writing in respect of the vehicle, given under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 by the licensing authority to the Licensee, is in force and the conditions mentioned in that notice are being complied with, 6.1 shall not apply.
- 4.3 The Licensee shall affix and maintain in a conspicuous position, on the off-side and near-side doors of the vehicle the prescribed door sign, issued by the licensing authority. Any such sign affixed onto the vehicle shall be adhesive and not magnetic. The sign must be maintained such that it remains legible. If it becomes damaged or illegible the Licensee must contact the licensing authority for a replacement immediately.
- 4.4 The windshield card issued by the licensing authority shall be placed on or adjacent to the near side lower corner of the interior windscreen of the vehicle, so that all particulars displayed on it are clearly visible by daylight from the near side of the road.

## **5. Safety Equipment**

A fire extinguisher must be carried in the vehicle to allow drivers to extinguish small fires. The extinguisher should not be located where it may cause injury or roll under the pedals, but be kept secure in the vehicle. To extinguish fires most commonly encountered in vehicles, the extinguisher should be a one kilogram dry powder. It should have a gauge to show the state of charge i.e. the green area should be indicated,

and should be manufactured to satisfy relevant BSEN accreditation. We recommend a maximum life of 5 years. A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 shall also be carried and in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. The items contained within the first aid kit must not be expired.

**6. Signs, etc.**

6.1 The business name of the Operator shall be displayed on the sides of the vehicle. Such signs may be magnetic but shall not cover or obscure the door signs referred to in condition 6.

6.2 No other sign, notice, advertisement, plate, mark or anything similar shall be displayed on, in or from the vehicle without the prior written consent of the Council which, if granted, shall at all times be kept with the vehicle and shown to an authorised officer or police officer on request

**7. Tinted windows**

The vehicles shall not be fitted with tinted windows that prevent clear vision into the vehicle unless previously agreed in writing by the licensing authority.

**8. Change of Address**

The licensee shall notify the licensing authority in writing of any change of his address during the period of the licence within seven days of such change taking place.

**9. Criminal conduct**

The licensee shall within seven days disclose to the licensing authority in writing details of any conviction, caution, warning, fixed penalty notice or any other out of court disposal imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

**10. Return of Licence Plate and windshield card (Section 58 1.b. /b.)**

The licensee shall upon the expiry (without immediate renewal), revocation or suspension of this licence immediately return to the licensing authority the licence plate and windshield card issued to him by the licensing authority when granting this licence and the door signs shall be removed.

**11. Accident/Damage**

Within 72 hours of an accident or damage to the vehicle, which affects the safety, performance or appearance of the vehicle, the licensee shall inform the licensing authority.

**12. Transfer of Vehicle**

Upon transfer of interest in any licensed vehicle to another person, the licensee shall immediately after such transfer give notice in writing, to the licensing authority specifying the name and address of the person to whom the licence has been transferred.

**13. CCTV in vehicles**

The licensee shall ensure that the vehicle does not contain any facilities to record images or sound without obtaining prior written authorisation from the licensing authority.

## **Appendix 5 - Dispensation from door signs and plates on “Executive” vehicles.**

Executive based vehicles and businesses may qualify for a dispensation from the use of door signs and external vehicle plate. Instead a wind shield sticker affixed to the inside front windshield with the glow in the dark detail to face inwards must be displayed.

The following series of conditions and requirements must be met to attest the validity and the necessity of allowing this dispensation.

- Full details of the vehicle being used under this exemption. This is set out in the appropriate application form available from the licensing authority.
- The proposed work (that must be of an executive nature, as opposed to conventional private hire work),
- A visit may be made to the licensed operator and records examined. At these periodic checks, a view of all work associated with an executive vehicle will be checked.
- New operators applying for an executive vehicle signage and plate dispensation will be granted, subject to meeting the standard vehicle criteria.
- Once a vehicle has been granted dispensation the following conditions must be met during the validity of the licence. If a vehicle is found to be carrying out normal private hire work, the dispensation will be revoked. In which case, the vehicle would then revert to a standard private hire vehicle and would need to comply with the standard conditions of licence, i.e. yellow plate and door stickers.
- The vehicle must be kept in a pristine, clean and presentable state.
- The driver of the vehicle must be dressed smartly, commensurate with a vehicle of executive or prestigious nature. No jeans or t-shirts, but smart shirt and dark trousers.
- There must be no advertising on the vehicle for either the company that is providing the service or for any third party.
- The use of executive vehicles for Bucks County Council school contracts is prohibited, unless previously agreed during the application process or by the Licensing Authority in advance of the commencement of the work.
- The Council’s policy on age limits remains in force; however, there is dispensation for prestigious or executive based vehicles at the discretion of the Licensing Authority and subject to exceptional circumstances.
- If the application is granted, the use of the large plate and door signs will not be required, however the window sticker must be displayed at all times.

## **Appendix 6 - Hackney carriage and private hire driver standards**

### **1. Introduction**

Applicants for both hackney carriage and private hire driver licences can be looked at together. This is known as a composite application. The applicant must be over 21 years of age and the Licensing Authority have to be satisfied that an applicant is a 'fit and proper person' to hold a licence. This can only be achieved by 'requiring an applicant to submit such information as may reasonably be considered necessary. Only full applications will be accepted by the Licensing Authority. The protection of the public is paramount and legislation gives wide and undefined scope to allow the authority to exercise that responsibility.

### **2. Determination of the suitability of an applicant for a licence**

All new and renewal applicants will be interviewed and appraised of the responsibilities of holding a private hire or hackney carriage licence. The applicant will be required to read and sign a knowledge certificate that details a series of important points required to be understood by all applicants. The interview provides an opportunity for the applicant to discuss any convictions or other information they may wish to reveal that may affect their suitability. If there are any concerns relating to the ability to communicate or any thing else, a more thorough interview with a member of the taxi licensing service will be arranged.

### **3. Driving licence**

- 3.1 The applicant must be properly authorised to drive motor cars, that is to say, the holder of a Group A or Category B licence issued by the DVLA, this includes E.U. and Northern Irish licences as defined in the Road Traffic Act 1988. It does not include an International driving licence. As well as holding a current UK drivers licence, the applicant must have held a full EU driving licence for a period of 18 months.
- 3.2 To ensure that an application is not fraudulent, the licensing section will carry out checks for a driver history disclosure for every driver application.

### **4. Driver competence**

All new applicants will have to possess a taxi test certificate obtained through a council approved training company. In addition all new Hackney Carriage drivers must obtain the enhanced wheelchair element of the council approved taxi test..

### **5. Driving licence endorsements and criminal convictions**

- 5.1 Aylesbury Vale District Council has adopted a policy on criminal conduct and other unacceptable behaviour. This is attached to the Taxi and Private Hire Policy. Applicants are not exempt from declaring any spent convictions or cautions, and application forms do ask for these to be declared.
- 5.2 All applicants are required to obtain an enhanced disclosure of criminal convictions from the Disclosure and Barring Service (DBS) to enable the consideration of any convictions recorded.

## **6. Medical fitness of the applicant**

A Group 2 medical check is required for all new and renewal private hire and hackney carriage driver applicants. The medical checks are applied to all applicants irrespective of age. The Group 2 medical checks must be carried out by a General Practitioner (GP) who is on the "List of Registered Medical Practitioners" . The requirement for Group 2 medical checks may be waived for drivers who, within 6 months of the date of application, have already obtained a Group 2 medical certificate with

## **7. Knowledge test**

All new applicants will be required to complete a knowledge certificate. All drivers are expected to have basic verbal and written communication skills. In addition hackney carriage drivers are expected to take a knowledge test which includes the geography of the district.

## **8. Disability**

All drivers are required to carry people with disabilities, including wheelchair users, and those with assistance dogs. Aylesbury Vale District Council encourages training in the various aspects of handling, and transporting disabled people.

Hackney Carriage drivers are required to hold the enhanced wheelchair Driver Standards Agency test certificate.

## **9. Insurance**

Drivers are advised that the vehicle insurance does not cover them when giving assistance to passengers away from the vehicle, and that they may require 'Public Liability' insurance to cover those circumstances.

## **10. Driver licence conditions**

All private hire driver licences will be issued with standard conditions attached. A copy of these conditions is appended to this policy as Appendix 7. These conditions relate to a number of issues, including the conduct of the driver and what is expected of the driver in terms of dealing with passengers, maintenance of the vehicle and the duty to notify any criminal investigation a driver may be subject to. Licensed drivers must read and understand the conditions and keep a copy in the vehicle with them.

## **Appendix 7 - Conditions of Private Hire Driver's Licence**

Local Government (Miscellaneous Provisions) Act 1976

### **1. Definitions**

In these conditions:

'the Application' shall mean the application made by the Licensee for the grant of the licence

'Authorised Officer' shall mean any Officer within the Council's Licensing Services authorized by the Council's scheme of delegations

the 'Council' shall mean Aylesbury Vale District Council

the 'Hirer' shall mean any person or persons who from time-to-time hires or books the vehicle

the 'Licensee' shall mean the person(s) named in the Licence

the 'Operator' shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

the 'Vehicle' shall mean any private hire vehicle licensed by the Council

### **2. General**

The Licensee shall ensure that he/she complies in all respects with the requirements of any Act or Regulations affecting the operation of private hire drivers and these conditions.

### **3. Maintenance of the Vehicle**

The Licensee shall:

- 3.1 Ensure that the vehicle driven by him/her is in a roadworthy condition, thoroughly cleansed; all equipment, fittings and fixtures are present and serviceable and complies with conditions attached to the licence relating to the vehicle before commencement of any journey.
- 3.2 Report any defect discovered by the Licensee to the proprietor of the vehicle

### **4 Conduct of Licensee**

The Licensee shall:

- 4.1 At all times be clean and respectable in his/her dress, behave in a civil and orderly manner, and not use foul or abusive language;
- 4.2 Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
- 4.3 Assist any passenger in gaining access to or from the vehicle;

- 4.4 Assist any passenger with the loading and unloading of luggage into and out of the vehicle;
- 4.5 Afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he/she may collect or set down a person;
- 4.6 Unless otherwise directed by the hirer shall proceed to the destination requested by the hirer by the shortest possible route;
- 4.7 Not drive the vehicle without the consent of the proprietor of the vehicle;
- 4.8 Not eat, drink, or play audio equipment in the vehicle without the express permission of the hirer;
- 4.9 Shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle;
- 4.10 Not use the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the licensee is waiting for the hirer or passengers;
- 4.11 Not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user;
- 4.12 Take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
- 4.13 Not cause the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage;
- 4.14 Not tout or solicit any person to hire or be carried in any private hire vehicle and not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle;
- 4.15 Not initiate or encourage any dialogue of a sexual nature with a hirer or passenger. The licensee is not permitted to become involved sexually or have sexual contact, even with consent whilst in a vehicle with the hirer or passenger.

## **5. Fare to be demanded and the taximeter**

- 5.1 The driver shall not demand from any hirer of a private hire 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.
- 5.2 If a vehicle being driven by the licensee is fitted with a taximeter, the Licensee shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it.
- 5.3 The licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof or with the seals affixed thereto. The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off.
- 5.4 Taximeters must be calendar controlled.

**6. Written receipts**

The driver shall if requested by the hirer of a private hire vehicle provide him/her with a written receipt for the fare paid.

**7. Prompt attendance**

The licensee when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hirer the licensee shall ensure that he/she is aware of the destination and how to reach the destination.

**8. Driver's identity badge**

The licensee shall wear the driver's identity badge issued by the Council in a position where it may be seen at all times. The licensee shall return the identity badge immediately upon termination of the licence, whether such termination is through surrender, suspension, revocation or normal expiry.

**9. Passengers**

The licensee shall not:

- a) convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence.
- b) shall not without the consent of the hirer convey or permit to be conveyed any other person in that vehicle.

**10. Carriage of animals**

The licensee shall not permit any animal belonging to or under the care of the licensee to ride in the vehicle when using the vehicle for private hire. The licensee shall not refuse any request to carry an assistance (for example guide or hearing) dog, accompanying a person with a disability unless the licensee has been exempted from this requirement by the Council. The licensee shall not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

**11. Private hire vehicle operator**

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

**12. Insurance**

The licensee shall ensure that he/she is covered by a valid insurance for private hire before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The licensee shall on being requested to do so produce the insurance certificate to a police officer or Authorised Officer.

**13. Lost property**

The licensee shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there. If any property accidentally left in a private hire

vehicle by any person who may have been conveyed therein is found by or handed to the licensee, it must be handed into a Police Station within Aylesbury Vale within 48 hours, if not claimed during that time and a receipt must be obtained.

**14. Inspections**

The licensee shall not obstruct an Authorised Officer or any police officer from carrying out any inspection or test of the vehicle.

**15. Medical fitness**

A Group 2 medical check is required for all new and renewal private hire and hackney carriage driver applicants. The medical checks are applied to all applicants irrespective of age. The Group 2 medical checks must be carried out by a General Practitioner (GP) who is on the "List of Registered Medical Practitioners". The requirement for Group 2 medical checks may be waived for drivers who, within 6 months of the date of application, have already obtained a Group 2 medical certificate.

**16. Notification of convictions, cautions, warnings, fixed penalty notices and arrests**

The licensee shall within seven days of conviction of any offence or having received a caution, warning, fixed penalty notice or having been arrested or if subject to any criminal investigation during the period of the licence, disclose to an Authorised Officer in writing details of the incident.

**17. Change of personal details**

The licensee shall immediately notify an Authorised Officer in writing of any change in his/her personal details. Changes shall include changes in address, name status, phone number and mobile number.

**18. Applications for renewal of the licence**

An application will only be considered after receipt of a full application. That is to say the completed application form and all specified accompanying documentation and the fee. All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. The Council cannot guarantee that a renewal application will be processed if not made in time. The responsibility for making a timely application rests entirely with the licence holder.

## **Appendix 8 - Private Hire Operator standards**

### **1. Introduction**

Anyone who in the course of business makes provision for the invitation or acceptance of a booking for a private hire journey is regarded as an 'Operator' and must hold an Operator's Licence, unless covered by an exemption within the 1976 Act. This means that any individual, group, or company, which offers or advertises the services of a vehicle with less than 9 passenger seats with a driver for hire and reward, is an Operator. Anyone who makes provision which would enable him/her to accept bookings for a private hire journey should be required to hold an Operators Licence. In 2004 the High Court decided that proprietors of hackney carriages who provide a private hire service with their hackney carriages do not require an Operators Licence.

### **2. Application**

- 2.1 All applicants for an Operators Licence should be required to show that they are 'fit and proper' persons to hold such a licence. This can be achieved by requiring the applicant to submit such information as may reasonably be considered necessary to enable the determination of whether the licence should be granted.
- 2.2 Aylesbury Vale District Council has adopted a policy on the relevance of criminal conduct and unacceptable behaviour. These are attached to the Taxi and Private Hire Policy as Appendix 10. Applicants are asked to declare any convictions and cautions, and application forms do ask for these to be declared.
- 2.3 All applicants are required to obtain a basic disclosure of criminal convictions from the Disclosure Scotland to enable the consideration any of convictions recorded. Applicants may rely on a previously obtained disclosure as long as it is no older than one month at the time of application. In the unlikely event that an applicant does not qualify for a CRB disclosure then the Head of Environment will decide what additional checks should be made. Current licensed drivers are exempt from the requirement of the basic disclosure.
- 2.4 On application and renewal the operator must provide a list to the licensing authority of all the vehicles and drivers that are currently employed by the operator.
- 2.5 The applicant will be interviewed prior to the grant of a licence to ensure that he/she understands their responsibilities and if granted a full check of records will be carried out periodically.
- 2.6 An e mail address must be supplied by the operator so that the licensing authority can communicate, quickly and consistently to all licensed operators.

### **3. Operator base**

- 3.1 An Operators Licence must be held within the Local Authority in whose district the Operator makes provision for the acceptance of bookings. That is to say, the Licence must be held within the Local Authority in whose district the Operator has his office, or home address in the case of an owner driver. In the case of operators operating in more than one district the licensing authority will decide on which district the operator requires a licence based on the circumstances of the operation. Where an Operator has more than one operating base in the district a separate licence is not required for each premise, but the Operators Licence conditions will require the Operator to list all addresses from which the business is run. This is to enable health and safety checks to

be made, and appointment books inspected. Such a licence may also have specific conditions attached to it depending on the circumstances of the operation.

- 3.2 Planning permission for the use, or change of use, of the premises would not preclude the issuing a licence, but the Operator is advised that planning permission may be required before business can commence. The licensing authority will inform the Planning Authority of all new applications and renewals.
- 3.3 In accordance with best practice, the licensing authority will check that appropriate public liability insurance has been taken out for premises open to the public.
- 3.4 In general terms no more than two licensed vehicles can be based from a private residence unless agreed in writing by the licensing authority. This is to ensure that parking in residential areas does not adversely affect neighbouring residents. A similar approach might be taken if an operator in a private residence attracts several vehicles at various times for example to collect wages, clean vehicles, etc.

#### **4. Records and bookings**

- 4.1 The operator has a responsibility for all vehicles and drivers they use and must maintain detailed records in relation to maintenance, licences and their use. These records are extremely important and are therefore specified within the standard conditions attached to the licence (see Appendix 9). Failure to maintain these records in an adequate manner may lead to a regulatory sanction such as suspension, revocation or refusal. These records must be able to be retrieved immediately upon request. They must be complete and legible and contain all the information required. They must also be made available immediately to an authorised officer or police officer on request.
- 4.2 Records of bookings must be kept by all Operators. Books should show such details as required by the conditions set by the licensing authority. This record is for control, safety, and other reasons, for example the trace ability of a particular driver or vehicle. It should include names and addresses of customers, dates and times of pick-ups, driver used and vehicles provided. All records should be kept for a period of one year to enable inspections to be made in the event of a complaint. An Operator accepting a booking remains liable for that booking even if it is sub-contracted to another Operator. If a booking is sub-contracted the second Operator should be licensed by the same Local Authority as the Operator who originally accepted the booking.

## **Appendix 9 - Private Hire Operator Conditions of licence**

Local Government (Miscellaneous Provisions) Act 1976

### **1. Definitions**

In these conditions:

'the Application' shall mean the application made by the Licensee for the grant of the licence

'Authorised Officer' shall mean any Officer within the Council's Licensing Services authorized by the Council's scheme of delegations

the 'Council' shall mean Aylesbury Vale District Council

the 'Hirer' shall mean any person or persons who from time-to-time hires or books the vehicle

the 'Licensee' shall mean the person(s) named in the Licence

the 'Operator' shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

the 'Vehicle' shall mean any private hire vehicle licensed by the Council

### **2. General**

The Licensee shall ensure that he/she complies in all respects with the requirements of any Act or Regulations affecting the operation of private hire operators and these conditions.

### **3. Fit and proper person**

The Licensee shall within seven days of conviction of any offence or having received a caution, warning, fixed penalty notice or having been arrested or if subject to any criminal investigation during the period of the licence, disclose to an Authorised Officer in writing details.

### **4. Records**

4.1 The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept either in the example form provided by the licensing authority or similar or on a nationally recognised piece of computer software. This software must be capable of providing the information listed below. The entries must be numbered consecutively and no pages shall be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- (a) The name of the hirer
- (b) The location of the pick-up point
- (c) The location of the destination

- (d) The time the private hire vehicle is required
  - (e) The time that the booking was made
  - (f) Whether the booking was made by telephone or in person
  - (g) The fare quoted for the journey.
  - (h) Other remarks, including details of whether the booking is a sub-contract from another company or is to be sub-contracted by this operator
- 4.2 The operator shall also keep records of the following particulars of all private hire vehicles and drivers operated by him:
- (a) The registration mark of each vehicle and licence number
  - (b) The make of the vehicle
  - (c) The name and address of the owner if different from the operator
  - (d) The names, addresses and licence numbers of all licensed drivers
  - (e) Details of any radio call sign used
- 4.3 The operator shall maintain a service and maintenance history of all vehicles, irrespective if they are owned by the operator, including the following:
- (a) All maintenance details from the change of light bulbs and tyres to full mechanical services
  - (b) Records of mileage
  - (c) A history of regular full services of vehicles – it is expected that these occur at around every 12000 miles
  - (d) A maintenance system demonstrating the operator's ability to ensure vehicles are regularly serviced and maintained
- 4.4 If the records mentioned in sub-paragraph (3) of this condition are not up to date or cannot be accounted for then the operator shall not use the vehicle until he or she is satisfied that it is in a roadworthy condition.
- 4.5 The operator shall in addition to relying on written maintenance records carry out routine physical checks of all vehicles
- 4.6 All records mentioned in this condition shall be kept by the operator for a period of not less than one year following the date of the last entry.
- 4.7 In the case of computer records the entries must be capable of being printed on demand at the request of an authorised officer or police officer.

## **5. Standard of Service**

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

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Ensure that the operator's licence is displayed at any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

## **6. Complaints**

The operator shall immediately upon receipt record in writing any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

## **7. Conduct**

The operator of a private hire vehicle shall not by calling out or otherwise solicit or tout any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

## **8. Change of Address**

The operator shall notify the licensing authority in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

## **Appendix 10 – Policy on relevance of criminal conduct & unacceptable behaviour (The fit and proper test) – reviewed 2015**

### **1. Introduction**

In exercising its discretion in carrying out its regulatory functions the Council will have regard to these guidelines in determining whether drivers and operators are fit and proper persons to obtain licences. They will also be referred to in assessing the suitability of licensed drivers and operators to continue to hold their licence. However each application or enforcement measure will be considered on its own merits.

The Council is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children and young and vulnerable people

The aim of the licensing regime to which these guidelines relate is not to punish the applicant or licensee twice for an offence (which includes a conviction, caution, reprimand, warning, fixed penalty notice or any other out of court disposal) but to ensure that public safety and confidence in the trade is not compromised. The objective of the licensing regime is to ensure that, as far as possible those licensed to drive hire cars are suitable persons to do so. Namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Authority when dealing with new applications. They will not be applied retrospectively in relation to renewal applications. The policy may be applied retrospectively, however if any additional convictions or other court disposals are incurred or any other relevant information is brought to the attention of the Licensing Authority that would call into question a persons suitability to hold a licence.

Clearly, some adjustments may need to be made when applying these guidelines to operators as opposed to drivers because they carry out a different role and their contact with the public is different. Nevertheless the Council need to be satisfied that they are fit and proper persons to obtain licences. Operators are required to keep specific records relating to drivers, vehicles and journeys booked which sometimes are invaluable when investigating complaints. The cooperation of the operator with the police and Council officers is essential and failure on their part to cooperate will be seen as obstruction and may result in action against them. If an operator is found guilty of aiding and abetting other offences his operator licence will be revoked immediately and prevented from holding a licence for 3 years. If an operator is convicted of a criminal offence or his licence is refused or revoked serious consideration will be given to ensuring that the trading name is not continued by any other operator so as to ensure faith of the Council's licensing services and avoid confusion amongst the taxi travelling public.

There may be occasions where it is appropriate to depart from the guidelines, for example where there are exceptional mitigating circumstances or alternatively where there are a number of, albeit minor offences which may show a pattern of offending and unfitness. Where an applicant has been convicted of a criminal offence, the Council

cannot review the merits of the conviction (Nottingham City Council v Mohammed Farooq (1998). The Council also cannot take into consideration the impact of losing (or not being granted) a driver's licence on the applicant and his family (Leeds City Council v Hussain and Cherwell District Council v Anwar). It is the responsibility of the applicant/licence holder to satisfy the Licensing Authority that they are a 'fit and proper person' to hold a licence. The applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalty notices, arrests and summonses are disclosed to the Licensing Authority. Failure to disclose this information, where it exists will be taken into consideration in determining an application.

## 2. 'Fit and proper person'

Assessing someone's fitness to drive a licensed vehicle is ultimately a subjective decision. When considering whether a new applicant or existing driver should serve the public the range of passengers that a driver may carry should be borne in mind. For example elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Examples of areas that might give rise to concern include:

- **Honesty and trustworthiness** – any passenger would expect to be charged the correct fare for a journey and given the right change, likewise they would expect a driver a driver to hand in any article left by a passenger in a vehicle.
- **Not abusive** – drivers can be subject to unpleasant or dishonest behaviour but this cannot excuse any aggressive or abusive conduct on behalf of the driver. Drivers are expected to avoid confrontation and to address disputes through the proper legal channels. Under no circumstances should they take the law into their own hands.
- **A good and safe driver** – drivers are expected to be professional drivers and should be fully aware of all road traffic legislation and the conditions attached to their licences.

Any relevant and reliable information which tends to support, that on the balance of probabilities and individual is not fit and proper to hold a licence will likely result in a regulatory regulation such as refusal, suspension or revocation.

## 3. Powers

Section 61 and Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow 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.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

In this policy the term 'disqualification' refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An

applicant must provide evidence in advance to prove that the court agreed a deduction in the period of disqualification.

#### **4. Consideration of disclosed criminal history**

Under the provisions of Section 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or private hire vehicle drivers licence and/or private hire operator's licence is a 'fit and proper person' to hold such a licence. A key test in evaluating this is whether they have been involved in criminal activity. Convictions, cautions, fixed penalties, speeding offences and other criminal sanctions may be relevant indicators of a person's suitability to hold a licence. The disclosure of any conviction or other court disposal will not necessarily prevent an applicant from being issued a licence. However all convictions, spent or live will be assessed. It should also be borne in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Fixed penalties are issued for a wide range of traffic offences. Some are non-endorsable fixed penalties and do not result in points being imposed on a person's licence. Others are endorsable fixed penalties and allow an opportunity for an alleged offender to forgo a prosecution and accept points on their licence. Fixed penalty notices are similar to fixed penalties but are issued for a wide range of offences of an anti-social nature e.g. drunken disorderly, possession of cannabis. In considering the suitability of a person the Council will look into:

- 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 conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

Existing holders of drivers' licences are required to notify the Licensing Authority in writing within 7 days of receiving a driving licence endorsement, fixed penalty notice, an arrest or criminal conviction (including cautions).

The Licensing Authority conducts enhanced disclosures from the Disclosure & Barring Service (DBS) formerly the Criminal Records Bureau (CRB) of any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information.

Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The Licensing Authority abides by the DBS's policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

More information about the DBS can be found on their website at <http://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Licensing Authority is entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing

Authorities and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

DBS disclosures will not include detail of any foreign convictions or cautions unless they have been recorded on the UK National Computer. Any applicant who has resided outside the UK for any period longer than 3 months within the preceding 3 years will be required to produce a 'Certificate of Good Conduct' from the relevant countries which details any cautions or convictions arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain this documentary evidence and to bear the cost of such. The requirements is in addition to the DBS disclosure.

Where an applicant is unable to obtain the above, a discussion will take place with the Licensing Manager to ascertain what alternative evidence should be provided. This may include character references from appropriate individuals or other bodies as to the applicants conduct whilst resident in the other country.

## 5. Non-conviction information

If an existing licensed driver or operator has, on one or more occasions been arrested or charged but not convicted for a serious offence which suggests he could be a danger to the public, consideration will be given to revoking the licence. Such offences would include but is not limited to serious violent offences, offences involving child sexual exploitation and sex offences. This equally applies to other information, intelligence or complaints received that suggests that he could be a danger to the public.

In respect to new applicants the decision to grant or refuse will be dependent upon what the DBS disclosure reveals. It should be noted that in certain situations, Chief Constables can disclose information when an applicant has not been convicted or cautioned. There are strict procedures for this set out by the DBS. On occasions where a Chief Constable does decide to disclose such information, then it will be treated entirely relevant and likely result in a refusal.

**It should be noted that the Licensing Authority considers regulatory sanctions such as refusals, suspensions and revocations to the civil burden of proof i.e. 'a balance of probabilities'. That is one party's case need only be more probable than the other. It is therefore able to make decisions on alleged offences regardless of whether a criminal conviction followed the offence or whether it comes up to proof 'beyond reasonable doubt'. Decisions may also be made based on other unacceptable behaviours that do not in themselves necessarily amount to a criminal offence.**

In assessing the action to take, the safety of the travelling public must be the paramount concern.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

The following lists are not exhaustive and any offences not covered by this policy will not prevent the Licensing Authority from taking into account those offences. All references to 'conviction' also include other court disposals such as cautions, reprimands, warnings, fixed penalty notices.

## 6. Sex and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will be refused, regardless of the period of time elapsed after the date of conviction. Although not exhaustive, examples of serious sexual offences include:

- Rape
- Assault by penetration
- Sexual offences involving children, young persons or vulnerable adults
- Sexual assault
- Abuse of position of trust
- Familial child sex offences
- Possession of indecent images of children
- Abuse of children and young persons through prostitution or pornography
- Trafficking for sexual exploitation
- Preparatory offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

For other offences, applicants will be expected to show a substantial period (usually between 7 and 12 years) free of conviction for such offences before a licence is granted. Other sexual or indecency offences include soliciting (kerb crawling) and any similar offences including attempted or conspiracy to commit.

In addition to the above the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register. A licence will not be granted if an applicant has more than one conviction for a sex or indecency offence.

Any current licence holder who is arrested/charged for a sexual offence will be subject to investigation and subject to the facts and circumstances the above standards will be applied in determining their suitability to continue to hold a licence.

## 7. Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life or serious injury or intent to cause serious harm regardless of the period of time elapsed after the date of conviction. Although not exhaustive examples include:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

In other cases anyone who has committed a serious violence offence will be expected to show a substantial period (usually between 7 and 12 years) free of conviction for those type of offences before a licence is granted. Although not exhaustive examples of serious violence offences include:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of a firearm or another offensive weapon
- Riot
- Assault on a police officer or local authority officer
- Common assault which is racially aggravated
- Violent disorder
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

All other violence offences will be treated seriously and depending on the facts and circumstances will require a reasonable period (usually 3 and 5 years) free of conviction for such offences before a licence is granted. Although not exhaustive example include:

- Common assault
- Battery
- Assault occasioning actual bodily harm
- Affray
- Causing harassment, alarm or distress
- Causing fear of provocation of violence
- Intentional harassment, alarm or distress
- Obstruction
- Criminal damage

A licence will not be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

Any current licence holder who is arrested/charged for a violence offence will be subject to investigation and subject to the facts and circumstances the above standards will be applied in determining their suitability to continue to hold a licence.

## **8. Dishonesty**

Licensed drivers are expected to be trustworthy. They deal with cash transactions and valuable property may be left in their vehicles. All drivers are required to deposit such property with either the licensing authority or the police within 48 hours. The practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons a serious view is taken of any conviction involving dishonesty and depending on the facts and circumstances will require a reasonable period (usually 3 and 5 years) free of conviction for such offences before a licence is granted. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud

- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Perverting the course of justice
- Or similar offences (including attempted or conspiracy to commit) offences which replace the above

Any current licence holder who is arrested/charged for a dishonesty offence will be subject to investigation and subject to the facts and circumstances the above standards will be applied in determining their suitability to continue to hold a licence.

## **9. Drug offences**

A serious view is taken of any drug related offence. A particularly serious view will be taken in relation to offences relating to the supply or importation of drugs. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered. A licence will not be granted where the applicant has a conviction for an offence related to the supply or importation of drugs and has not been free of conviction for 5 years. A licence will not be granted where an applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but serious consideration should be given to the nature and quantity of the drugs. If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) maybe required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

Any current licence holder who is arrested/charged for a drug related offence will be subject to investigation and subject to the facts and circumstances the above standards will be applied in determining their suitability to continue to hold a licence.

## **10. Drink driving/driving under the influence of drugs**

As licensees are professional, vocational drivers, a serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs.. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public and would likely result in a refusal.

At least 3 years, after the restoration of the DVLA driving licence following a drink or drug driving conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent a satisfactory medical report must be provided before the application can be allowed to proceed.

## **11. Outstanding charges or summonses**

If the individual is subject to an outstanding charge or summons their application may continue to be processed but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the notifiable Occupations Scheme on existing licence holders, consideration will be given to the information in accordance with this policy.

If the outstanding charge or summons involves a serious offence then in the interest of public safety the application may be put on hold until proceedings are concluded or the licence may be refused. In the case of existing drivers their licence will be revoked.

A suspension or revocation of a drivers licence takes effect at the end of 21 days beginning with the day on which notice is given to the driver. If it appears that the interest of public safety require the suspension or revocation of the licence to have immediate effect and the notice to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. A decision to either immediately suspend or revoke or give 21 days notice will be made on a case by case basis.

## **12. Licensing offences – convictions**

Convictions for certain licensing offences under taxi legislation such as plying for hire or overcharging, or for refusing to carry disabled persons or assistance dogs under the Equalities Act 2010 would normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction. For existing licence holders any convictions for offences including those stated above may result in the suspension or revocation of the licence.

## **13. Insurance offences**

A serious view will be taken on convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he 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 would prevent a licence being granted or renewed.

At least 3 years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for three years.

## **14. Motoring offences and penalty points**

Existing drivers who have accumulated 9 or more points on their DVLA driving licence may have their private hire/hackney carriage licence suspended until the driver has successfully undertaken a council approved driving test, at their own expense. Drivers with driving offences resulting in disqualification may not be licensed for 3 years following the restoration of the DVLA licence.

## **15. Licensing Offences and breaches of conditions of licence – regulatory sanctions**

Breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences may come to light following complaint, enforcement actions or investigations. The action to be followed in response to such matters will be determined on their own merits. Depending on the facts and circumstances the Council reserve the right to prosecute or revoke the licence or both.

The Council's penalty point system for enforcement targets specific offences and identifies a number of points for each offence. If a driver accrues 12 points his/her suitability to continue to drive will be assessed and the licence may be suspended.

More serious breaches such as unlawfully plying for hire and refusing to carry disabled persons or assistance dogs may result in a suspension as an alternative to prosecution.

If a licence is revoked or refused it is reasonable to expect a period of time to elapse before a re-application would be successful. That period will depend on the facts and circumstances leading to the revocation or refusal and given the civil burden of proof set out in paragraph 4 in relation to non-conviction information might be refused regardless of the period of time elapsed. In any case it will be a minimum of three years from the date of revocation / refusal/appeal dismissed.

## **Appendix 11 - Policy on displaying advertisements on private hire vehicles**

### **Displaying advertisements etc.**

Up until December 2011, private hire vehicle licences were granted by the Council subject, amongst other things, to a condition prohibiting the display of advertisements etc. on, in or from private hire vehicles.

The Council has now relaxed its rules on displaying advertisements etc. That said, it is still a condition of licence that the prior written consent of the Council is required before any non-compulsory sign, notice, advertisement, plate, mark or anything similar is displayed on, in or from the vehicle.

It is important that licensed private hire vehicles are easily recognisable and distinct from hackney carriages in appearance. It is also important that advertisements etc. displayed on vehicles do not cover, obscure or detract from, for example, the compulsory door signs which identify the vehicle as a private hire vehicle. More generally, it is also necessary to ensure that the style, location, size, subject matter/target audience of the advertisement is appropriate.

That being the case, applications for consent will be dealt with in accordance with the following standards. The standards do not prevent a proprietor from making an application and having it considered on its merit by or on behalf of the Licensing Services Manager but they are intended to be strictly applied and will play a key role in deciding whether consent should be given. While the Council will consider whether it is appropriate to depart from these standards, it is unlikely to do so except in truly exceptional cases.

1. Applications for consent must be made in writing and include:
  - a) A detailed graphical representation including dimensions of the proposed advertisement and a representation of where the proposed advertisement is to be placed.
  - b) A contact name and telephone number of the organisation to be represented in any sign or advertisement.
2. All advertisements must comply with the Code of Advertising Practice.
3. No advertisements shall be placed on any windows, other than licence notices, no smoking signs or tariff sheets approved by the Council.
4. The licence holder of a vehicle displaying any advertisements shall ensure that the letter of approval from the Council permitting the display of the advertisements is kept at all times within the particular vehicle and shown to an authorised officer or Police Officer on request.
5. No vehicle shall be permitted to display any sign or advertisement in any form that might cause offence to members of the public.
6. No vehicle shall be permitted to advertise alcohol, tobacco, gambling or any age related/restricted premises and activities.
7. No vehicle shall be permitted to display any sign or advertisement in any form that may cause any degree of confusion as to the status of the vehicle.

8. No vehicle shall be permitted to display any sign or advertisement that may innocently or otherwise lead any person to believe or assume that it is a hackney carriage vehicle.
9. No vehicle shall be permitted to display any sign or advertisement of any business to such an extent that the vehicle might reasonably be mistaken for a courtesy vehicle provided by that business.
10. No sign or advertisement shall be located on the same body panel or next to or in close proximity to any sign required by law or the Council.
11. All signs and advertisement, must be in English
12. Materials used for advertisements must be of a quality not easily defaced or damaged. Advertisements must be affixed directly to the body of the vehicle or initially attached to a magnetic panel which is then attached to the vehicle.
13. The holder of a vehicle licence shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on a licensed vehicle that is present when it is supplied by the manufacturer and that is aimed at assisting passengers to identify the type or features of the vehicle.
14. No vehicle used for 'executive' purposes only and granted an exemption from the requirement to display a plate and door signs, shall display any advertisements.
15. Even if consent is granted, the Council reserves the right to notify the vehicle licence holder that consent has been withdrawn. In which case any advertisements or signs displayed on the vehicle must be removed. The Council shall, for example, withdraw consent and order the removal of advertisements or signs which bring the Council into disrepute or fail to comply with these standards.

## Appendix 12 - Penalty Point System for Hackney and Private Hire Enforcement

### Use and enforcement

The following document provides guidance in respect to the penalty point system for taxi and private hire enforcement. The system will operate without prejudice to or in addition to the council's other enforcement powers in respect of hackney carriage and private hire controls (referred to in this document as 'taxi'). The operation of the system is not intended to fetter the council's discretion to exercise the full range of its enforcement powers as it sees fit.

It is intended that the penalty points system will be enforced by Aylesbury Vale District Council Officers and Police Officers all of which have the appropriate authorisation 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 services 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 material not so serious as to warrant regulatory sanction.

The system will target the following breaches:

- **Failure of a Hackney Carriage / Private Hire Driver to wear driver's badge** (private hire and hackney carriage drivers must wear a badge in a prominent position at all times) – **2 Points**
- **Failure of a Hackney Carriage / Private Hire Driver to produce driver's badge** (drivers must wear and be able to produce their driver's badge on request) – **3 Points**
- **Failure to display licence plate, door signs, window badge or any other livery required** (all vehicles are subject to a set livery in order for the vehicle to be identifiable to the travelling public) – **3 Points (N.B. At the discretion of an authorised officer the points may be removed if the livery has been applied to the vehicle within 14 days of issuing the points.)**
- **To obstruct or fail to comply with any requirement properly made by or fail to give information or to give false information to an authorised officer or constable** (for example a request to see a DVLA driver licence and a subsequent refusal, or a request to be shown the fire extinguisher and again, a refusal) – **4 Points**
- **Private Hire vehicle entering or stopped in a Taxi Rank** (The taxi ranks are for hackney carriage vehicles licensed by this authority only. A private hire vehicle may not stop, drop off, pick up or wait in a rank) – **4 points**
- **Failure to operate the taximeter from commencement of the journey and charging more than the fixed charge for hire of Hackney carriages** – all journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff – **3 Points**
- **Hackney Carriage vehicle not displaying the tariff from within the vehicle** – **2 Points (N.B. At the discretion of an authorised officer the points may be removed if the tariff has been displayed within 14 days of issuing the points.)**
- **Failure to carry the required first aid kit or fire extinguisher** – **2 Points (N.B. At the discretion of an authorised officer the points may be removed if the safety equipment has been made available in the vehicle within 14 days of issuing the points.)**
- **Vehicle defect Major – Immediate suspension e.g. bald tyres, prohibition** – **4 Points**

- **Vehicle defect Minor – advisories e.g. rust, dents – 2 Points (N.B. At the discretion of an authorised officer the points may be removed if the defect is repaired within 14 days of issuing the points.)**
- **Other – 2 Points**

## Implementation

- Whilst a multi-agency approach is used to identify offences and breaches of condition it is the council's licensing services and police officers that issue penalty points. The council's Taxi and Private Hire Policy will be considered when determining the manner in which any offence or breach of licensing conditions is dealt with.
- 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.
- Points will remain on the licensee's file for a period of 18 months. If the licence lapses during this period, the points would be noted on the system and may be carried onto a new application. If the licensee applies again at a later date points may be "carried forward" for the remaining period that the points would have remained "live".
- If a driver accumulates 9 points, the driver will be interviewed by a licensing officer
- If a pre-determined amount of points are accrued in the 18 month time period (currently set at 12 points) the offender will be requested to attend the council offices and be interviewed by a licensing officer.
- Following interview, a report will be presented to the Environmental Health & Licensing Group Manager or the Licensing Manager who may impose a regulatory sanction such as a suspension or revocation.
- If the Environmental Health & Licensing Group Manager or the Licensing Manager feels the matter does not warrant suspension or revocation consideration maybe given to an extension to the period with which the points remain on the licence or/and issue a formal warning.
- Once the driver has been dealt with the points will be removed from his/her licence, however a file note will be kept for the life of the licence and on renewal. If, however the action taken is to extend the period of the points, the points will remain live until such time as decided by the Environmental Health & Licensing Group Manager or the Licensing Manager. If a formal warning is given the points will remain "live" for an 18 month period, as usual.
- Whether or not penalty points have been issued, the council reserves the right to suspend, revoke or refuse to renew a licence or to prosecute.

## Right of Appeal

If a driver is not satisfied that the points attributed for an alleged breach were given fairly, then an appeal may be made, in writing, to Taxi Licensing Service within 14 days of the points notice being given. A decision will be made to either uphold or dismiss the points based on the evidence provided by the officer and the representations made by the appellant. The appeal must detail all of the circumstances as to why the points were unfairly issued. It would be important that for a multiple point breach the alleged offender must stipulate for what breach he or she is appealing. The council, if the appeal is upheld, would then dismiss those points only and apply the remaining points. The response from the Taxi Licensing Services would be sent back detailing whether the appeal was upheld or dismissed and the reasons why. The points, if accepted as correct would be issued on the driver from the date of the offence.

A revocation or suspension of a driver's licence or the refusal to renew a licence can be appealed to the Magistrates' Court and must be done within 21 days of the date of the decision to suspend or revoke or refusal to renew.

## **Changes to the points system**

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 (by adding, removing or otherwise) the list of specified breaches.