

LICENSING AUTHORITY

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APPLICATION PACK FOR:

HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE



VERSION: **APRIL 2023**

OXFORD CITY COUNCIL

HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE APPLICATION PACK

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INTRODUCTION

It is important that you read this application pack in full before applying for a Hackney Carriage or Private Hire Drivers Licence. This application pack should be kept for future reference so that you are fully aware of the procedures for obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.

The Council licenses Hackney Carriage and Private Hire drivers, vehicles and Private Hire Operators. The authority for doing so was adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847, and the Public Health Act 1875.

Appointments

All applications to obtain or renew a licence (driver, vehicle or operator) must be made by way of a **pre-booked appointment** with the Licensing Officer. The applicant will only be required to attend one appointment (providing all relevant documents).

New Licence

Driver Licences shall be issued for a standard length of three years (maximum duration). Any shorter duration must be requested by an applicant and shall only be issued when the Licensing Authority considers it is appropriate in the specific circumstances of the case (this will be for a maximum duration of one year), subject to the applicant fulfilling all mandatory requirements set out in this application pack. In all cases a licence will only be issued subject to the Licensing Authority being satisfied that the applicant is a "fit and proper" person.

The Licensing Authority issues two types of driver licences:

- **Hackney Carriage & Private Hire Driver (Dual) Licence**
- **Private Hire Driver Licence**

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Renewal of Licence

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Under no circumstances will licences be issued without full and satisfactory checks having first been carried out, including Medical Reports, DVLA Disclosure, Enhanced Disclosure & Barring Service Report and Right to work in UK. **To avoid delay, applicants are advised to submit an application no later than 8 weeks before the expiry of their current licence, by way of a pre-booked appointment with the Licensing Officer. A licence cannot be renewed unless all of the necessary checks have been completed.**

If you do not book an appointment before your current licence expires, a period of 12 months is permitted to allow you to reapply for a licence without having to undertake the requirements for New Applicants. However, you will be required to renew your Enhanced Disclosure & Barring Service Report, DVLA Disclosure and Medical Report.

Any licence holder seeking a three year licence will be required to renew their Enhanced Disclosure & Barring Services Report and DVLA Disclosure. If you are required to have a medical report every year you can apply for a three year licence. However, it is the licence holder's responsibility to provide a new medical report before the anniversary of the grant of the licence. If you fail to provide the new medical report your licence will be suspended until such time as the Licensing Officer determines that you are 'fit & proper' to continue to hold a licence with this Authority. All checks are in order to ensure that the Licensing Authority is satisfied that an applicant fulfils all requirements before a licence is granted.

From 16th May 2019 all new applicants are be required to successfully complete the combined Safeguarding and Disability Awareness Training provided by the Oxfordshire County Council. This removes the requirement to attend a separate City Council Disability Awareness Training. All Licence Holders are required to complete a refresher session of the Training every three years.

Suitability

The Council reserves the right to require any applicant or existing licence holder to provide additional DVLA Disclosures, Enhanced Disclosure & Barring Service Reports or full Medical Reports if the Licensing Officer has reason to believe that such a person's circumstances may have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence

It must be clearly understood that the Hackney Carriage or Private Hire Drivers Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. The licence may also be suspended if the drivers Department of Transport drivers licence is suspended or revoked by a Court of Summary Jurisdiction. Any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately. The attention of drivers and applicants for a Drivers Licence is drawn to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, whereby a District Council may suspend, revoke, or refuse the renewal of a licence where the driver has been convicted of any offence involving dishonesty, indecency, violence or any other reasonable cause. The Council reserves the right to consider other matters which do not amount to a conviction but which they feel are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Right to Work in the UK

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

DVLA Disclosure

The grant / renewal of a licence are subject to a check being made with the Driver & Vehicle Licensing Agency (DVLA) in respect of any relevant driving convictions. This DVLA check is carried out at the time that the application is made or sooner if the Licensing Officer has reason to believe that it should be. For three year licences a DVLA check will be carried out annually. However, a random DVLA check may also be carried out at any time during the licence period to be determined by the Licensing Officer. The Online View Driving Licence (VDL) / Check Driving Licence (CDL) service shall be used to run an annual background checks.

Enhanced Disclosure & Barring Service (DBS) Certificate

The grant / renewal of a licence are subject to an Enhanced Disclosure & Barring Service check. The workforce and position applied for on the Enhanced DBS check must relate to 'Other Workforce – Taxi Driver' to correctly reflect the position licensed by the Authority regime. The DBS check is carried out every three years or sooner if the Licensing Officer has reason to believe that it should be. All Licence Holders must sign up to the DBS Online Update Service and maintain the service which allows for instant online check to be carried out. Should the Licence Holder terminate the subscription to the DBS Online Update Service at any time during the period of the licence, the licence may be suspended until the evidence of valid subscription is provided. For three year licences the DBS check will be carried out annually. The Online Service shall be used to run an annual background checks. The driver must keep the original DBS Certificate for the purposes of conducting the online update service.

Medical Certificate

Before a licence can be issued the applicant must be certified fit to be a Hackney Carriage or Private Hire driver by his or her GP/Doctor. The approved form to be used for this purpose is included in this pack. Your GP/Doctor would normally charge a fee for this examination. Applicants are required to undergo a medical examination for periods according to the following age groups: **Aged to 65: every 6 years; Aged 65 or over: annually**

CONTACT DETAILS:

Licensing Team, Oxford City Council, St. Aldate's Chambers, St. Aldate's, Oxford. OX1 1DS.

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

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

NEW APPLICANT INFORMATION

A new applicant is a person who has not previously held a licence with this Authority or whose licence had expired for 12 months or more before the application form was received by the Licensing Officer.

First time applicants must satisfy the following criteria before making the application:

- **DVLA Driving Licence** to drive a motor vehicle to be held (not being a provisional licence) issued in accordance with the Road Traffic Acts, for a period of not less than 24 months prior to the date of application.
- **English Language qualification** - competency in written and oral comprehension of the English Language (Entry Level 2) before the grant of a Hackney Carriage or Private Hire Drivers Licence.
- **Driver Assessment for Hackney Carriage and Private Hire Vehicles** – local provider **Oxford Direct Services** (driving assessment) provide evidence / pass certificate.
- **Safeguarding and Disability Awareness Training - Oxfordshire County Council** – provide evidence / certificate of pass.
- **Local Knowledge and Safeguarding Test – Oxford City Council** – Pass Certificate – applicants can complete the test before submitting the full application or sit the test after the application appointment

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

NOTE: A person already licensed by the Authority as a Private Hire Driver, who wishes to acquire a licence to drive Hackney Carriage vehicles, shall be subject to the criteria applicable to New Applicants, irrespective of what information is currently held regarding such a person by the Licensing Authority. Therefore any DVLA Disclosure, Enhanced Disclosure & Barring Service Report, Medical Report and Safeguarding and Disability Awareness Training (if such training is not of the same level as in place at the time of the application being made) obtained whilst the applicant carried a Private Hire Driver licence, will not be accepted as the applicants means to prove his suitability for a licence to drive Hackney Carriage vehicles, as the grant of such a licence is deemed to be the grant of a new licence.

CRITERIA FOR NEW APPLICANTS TO PROVE THEIR SUITABILITY

ENGLISH LANGUAGE COMPETENCY CRITERIA

It is a requirement of the Licensing Authority that you have an adequate knowledge of both written and spoken English, and must show proof of your competency by means of a relevant certificate / qualification at the time of submitting your application. For example a GCSE English Examination Certificate, a Certificate from a Language School, etc However, if the Licensing Officer is not satisfied with your spoken and written standard of the English language during your appointment, this may require you to gain a further certificate of competency from an English Language School, before your application can be considered further.

We are aware that not everyone will necessarily have a relevant qualification, or may not be able to find their Certificate. In order to assist you in meeting our criteria, please read the notes below:

- a) If you do not have any qualification in the English Language, you may wish to contact ESOL at Oxfordshire County Council Adult Learning to enroll in an English Language Course where you will be assessed as to your current level of competency, and informed of which course to enroll on, in order to become qualified. The Licensing Authority will accept “ESOL English: Entry Level 2” as a recognised qualification.
- b) Alternatively, you may wish to make your own arrangements with a School of Languages of your own choice; however, it is advisable to check the level of competency that you must attain.

DRIVER ASSESSMENT FOR TAXI / PRIVATE HIRE VEHICLES CRITERIA

It is a requirement that all new applicants pass the **Driver Assessment for Taxi / Private Hire Vehicle** (local provider **Oxford Direct Services**) prior to submitting an application to the Council to become a licensed driver. The standards of the Assessment are set at a level suitable for a full driving licence holder. It is therefore higher than the learner driver test. Full details about the driving assessment are provided online at: <https://www.oxforddirectservices.co.uk/services/commercial-motor-transport-services/taxi-testing-driver-assessment>. You will need to pay the assessment fee directly to ODS at the time of the booking. The driving assessment lasts approx. 40 minutes.

To book your local **Driver Assessment for Taxi / Private Hire Vehicles at Oxford Direct Services**, please telephone 01865 684988, go online or visit the ODS depot reception area at Marsh Road, Cowley, Oxford OX4 2HH. Please ensure you are prepared, on time and have your photo card driving licence, ID and a valid motor insurance certificate with you.

MANDATORY SAFEGUARDING AND DISABILITY AWARENESS TRAINING

It is a pre-application requirement for all new applicants to attend the Oxfordshire County Council Safeguarding and Disability Awareness Training, and provide proof of this when submitting any new application for a Hackney Carriage or Private Hire Driver Licence with this Authority. The cost of the Mandatory Safeguarding and Disability Awareness Training is included in the New Applicant fee payable to Oxford City Council.

In order to book and attend this training, you will need to go online to: <https://www.oxfordshire.gov.uk/residents/roads-and-transport/public-transport/accessible-transport/safeguarding-passengers> choose the available training you would like to attend and follow the booking instructions.

When on the website you will be instructed to enter the following information (not limited to):

- **Your Full Name, Postal Address, Email Address, Mobile Number, Your Date of Birth**
- **Name of Service Provider / Operator you will operate for**
- **Type of Licence you are applying for – District taxi licensing**
- **The name of the Licensing Authority (Council) you are intending to be licensed with (or are currently licensed by)**
- **Your current Licence (badge) number (if applicable)**

You will be sent an email confirmation of your training course booking which will provide all the details and requirements about the training you have booked. The training session runs for 4 hours. The email confirmation will include a training manual which you will be required to read before attending the training session. You must bring a photo ID with you. You must arrive at least 15 minutes before the start of the training session (you will not be allowed to attend if you are late). Please be aware there will be a £50 charge for non-attendance, late cancellations or any unauthorised booking. Cancellations must be made a minimum of a week before your course is due to be held (any cancellations made after this point will incur a £50 charge). There will be a short test at the end of the course to ensure you have understood the course content.

Upon completing the training you will be issued a Training Certificate which you will need to bring with you to your appointment with the Licensing Officer.

DVLA DISCLOSURE & DISCLOSURE & BARRING SERVICE REPORT CRITERIA

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

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

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

You should also note that new applicants are normally not considered if they have more than three penalty points in the previous 12 months or in the previous two years have been convicted of a single offence carrying five points or more or offences totalling more than six points. Licences will not normally be granted until two years after any period of disqualification has expired.

You are required to complete an Enhanced Disclosure & Barring Service application and to sign up to the DBS Online Update Service and maintain. The workforce and position applied for on the Enhanced DBS check must relate to 'Other Workforce – Taxi Driver' to correctly reflect the position licensed by the Authority regime. Should you terminate your subscription to the DBS Online Update Service at any time during the period of your licence, your licence may be suspended until the evidence of valid subscription is provided. If you have not been a resident in the UK for five years you will need to provide proof that you do not have a criminal record, such as a Certificate of Good Conduct from the country in which you have been resident (which must be in English) for the period you lived outside the UK.

The Disclosure & Barring Service check can take up to eight weeks to be issued even when all the forms are correctly completed, hence why we advise you to sign up to the DBS Update service in order to prevent delays to the issue of the licence. The DVLA check is carried out online, however, on rare occasions it may need posting to the DVLA and this can take up to three weeks to complete. Oxford City Council has a Code of Practice in respect of checks made through the Disclosure & Barring Service which will be made available upon request. The Enhanced Disclosure & Barring Service application form can be obtained by contacting the Licensing Team, or from our Council Offices at St Aldate's Chambers reception area.

Applicants who have been resident in the UK for less than five years from the date of application are required to provide an Enhanced Disclosure & Barring Services Report, Certificate of Good Conduct or an equivalent document from all countries in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the Enhanced Disclosure & Barring Service Report. Any documentation produced must be verifiable, and sufficient to enable the Head of Regulatory Services and Community Safety to make a decision in respect of the applicant's suitability to hold a Licence.

If you have been previously convicted of either criminal or motoring offences that may not necessarily prevent you from being granted a licence, as it will depend upon what the offences were for, and how long ago they occurred. **However, you should note that it is an offence not to declare such information on your application to the Council.** In cases where the Licensing Officer is unable to determine the grant of the licence, the matter will be referred to the General Purposes Licensing Casework Sub-Committee. You may wish to refer to the **Policy on the Relevance of Warnings, Offences, Cautions and Convictions** (which can be found within this Application Pack), which states the guidelines that Licensing Authority and the Courts will have regard to when determining an application.

Further information as to how to complete the Disclosure and Barring Service for which documents are acceptable to show to a Licensing Officer, and information about the DBS Update service can be found at Page 17 of this Pack.

MEDICAL REPORT CRITERIA

Before a licence can be issued the applicant must be **certified fit by his or her GP/Doctor** to be a Hackney Carriage or Private Hire driver. The approved Medical Report form to be used for this purpose is included in this Application Pack.

LOCAL KNOWLEDGE & SAFEGUARDING TEST CRITERIA

New applicants must undertake a **Local Knowledge & Safeguarding Test** with this Authority. The test is devised so that applicants can demonstrate that they have sufficient knowledge of the City of Oxford, the conduct required of licensed drivers and local traffic regulations. You are required to obtain a minimum mark of 80% in each section (the test questions and sections differ depending upon which driver licence is applied for).

SECTION	NUMBER OF QUESTIONS	
	HPD (DUAL)	PHD
A. Identification of Roads & Streets	20	15
B. Identification of Buildings & Locations	15	10
C. Rules & Regulations	10	20
D. Correct Routes	5	-
E. Equal Opportunities Awareness & Safeguarding	5	5
F. Disability Awareness	5	5
TOTAL NUMBER OF QUESTIONS	60	55

A minimum of 80% in each section is required to pass the test. The test lasts for 90 minutes and sections C, E and F are multiple choice. This means that you are given a number of possible answers to each question and you must decide the correct answer. If you fail the test you will be invited to take the test again after a further test fee has been paid, and then allocated a retest date.

LEARNING THE KNOWLEDGE & SAFEGUARDING

The City Council conducts the tests. The test will start with a licensing presentation which will support your test. To assist you a list of all rules and regulations, licence conditions, a summary of other laws applicable to Hackney Carriage and Private Hire, and information relating to safeguarding children and vulnerable people as well as disability awareness and equality information are provided within this Application Pack (which applicant should use to study for the test). Details of the roads, buildings and locations that may be included in the Private Hire Driver Knowledge & Safeguarding Test can be found on the Councils website at: https://www.oxford.gov.uk/info/20178/drivers/647/the_knowledge_and_safeguarding_test

GRANT OF LICENCE TO NEW APPLICANT

Upon receipt of satisfactory DVLA, Enhanced DBS and Medical Report checks, and you having passed the Local Knowledge & Safeguarding Test, undertaken the Safeguarding and Disability Awareness Training, paid the full fee at your appointment with the Licensing Officer, and that all of your other documents were found to be satisfactory, you will be issued with a licence and badge (posted to your home address). If any information that you have not previously declared on your application form is found to have come to light upon receipt of the DVLA and / or DBS check, you may be refused a licence.

Should you wish to proceed with your application to become a licensed driver, you should refer to the section "**Procedure for New Hackney Carriage / Private Hire drivers licence**" which will give further information on what to do next.

What happens if my licence has not been issued 6 months after I apply? You will have to apply for another DBS and DVLA check at your own expense.

What happens if my licence hasn't been issued 12 months after I apply? Your application will be null and void and you will need to reapply.

FEES AND CHARGES

Fees once paid will on no account be refunded, and fees and charges may also be amended from time to time to meet the reasonable cost of issue and administration. Payment must be made at the time of the pre-booked appointment with the Licensing Officer. Payment must be by way of Debit / Credit card, Postal Order or Cheque only. Please note that any failure to pay the appropriate fee may result in the driver licence being suspended, until such time as payment has been made.

Hackney Carriage and Private Hire Drivers Licence shall be issued for a standard length of three years (maximum duration). Any shorter duration must be requested by an applicant and shall only be issued when the Licensing Authority considers it is appropriate due to the specific circumstances of the case (this will be for a maximum duration of one year).

From 1st July 2019 all new driver licences shall be issued for the duration of three years only. From 1st January 2020 all renewal application licences shall be issued for three years only as a standard duration.

FEES & CHARGES: PAYABLE TO OXFORD CITY COUNCIL: DRIVER LICENCE			
		3 YEAR	
HACKNEY CARRIAGE	NEW HACKNEY CARRIAGE DRIVER LICENCE	£506.00	*(£266.00)
	RENEWAL OF HACKNEY CARRIAGE DRIVER LICENCE	£375.00	*(£135.00)
PRIVATE HIRE	NEW PRIVATE HIRE DRIVER LICENCE	£464.00	*(£252.00)
	RENEWAL OF PRIVATE HIRE DRIVER LICENCE	£333.00	*(£121.00)
ADDITIONAL DRIVER CHARGES			
DVLA DISCLOSURE		£7.00	
ENHANCED DISCLOSURE & BARRING SERVICES (DBS) REPORT		£38.00	
SAFEGUARDING & DISABILITY AWARENESS COURSE - Oxfordshire County Council Charge		£55.00	
KNOWLEDGE & SAFEGUARDING COURSE / RE-SIT (NEW APPLICANT)		£78.00	
REPLACEMENT BADGE		£11.00	
DUPLICATE PAPER LICENCE		£6.00	
RETURNED CHEQUE FEE		£32.00	
TRUST ID - DBS & / OR RTW ID ONLINE CHECKS		£12.00 / £8.00	

*Fees applicable for the grant of a one year Driver Licence in exceptional circumstances

PROCEDURE FOR NEW HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

1. Once you have completed the pre-application training and certificates for **Driver Assessment for Taxi / Private Hire Vehicle Certificate, Mandatory Safeguarding and Disability Awareness Training Certificate** and are able to provide **evidence of your qualification in the English Language** (both written and oral) you will need to book an appointment with the Licensing Team (01865 252565).
2. **At this appointment, you must bring with you** (if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment):
 - **Proof of your English Language qualification** (written and spoken)
 - **Driver Assessment for Taxi / Private Hire Vehicle Certificate** – local provider Oxford Direct Services (Page 2)
 - **The Safeguarding and Disability Awareness Training Certificate** - Oxfordshire County Council (Page 3)
 - **The completed Application Form**
 - **The completed Annual Background Checks Form**
 - **The DVLA Check Code Form**
 - **DVLA Driving Licence** (displaying your current address)
 - **Evidence of the Right to Work in the UK (unrestricted)** - usually passport or visa (see Page 18 for guidance)
 - **Proof of current address** (trusted document, see Page 17 for guidance)
 - **Two passport standard photographs**
 - **The completed Medical Report** (certified by your GP / Doctor, included in this Pack)
 - **The completed Enhanced DBS application form** (available at the Council reception) (*Page 17 for required documents*)
The supporting documents to provide at the appointment to complete the Enhanced DBS application form:
 - Valid Passport
 - Valid DVLA Driving Licence
 - National Insurance number card or other document
 - Two proofs of current address (trusted document, see Page 17 for guidance)
 - **Local Knowledge and Safeguarding Test Certificate** (if completed before the appointment)
 - **Payment for the full application fees by cheque, postal order or credit/debit card (no cash)**
3. If all of the above documents are valid, and you make your payment in full, you will be booked on the next available **Local Knowledge and Safeguarding Test** (unless you have completed the test before the appointment). You will be given confirmation of the time and date for the Test at your appointment. The Licensing Team will carry out the online DVLA check via View Driving Licence (VDL) and the Check Driving Licence (CDL) service and will send your completed Enhanced DBS application form to the relevant authority to carry out their necessary checks.
4. It may be that you take the Local Knowledge & Safeguarding Test before these checks are returned to us. However, the grant of a licence is dependent upon the Licensing Officer being satisfied with the results of the Enhanced DBS Report and DVLA checks. Should you not pass the Local Knowledge & Safeguarding Test, you are able to apply to retake the test.
5. Upon receipt of your satisfactory DVLA Disclosure, Enhanced DBS Report and Medical Report, and upon the passing of the Local Knowledge & Safeguarding Test, your licence will be granted. Should the Licensing Officer have any concerns over you being deemed “fit and proper” to hold a licence and the Head of Regulatory Services and Community Safety is unable to determine whether you meet the Authority’s definition of a “fit and proper” person, the matter might be referred to the General Purposes Licensing Casework Sub-Committee to be determined. The Sub- Committee may determine that the licence not be granted, or that it be granted for a specified period of time.
6. If you are granted a licence, your licence and badge will be posted by First Class post to your home address.

NOTE: A person already licensed by the Authority as a Private Hire Driver, who wishes to acquire a licence to drive Hackney Carriage vehicles, shall be subject to the criteria and procedure applicable to New Applicants.

PROCEDURE FOR RENEWING A DRIVERS LICENCE

1. You will be sent a “**Reminder Letter**” approximately 3 months before the expiry of your current drivers licence. The letter will include an application pack. You will then need to book an appointment for at least 8 weeks before your licence is due to expire with the Licensing Team. **If you do not book an appointment to renew your licence before it expires, you will need to meet with the relevant criteria detailed on Page 1 of this pack in the section “Renewal of Licence”.**
2. **At this appointment, you must bring with you** (if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment):
 - **The completed Application Form**
 - **The completed DVLA Check Code Form**
 - **The completed Annual Background Checks Form**
 - **DVLA Driving Licence** (displaying your current address)
 - **Proof of current address** (trusted document, see Page 17 for guidance)
 - **Evidence of the Right to Work in the UK** (unrestricted) usually passport or visa (see Page 18 for guidance)
 - **Two passport standard photographs**
 - **The Safeguarding and Disability Awareness Training Certificate (if applicable)** (Oxfordshire County Council)
NOTE: This training must be renewed every three years
 - **The completed DBS Application Form (if applicable) and relevant documents** (Page 17 for guidance); **or** **DBS Update Service Consent Form and most recent DBS Certificate to carry out an online DBS Check**
 - **The completed Medical Report * (if applicable)**
 - **Payment for the full application fees by cheque, postal order or credit/debit card (no cash)**

* If you currently have to provide a new medical every year then you will have to continue to do so

4. If all of the above documents are valid, and you make your payment in full, the Licensing Team will carry out the necessary online checks - DVLA check and DBS Update service check or send your completed Enhanced DBS application form to the relevant Authority to carry out their necessary checks.

5. Upon receipt of your satisfactory DVLA Disclosure, Enhanced DBS Disclosure and new Medical Report, if required, your licence will be granted for a maximum period of three years. Should the Licensing Officer have any concerns over you being deemed "fit and proper" to hold a licence and the Head of Regulatory Services and Community Safety is unable to determine whether you meet the Authority's definition of a "fit and proper" person, the matter might be referred to the General Purposes Licensing Casework Sub- Committee to be determined. The Sub-Committee may determine that the licence not be granted, or that it be granted for a period of less than three years.
6. If you are granted a licence, your licence and badge will be posted by First Class post to your home address
7. You can contact the Licensing office at any time during your three year licence if you have any questions or concerns you wish to discuss (licensing@oxford.gov.uk) / 01865 252565. Please visit the Council Taxi Licensing website regularly to keep up to date with important information: https://www.oxford.gov.uk/info/20087/taxi_licensing under tab 'Important news for Licence Holders'
8. If you hold a three year licence the Licensing Authority will carry out an Annual Background Checks in relation to your DVLA Driving Licence and Disclosure and Barring Services (DBS) Online Update Service in order to uphold the objective of Public Safety and promote Safeguarding. If the checks show any changes to your circumstances since the grant of your Licence you shall be contacted by the Authority.
9. You are required to sign up to the Disclosure & Barring Service (DBS) Online Update Service (it is a mandatory requirement for all licence holders to sign up to and maintain). Should you terminate your subscription to the DBS Online Update Service at any time during the period of your three year licence, your licence may be suspended until the evidence of valid subscription is provided.
10. If your Medical expires in the duration of your three year licence then it is your responsibility to provide a new medical to continue to hold a three year licence. If you fail to provide a new medical before the anniversary of the licence it may be suspended until such time as it is considered you are a 'fit & proper' person to continue to hold a licence with this Authority.
11. If any matters are brought to the attention of the Licensing Officer that were not declared on the initial application or subsequent information comes to the attention of the Licensing office during the period of your licence, your suitability to continue to hold a licence may be referred to the General Purposes Licensing Casework Sub-Committee to be determined.
12. It is important that you inform the Licensing Office of any changes to your circumstances in writing within 7 days:
 - Personal details (change of address, e-mail address, mobile number etc.)
 - Any Cautions, Convictions or points on your DVLA licence
 - Changes to your health

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) LICENCE: CONDITIONS

The Council attaches the following conditions to a driver's licence: In these conditions "the Council" means the Oxford City Council, "Driver" means a person holding a drivers licence issued by the Council. "Vehicle" means a vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
 - Cause any person to take offence at their actions
 - Cause any person to believe their actions are inappropriate
 - Cause any person to fear for their physical safety
 - Cause any person to doubt their integrity
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person
2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver shall not at any time lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.
6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver's licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.
8. The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
9. The Driver shall not drive a vehicle if he or she is not insured to do so.
10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).
11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.
12. The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.
13. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
14. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
15. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
16. The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.
17. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
18. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
19. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
20. The Driver shall when asked by a passenger, indicate the route they are going to take.
21. The Driver shall: -
 - Take a reasonable amount of luggage including wheelchairs and children's pushchairs;
 - Give reasonable assistance in loading and unloading luggage;
 - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
 - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.
22. The Driver shall not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey.
23. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.
24. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.

25. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
26. The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.
27. The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.
28. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.
29. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
30. The Driver shall provide a written receipt to the hirer if requested to do so.
31. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
32. The Driver shall take reasonable steps to ensure any property which is left in the vehicle is returned to the owner. In an event where this is not possible, the driver shall within 24 hours follow the Thames Valley Police procedure for dealing with lost or found property. This guidance can be found on the Thames Valley Police website.
33. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
34. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
35. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
36. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
37. The Driver shall not whilst driving use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.
38. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
39. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
40. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
41. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
42. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.
43. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.
45. The Driver shall not travel on a restricted road within the Oxford City boundary, unless there is a sign posted and/or approved exemption in place.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code
47. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
48. The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).
49. The Driver shall notify the Council in writing as soon as possible and in any event within 7 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.
50. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.
51. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
52. The Driver shall, if subject of any formal Police action including if arrested, released on Police Bail, released Under Investigation, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must, within 48 hours of the action, give full details of it to the Council in writing.

53. The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
54. The Driver shall when driving or in charge of a Private Hire vehicle shall record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:
- her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination.
 - And upon completion of each hiring, the fare charged.
- And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
55. The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
56. The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
57. The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that that the driver and the vehicle are available for immediate public hire.
58. The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
59. The Driver shall not whilst driving or in charge of a Private Hire vehicle park on a taxi rank.
60. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.
61. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
62. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.
63. The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.
64. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer within 48 hours of the incident occurring.
65. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.
66. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.
67. The Driver of a Hackney Carriage does not have to accept journeys that end outside the City of Oxford boundaries. If the journey is accepted the fare or rate for the journey should be agreed between the driver and the hirer before the start of the journey. Where no such agreement takes place the charge should be the correct tariff for the time of day.
68. The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.
69. The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.
70. The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to hire at once by any person.
71. The Driver shall when driving a Hackney Carriage not park on a rank for any purpose other than for standing for hire.
72. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
73. The driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.

PRIVATE HIRE DRIVER LICENCE: CONDITIONS

The Council attaches the following conditions to Private Hire driver's licences: In these conditions "the Council" means the Oxford City Council, "Driver" means a person holding a Private Hire drivers licence issued by the Council and acting as a Private Hire driver "Vehicle" means a Private Hire vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
 - Cause any person to take offence at their actions
 - Cause any person to believe their actions are inappropriate
 - Cause any person to fear for their physical safety
 - Cause any person to doubt their integrity
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person
2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver shall not at any time lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.
6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver's licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.
8. The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
9. The Driver shall not drive a vehicle if he or she is not insured to do so.
10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).
11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.
12. The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.
13. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
14. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
15. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
16. The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.
17. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
18. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
19. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
20. The Driver shall when asked by a passenger, indicate the route they are going to take.
21. The Driver shall:
 - Take a reasonable amount of luggage including wheelchairs and children's pushchairs;
 - Give reasonable assistance in loading and unloading luggage;
 - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
 - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.
22. The Driver shall not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey.
23. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.

24. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.
25. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
26. The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.
27. The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.
28. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.
29. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
30. The Driver shall provide a written receipt to the hirer if requested to do so.
31. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
32. The Driver shall take reasonable steps to ensure any property which is left in the vehicle is returned to the owner. In an event where this is not possible, the driver shall within 24 hours follow the Thames Valley Police procedure for dealing with lost or found property. This guidance can be found on the Thames Valley Police website.
33. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
34. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
35. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
36. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
37. The Driver shall not whilst driving use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.
38. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
39. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
40. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
41. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
42. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.
43. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.
45. The Driver shall not travel on a restricted road within the Oxford City boundary, unless there is a sign posted and/or approved exemption in place.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code.
47. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
48. The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).
49. The Driver shall notify the Council in writing as soon as possible and in any event within 7 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.

50. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.
51. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
52. The Driver shall, if subject of any formal Police action including if arrested, released on Police Bail, released Under Investigation, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must, within 48 hours of the action, give full details of it to the Council in writing.
53. The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
54. The Driver shall when driving or in charge of a Private Hire vehicle record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:
 - her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination.
 - And upon completion of each hiring, the fare charged.And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
55. The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
56. The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
57. The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.
58. The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
59. The Driver shall not whilst driving or in charge of a Private Hire vehicle park on a taxi rank.
60. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.
61. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
62. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.
63. The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.
64. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer within 48 hours of the incident occurring.
65. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.
66. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.
67. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
68. The driver shall enrol with the online Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.

OFFENCES

OFFENCES UNDER SECTIONS 37-68 TOWN POLICE CLAUSES ACT 1847

1. Plying for Hire without Licence. **STALKING (this can even be parking near a rank or in a prominent position)**
2. Driving Hackney Carriage without Hackney Carriage driver's licence.

OFFENCES UNDER LOCAL GOVERNMENT (MISCELLANIOUS PROVISIONS) ACT 1976

1. Owning unlicensed vehicle used as Private Hire vehicle.
2. Driving a Private Hire vehicle without a Private Hire driver's licence.
3. Owning licensed Private Hire vehicle driven by unlicensed driver.
4. Operating Private Hire vehicles without operator licence.
5. Operating unlicensed Private Hire vehicles.
6. Operating unlicensed Private Hire vehicles driven by unlicensed drivers
7. Failure to exhibit vehicle licence plate.
8. Failure to notify (in writing within 14 days) transfer of Hackney Carriage or Private Hire vehicle.
9. Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.
10. Failure to report (within 72 hours) accident involving Hackney Carriage or Private Hire vehicle.
11. Failure to produce Hackney Carriage or Private Hire vehicle licence and insurance when requested.
12. Failure to produce Hackney Carriage or Private Hire driver's licence when requested.
13. Failure to wear Private Hire driver's badge.
14. Failure of Private Hire operator to keep record of bookings
15. Failure to produce such record when requested.
16. Failure of Private Hire operator to keep records required by local authority
17. Failure to produce such records when requested.
18. Failure to produce Private Hire operator's licence when requested.
19. Making of false statement or omission of material information in application for any licence.
20. Failure to return, after due notice, licence plate issued in respect of revoked, expired or suspended Hackney Carriage or Private Hire vehicle licence
21. Failure to return, after due notice, driver's badge issued in respect of suspended or revoked Hackney Carriage or Private Hire drivers licence
22. Unauthorised parking on Hackney Carriage stand
23. Unreasonable prolongation of journeys.
24. Misuse of taximeters.
25. Obstruction of authorised officers.

SAFEGUARDING: HUMAN TRAFFICKING – EXPLOITATION OF VULNERABLE PERSONS

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.

Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.

Taxi and Private Hire Drivers are the eyes and ears of their communities through the work they do and the contacts they have, and if you are able to spot the signs of human trafficking and know how to report this crime, you can be a major force in tackling this terrible activity.

There are three main elements involved with Human Trafficking:

- **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
- **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

HOW CAN YOU SPOT IF SOMEONE MAY BE VULNERABLE AND BEING EXPLOITED AND TRAFFICKED?

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- Does not know their home or work address
- Allows others to speak for them when addressed directly
- Live or travel in a group, sometimes with other persons who do not speak the same language
- They are collected very early and/or returned late at night on a regular basis
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- Their physical appearance may show signs of injury, malnourishment, unkempt
- They may be isolated from the local community and/or appear to be under the control or influence of others
- Have no cash of their own
- Be known to work at a brothel and be frequently moved from one site to another

HOW TO REPORT YOUR CONCERNS?

If you suspect that a person (adult or child) is vulnerable and may be the victim of abuse, exploitation and/or trafficking, you can report your concerns in confidence by telephoning:

- **Thames Valley Police:** 101 (or if an emergency 999)
- **Crimestoppers:** 0800 555 111

WHY DO I NEED TO KNOW ABOUT SAFEGUARDING?

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

This page and our website are devoted to helping you as a licence holder or applicant to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Local Knowledge & Safeguarding Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this page and our website will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

WHERE CAN I FIND MORE INFORMATION ON SAFEGUARDING?

A full page devoted to Safeguarding, designed with help from the National Working Group and Oxfordshire County Council can be found on the Council website: <http://www.oxford.gov.uk/PageRender/decB/TaxiandPrivateHireSafeguarding.htm>

If you are a new applicant, many of the questions posed in the Local Knowledge & Safeguarding Test will be more familiar to you if you have studied our online Safeguarding page. As an existing licence holder, the information on the website will help you identify and support those persons in most need of help, and in turn support the authorities in tackling these abhorrent crimes and protecting the most vulnerable in our society.

TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well-intentioned but clumsy assistance that has caused them discomfort and pain. The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. **Always** ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. **Ask the customer if they are all right before you start the journey.**

If the passenger is in a wheelchair you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture.

The wrong travelling position is unsafe;

- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- **Always secure** the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp (unless otherwise recommended by the vehicle manufacture) and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same, then lower the front wheels.

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

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

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

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

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

EQUALITY ACT 2010

HOW DOES THIS AFFECT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS?

The Equality Act 2010 includes provisions relating specifically to Hackney Carriage and Private Hire vehicles, drivers and disability.

The information below provides details of the provisions that are currently in place in relation to Hackney Carriages and Private Hire vehicles, and what the implications are for Hackney Carriage and Private Hire vehicle drivers. In effect two duties are placed on drivers:

- 1) **To assist passengers in wheelchairs (in a wheelchair accessible vehicle); and**
- 2) **To carry guide dogs / assistance dogs.**

DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS

The Equality Act places duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs.

The duties apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which are on the licensing authority's list of "designated vehicles". Oxford City Council will be maintaining a list of designated vehicles (in effect this is all Hackney Carriage Vehicles licensed by the Council) and therefore the following duties will apply to you.

The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):

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

**Should you operate via Operator who issue bookings for the journeys you carry out, please ensure there is a clear understanding between yourself (driver) and the Operator to ensure the wheelchair user (passenger) is not charged an additional fee for the journey you carry out due to requesting a wheelchair accessible vehicle. It is the duty of the licensed driver not to charge an inflated fee.*

WHAT DOES MOBILITY ASSISTANCE MEAN?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance.

- **To enable the passenger to get into or out of the vehicle;**
- **If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;**
- **To load the passenger's luggage into or out of the wheelchair;**
- **If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.**

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES

Section 167 of the Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

GUIDE DOGS / ASSISTANCE DOGS

Duties are also placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT EITHER OR BOTH OF THESE DUTIES?

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with these duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority.

WHO DECIDES IF A DRIVER IS EXEMPT?

The local Licensing Authority decides if a driver should be exempt from the duties.

WHAT IF THE LICENSING AUTHORITY SAYS THAT I AM OK TO CARRY OUT THE DUTIES AND I DISAGREE?

The legislation allows a driver to appeal to the magistrates' court within 28 days if the licensing authority decides not to issue an exemption certificate.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?

The Licensing Authority will issue you with a special Exemption Notice which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from one or more duties.

I HAVE AN EXEMPTION CERTIFICATE (MOBILITY ASSISTANCE) AND / OR SPECIAL NOTICE (CARRYING OF GUIDE DOGS) WHICH SAYS THAT IT WAS ISSUED UNDER THE DISABILITY DISCRIMINATION ACT 1995 – DO I HAVE TO GET A NEW ONE?

No, you do not have to get a new certificate; the certificate which you have been granted remains valid until its expiry date.

I DO NOT HAVE ANY EXEMPTION FROM PROVIDING MOBILITY ASSISTANCE AND / OR CARRYING GUIDE DOGS OR ASSISTANCE DOGS AT PRESENT, HOW DO I APPLY FOR AN EXEMPTION?

You will need to contact the Licensing Team by telephoning 01865 252565 or by emailing licensing@oxford.gov.uk to inform an Officer of your request, and for the necessary application form to be sent to you. When submitting your completed form, you will be required to provide evidence from your Medical Practitioner supporting your application and substantiating the medical reasons applicable to your request. Your application will be determined by the Licensing Manager, and if successful you will be issued with the relevant Exemption Notice to display within the vehicle.

ENHANCED DISCLOSURE & BARRING SERVICE (DBS) REPORT INFORMATION

The Enhanced DBS application form must be completed before your appointment. However it will be checked at your appointment and you are free to ask any questions that you may have at the appointment.

When answering **Question E55** on the application form, we ask that treat this question as if you are being asked to declare: **'Do you have any unspent convictions, cautions, reprimands or warnings?'**

WHAT DOCUMENTS TO PRESENT TO THE LICENSING OFFICER AT YOUR APPOINTMENT

The applicant must be able to provide one document from Group 1, and 2 further documents from either Group 1, or Group 2a or 2b. At least one of the documents must show the applicant's current address.

If the applicant doesn't have any of the documents in Group 1, then they must be able to show: one document from Group 2a, and two further documents from either Group 2a or 2b. At least one of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application. EEA Nationals who've been resident in the UK for five years or less may need to be fingerprinted if they can't show these documents.

If it's impossible to process the application through the above means, the applicant must be able to show: a birth certificate issued after the time of birth (UK and Channel Islands), one document from Group 2a, and three further documents from Group 2a or 2b. At least one of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted. EEA Nationals who've been resident in the UK for five years or less can't use this route.

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

GROUP 1: PRIMARY IDENTITY DOCUMENTS

Passport
Biometric residence permit
Current valid driving licence photocard - (full or provisional)
Birth certificate - issued within 12 months of birth

Adoption certificate

Notes relevant to document:

Any current and valid passport
UK
UK, Isle of Man, Channel Islands and EEA
UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
UK and Channel Islands

GROUP 2a: TRUSTED GOVERNMENT DOCUMENTS

Current valid driving licence photocard - (full or provisional)
Current valid driving licence (full or provisional) - paper version (if issued before 1998)
Birth certificate - issued after time of birth
Marriage/civil partnership certificate
HM Forces ID card
Firearms licence

Notes relevant to these documents:

All countries outside the EEA excluding Isle of Man and Channel Islands

UK, Isle of Man, Channel Islands and EEA

UK, Isle of Man and Channel Islands
UK and Channel Islands
UK
UK, Channel Islands and Isle of Man

GROUP 2b: FINANCIAL AND SOCIAL HISTORY DOCUMENTS

Mortgage statement
Bank or building society statement
Bank or building society account opening confirmation letter
Credit card statement
Financial statement, e.g. pension or endowment
P45 or P60 statement
Council Tax statement
Letter of sponsorship from future employment provider

Utility bill
Benefit statement, eg Child Benefit, Pension
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC.
EEA National ID card
Cards carrying the PASS accreditation logo
Letter from head teacher or college principal

Notes relevant to these documents:

UK or EEA – **issued in last 12 months**
UK and Channel Islands or EEA – **issued in last three months**
UK – **issued in last three months**

UK or EEA – **issued in last three months**
UK – **issued in last 12 months**
UK and Channel Islands – **issued in last 12 months**
UK and Channel Islands – **issued in last 12 months**
Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application – **must still be valid**
UK - not mobile telephone bill – **issued in last three months**
UK – **issued in last three months**
UK and Channel Islands – **issued in last three months**

Must still be valid
UK, Isle of Man and Channel Islands – **must still be valid**
UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided – **Must still be valid**

Please be advised that it is the applicant responsibility to read the DBS Standard / Enhanced Check Privacy Policy for applicants <https://www.gov.uk/government/publications/dbs-privacy-policies> and understand how DBS will process any personal data and the options available to the applicant for submitting an application.

WHAT TO DO WHEN YOU RECEIVE YOUR ENHANCED DBS DISCLOSURE (IMPORTANT)

The Disclosure and Barring Service Certificate will be returned to you at your home address. The Licensing Authority no longer receives a copy of the applicant DBS Certificate, therefore it is the applicant responsibility to provide it to the Authority. Upon receipt of the Disclosure Report you will need to either post it or deliver the original Disclosure Report to the Licensing Authority (please mark: Private & Confidential, F.A.O. Licensing Officer, Taxi Licensing). You can also email a scan copy of the entire Disclosure Report (all pages) to licensing@oxford.gov.uk clearly identifying your name and, if held, your badge number.

At your appointment you will be handed an "Information Chit" and given advice on what to do when you receive your DBS Certificate (as above). Please note that a licence and badge cannot be issued until we have received and processed your DBS Certificate. You are required to sign up to the Disclosure & Barring Service (DBS) Online Update Service (it is a mandatory requirement for all licence holders to sign up to and maintain). Should you terminate your subscription to the DBS Online Update Service at any time during the period of your three year licence, your licence may be suspended until the evidence of valid subscription is provided. The Licensing Officer will provide you with information about the DBS Update Service at your appointment. You need to set up a direct debit with the DBS and provide written authorisation to the Licensing Officer at your appointment to carry out an online check.

PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK. For this reason the following documentation must be provided at your licence renewal appointment. Because the licence is issued annually or three-yearly, these checks must be carried out in order for the Licensing Authority to have complied with any legal requirements placed on it.

List A – documents which show an ongoing right to work. If you can provide documents from list A, you do NOT need to provide any from list B.

1. A passport showing that the holder is a British citizen
2. A passport showing that the holder is a citizen of the UK and Colonies having the right to abode in the UK – passport has a 'certificate of entitlement to the right of abode' in it.
3. A passport showing that the holder is a national of a European Economic Area (EEA) country or Switzerland
4. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office (HO), the Border and Immigration Agency (BIA), a national of an EEA or Switzerland
5. A permanent residence card issued by the HO or BIA to the family member of a national of EEA or Switzerland
6. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
7. A passport or other travel document endorsed to show that the holder is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit to their stay in the UK

Document combinations – one of the following:

8. An official document issued by a previous employer or Government agency i.e. HM Revenue and Customs, Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person
Plus:
 - a. An immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
Or:
 - b. A full birth certificate/full adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents
Or:
 - c. A birth certificate/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
Or:
 - d. A certificate of registration or naturalisation as a British citizen
Or:
 - e. A letter issued by the HO or the BIA to the holder which indicates that the person named

List B – Documents which show a right to work for up to 12 months (where this is applicable the applicant will have to prove their right to work annually otherwise their licence will be revoked) (If you can provide documents from list B, you do NOT need to provide any from list A). You will need to provide either 1 or 2, with a combination of the following i.e. 3 + a or 3 + b; 4 or 5; 6; 7 or 8.:

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit
2. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.

Document combinations – first combination:

3. A work permit or other approval to take employment issued by the HO or BIA with:
 - a. A passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question
Or:
 - b. A letter issued by the HO or the BIA to the holder or the employer or prospective employer confirming the same

Second combination – must be checked by the BIA Employer Checking Service:

4. A certificate of application issued by the HO or the BIA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old
Or:
5. An application registration card issued by the HO or the BIA stating that the holder is permitted to take employment

Third combination:

6. A document issued by a previous employer or Government agency e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder

One of the following must be provided, if a document showing your National Insurance number has previously been provided:

7. An Immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question
Or:
8. A letter issued by the HO or BIA to the holder or the employer or prospective employer, which indicates that the person named in it can

LICENSING AUTHORITY:

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS

Consideration of the Grant, Renewal, Suspension
or Revocation of Hackney Carriage / Private Hire
Driver & Vehicle Licences, & Private Hire Operator
Licences



This policy was adopted by the Oxford City Council at the meeting of the Full Council on 17th March 2022 and comes into force on 1st April 2022.
The Policy shall be in place for period of five (5) years from that date, however it will remain under review should amendments be necessary.

OXFORD CITY COUNCIL

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

CONTAINED WITHIN THIS POLICY YOU WILL FIND:

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POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

Consideration of the Grant, Renewal, Refusal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Licences, and Private Hire Operator Licences.

1. Introduction

- 1.1 The aim of Local Authority licensing of the Taxi and Private Hire trades is to protect the public. With this in mind, Public Protection must be at the forefront when determining whether an individual is considered a 'fit and proper' person to hold a licence. The Licensing Authority is entitled and bound to treat the safety of the public as the paramount consideration.
- 1.2 The Hackney Carriage and Private Hire trade have a specific role to play in an integrated transport system. They are able to provide demand responsive services in situations where public transport is either not available (for example in rural areas, or outside 'regular' hours of operation such as in the evenings or on Sundays), and /or for those with mobility difficulties. Hackney Carriage and Private Hire vehicles support the night-time economy by playing a vital part in the safe dispersal of people in the city.
- 1.3 The Council's aim is to ensure that the public have reasonable access to Taxi and Private Hire services, due to the part they play in a local transport provision. Therefore, it is essential that the councils' Hackney Carriage and Private Hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 1.4 It is the Council intention to license well-run and responsible businesses and individuals. Its purpose, therefore, is to prevent licences being issued to or used by those who are not suitable persons, taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their position to cause distress, harm or suffering to any passenger or other person and that they meet the 'fit and proper' person test.

2. Objectives

- 2.1 The Licensing Authority will carry out its Hackney Carriage and Private Hire functions with the view to promote the following objectives:
 - The protection of public safety and health
 - The promotion of a professional and respected Hackney Carriage and Private Hire trade
 - Access to an efficient, modern and effective transport service
 - The protection and improvement of the environment, local economy and quality of life
- 2.2 The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these objectives the Authority shall expect all licence holders and applicants to continuously demonstrate they can meet or exceed specifications set by the Council.
- 2.3 The purposes of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers and that they meet the 'fit and proper' person test.

3. Status

- 3.1 This policy contains information about legal requirements, government guidance, procedures and standards in relation to its taxi licensing functions. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the Council the duty to carry out licensing functions in respect of Hackney Carriage and Private Hire vehicles, drivers and operators.
- 3.2 In exercising its duties when carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons shall be given for doing so.
- 3.3 The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. However, certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a reasonable transitional period which will be determined and provided by officers acting under delegated powers, during which necessary changes must be made by all licence holders.
- 3.4 The policy provides guidance for applicants, proprietors, drivers and operators to assist them with application processes and operation of their business. This guidance, application forms, current fees, as well as criteria, conditions and regulations relating to Taxi and Private Hire licensing functions can be found in the following documents:

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

These are available on the relevant Council website or by contacting the General Licensing Team. In order to ensure that the most up to date version is used, applicants and licence holders should not store these forms on their own system but should download the latest version of a form when it is required.

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

- 3.5 This policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Head of Regulatory Services and Community Safety in consultation with the Chair of the General Purposes Licensing Committee is authorised to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar.

4. Legislation and Best Practice Guidance

- 4.1 All licence holders must comply with the provisions relating to Hackney Carriage and Private Hire drivers and vehicles contained in legislation, including but not limited to the following:

- The Local Government (Miscellaneous Provisions) Act 1976
- The Local Government Act 1972
- Town Police Clauses Act 1847 (as amended)
- Town Police Clauses Act 1889
- Road Safety Act 2006
- Equality Act 2010
- Public Health Act 1875

- 4.2 The Department for Transport (DfT) has responsibility for Hackney Carriage and Private Hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The DfT has also published the Statutory Taxi and Private Hire Vehicle Standards in July 2020 focusing on protecting children and vulnerable adults, as well as benefiting all passengers. The council has taken account of the recommendations in both documents to shape this policy.

5. Enforcement Procedures

- 5.1 Enforcement is part of the overall licensing control process exercised by the Council and is taken to:

- **ensure public safety**
- **maintain standards within the trade**
- **support the policies of the council**
- **respond to complaints**
- **support partnerships with neighbouring local authorities, and other agencies such as the Police and Driver and Vehicle Standards Agency (DVSA)**

All enforcement will be proportionate, transparent and in accordance with the Council's Corporate Enforcement Policy. The Council will ensure that its enforcement system meet the objectives set out in the policy whilst avoiding undue burden and costs upon licence holders.

- 5.2 This Authority will deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Regulatory Services and Community Safety, the Hackney Carriage and Private Hire General Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with the definition of a “fit and proper” person. Hackney Carriage and Private Hire drivers and operators maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear for their physical safety**
- **cause any person to doubt their integrity**
- **bring the integrity of the Council in to disrepute for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

- 5.3 The Council's enforcement process addresses persistent, low level breaches through to serious, possibly criminal, behaviour. Sanctions range from advice and warnings, to the suspension and revocation of a licence and / or prosecution. Failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions :

- **the issue of an Advisory letter**
- **the issue of a warning (appropriate to the incident reported)**

- the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)
 - the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984
 - the issue of a Formal Caution
 - the referral of the matter to the Head of Regulatory Services and Community Safety
 - the referral of the matter to the Hackney Carriage and Private Hire General Licensing Sub-Committee
 - the referral of the matter to the Law and Governance department for consideration of prosecution
- 5.4 Licensing Officers are permitted to instruct an existing licence holder to undertake new or repeated courses or training (driving standards, safeguarding, disability awareness, etc.) at any time, to ensure their standards have not fallen below the council expectations for a 'fit and proper' person. The Licensing Officer will provide detailed reasons for the requirement
- 5.5 All case notes, evidence and enforcement outcomes are recorded on the Council's case management system. The council understands the importance of ensuring that personal data, including sensitive personal data is always treated lawfully and appropriately and that the rights of individuals are upheld. You can find the council data protection policy online <https://www.oxford.gov.uk/privacy>
- 5.6 **"Warning" System:**

Advisory Letter: A letter advising that although the incident, allegation, an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the incident has caused concern to the Council as to the suitability to hold such a licence. The Advisory Warning usually addresses a low level non-compliance, which can be issued at any level on the scale of warnings. If similar behaviour or non-compliance persists, it may lead to an escalation in the level of warning issued.

First Level Warning: A letter advising that although the incident, allegation, an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, which deals with more serious incidents, repetitious behaviour or non-compliance, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe.

Second Level Warning: A letter advising that although the incident, allegation, an offence, caution or conviction was not severe enough to have warranted a Final Warning, suspension or revocation of the licence, the behaviour or the offence committed is unacceptable and has caused significant concern to the Council as to the suitability to hold such a licence. A Second Level Warning deals with serious incidents, repetitious behaviour or non-compliance. If in the future, similar behaviour is illustrated, the consequences shall be much more severe.

Final Warning: A letter advising that although the incident, allegation, an offence, caution or conviction did not warrant the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused major concern to the Council as to the suitability to hold such a licence. A Final Warning deals with major incidents, as well as escalation of warning level due to repeated non-compliance. If in the future, similar behaviour or any other non-compliance is illustrated, the licence holder should expect the matter to be addressed through the escalation warning system.

5.7 Suspension, Revocation and Sub-Committee interventions

Councillor Warning: A Decision issued by the Hackney Carriage and Private Hire Licensing Sub-Committee, likely to also include additional conditions being imposed on a licence, advising that although the incident, an offence, caution or conviction, and / or accumulation of Warnings issued by the Licensing Officers did not warrant the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension or revocation of his/her licence.

Immediate Suspension: A Decision issued by Head of Regulatory Services and Community Safety or the Hackney Carriage and Private Hire Licensing Sub-Committee advising that in the view of the serious nature of the incident, allegation, an offence, caution or conviction the Council has decided there is reasonable cause to suspend the licence with immediate effect in the interests of public safety. Suspension is not indefinite and the Authority may consider determination of the individual 'fit and proper' status during the suspension period. An individual has the right of appeal to the Magistrates' Court within 21 days from the decision, however the suspension shall remain in force pending the outcome of any appeal.

Immediate Revocation: A Decision issued by Head of Regulatory Services and Community Safety or Hackney Carriage and Private Hire Licensing Sub-Committee advising that in the view of the serious nature of the incident, allegation, an offence, caution or conviction the Council has decided there is reasonable cause to revoke the licence with immediate effect in the interests of public safety. The revocation is indefinite. The individual has the right of appeal to the Magistrates' Court within 21 days from the decision.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers to determine the suitability of a new applicant to be granted a licence or existing licence holder to maintain a licence, by assessing if the person meets the Authority's definition of a "fit and proper" person. The Licensing Sub-Committee hearings are conducted in person. Parties attending the hearing

consist of the Sub-Committee panel (three elected members), council legal adviser, clerk, Licensing Officer and the new applicant or current licence holder, who are entitled to be accompanied by a representative should they need assistance. An applicant for a new Hackney Carriage and/ or Private Hire driver licence is entitled to have their application determined by the Licensing Sub-Committee, taking into account the policy recommendations. Each application shall be considered on its own merits. The Licensing Sub-Committee could determine to grant or renew a licence, refuse to grant or renew a licence, suspend or revoke a licence.

6. Definitions

Appeal: A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

Offence: commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

Caution: A caution is a formal warning given to an adult who has admitted to an offence and has consented to the caution.

Conviction: Judicially determining that someone is guilty of a crime

Free of convictions: This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence. The following question shall be posed:

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

Hackney Carriage Vehicles: A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a taxi rank within their district to await the approach of passengers; a vehicle available for Public Hire within the controlled district.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Regulatory Services and Community Safety is unable to determine whether such a person meets the Authority's definition of a “fit and proper” person.

Head of Regulatory Services and Community Safety: Holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and decisions regarding the suspension or revocation of any licence holder.

Mitigating Circumstances: The circumstances surrounding an incident, offence, allegation, caution or conviction. These may alter the seriousness of a crime.

Private Hire Vehicle: A vehicle which must be pre-booked with a Private Hire Operator. This type of vehicle cannot ply for hire (stand in a taxi rank, wait without a booking in a “prominent position” giving rise to the impression that the vehicle is available for hire) or undertake a journey that has not been pre-booked by the hirer with a Private Hire Operator.

Proprietor: The person in possession of a Hackney Carriage or Private Hire vehicle licence.

Operator: A business that makes provision for the invitation or acceptance of bookings for Private Hire Vehicles.

Refusal: To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension)

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

7. Guidelines Relating to the Relevance of Convictions - Powers and Duties

7.1 The Rehabilitation of Offenders Act 1974 (“1974 Act”) and associated amendments sets out the period after which a conviction/caution/warning would be regarded as ‘spent’ and not normally require details of that conviction to be provided on any relevant application form. In 2002 the Rehabilitation of Offenders Act 1974 was amended to exclude hackney carriage and private hire drivers from the 1974 Act. The driving of hackney carriages and private hire vehicles was listed as a ‘Regulated Occupation’ in relation to which questions may be asked as to the suitability of individuals to be granted a licence. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0.

7.2 Applicants for, or current licence holders of, taxi driver, vehicle or operator licences must therefore provide details of all convictions, warnings, reprimands, injunctions, cautions, Community Protection Notices, Criminal Behaviour Orders, community service orders, restraining orders, traffic offences, other court orders, Notices or Orders associate with child or adult safeguarding concerns, driver education courses, disqualifications and fixed penalty notices (including for traffic offences), including

any that would previously have been regarded as spent under the 1974 Act or may not currently show on any replacement DVLA driver's licence, or another other notice or legal matter pertaining to a criminal or anti-social behaviour incident. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked. The Authority will take the information provided into account irrespective of offence, sentence imposed or age when the offence is committed.

- 7.3 Failure to disclose any information detailed in paragraph 7.2 in writing within 48 hours of receipt of their issue, or the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked. Applicants must seek the advice of an officer if they cannot remember full details that they are required to declare or have any uncertainty about what details they are required to provide.
- 7.4 All licence holders are required to inform the council in writing within 48 hours if they are arrested, formally interviewed (voluntary) or charged with an offence by the police or other enforcement body. This is to allow the council to be aware of any public safety concerns and to take appropriate action. Failing to notify the council may result in additional enforcement action against the licence.
- 7.5 In order to assess an individual suitability to hold a licence, this Authority requires all applicants to provide a current Enhanced Disclosure and Barring Services (DBS) Certificate and a DVLA Disclosure. All licence holders must subscribe to the online DBS update service and maintain the subscription for the full duration of the licence. Where a driver fails to maintain their subscription with the online DBS Update service, or the DBS update check reveals new information their licence may be suspended with immediate effect on the grounds of public safety. The licence holder will have to submit a new DBS application, provide the DBS Certificate and online subscription, which may take several weeks to be processed by DBS.
- 7.6 Where the Authority has a reasonable cause for concern in regards to a licence holder, an Enhanced DBS update check may be carried out. Should the check reveal any concerns or new information, the driver shall be notified of the outcome. The Authority shall also carry out an annual background checks (DBS) to ensure no changes in circumstances occurred during the validity of the licence.
- 7.7 A licence may be suspended or revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
- Driving or being in charge of a vehicle whilst under the influence of alcohol or drugs
 - A drug related offence
 - An offence of a sexual nature
 - An offence involving violence
 - An offence involving dishonesty
- 7.8 A licence may also be suspended or revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought or if the police determine to take no further action. In all cases the licence holder will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

8. Suitability to Hold a Licence - A 'Fit and Proper' Person

- 8.1 When considering whether someone should serve the public as a taxi driver, the range of passengers that a driver may carry must be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who could be intoxicated, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:
- **Honesty and trustworthiness** – drivers are very often trusted with sensitive information whilst carrying out their duties. They have the knowledge of passenger vulnerabilities, convey customers who do not know the city and its locations, as well as manage a property lost in the vehicles. They must not abuse their position of trust.
 - **Abusive behaviour** – drivers are often subject to a disagreement, unpleasant or dishonest behaviour. The Council does not consider that such situations excuse any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, attempt to defuse the situation and to address disputes through the proper legal channels.
 - **A good and safe driver** – Passengers paying for a transport services rely on their driver to get them to their destination safely. Licensed drivers are professional drivers and should be fully aware of all road traffic legislation and conditions attached to the licence.
- 8.2 Licensing authorities have a duty to ensure that any person to whom they grant a Taxi or Private Hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:
- Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**
- If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 8.3 Licensing Authorities have a duty to safeguard the public. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given 'the benefit of doubt'. If the committee or delegated officer is only "50/50"

as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction and can take into consideration conduct that has not resulted in a criminal conviction.

- 8.4 The relevant legislation provides that the Council may grant a licence **ONLY** if it is satisfied that the individual is a 'fit and proper' person – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**
- 8.5 The Licensing Authority is entitled to take into account all matters concerning an applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the Hackney Carriage or Private Hire trade. This consideration is far wider than criminal convictions or other evidence of unacceptable behaviours, and the entire character of the individual will be considered. This can include but is not limited to, the individual's attitude and temperament.
- 8.6 Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has failed to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore prudent for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.
- 8.7 Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:
 - **Hackney Carriage and Private Hire Driver Licence Application Pack**
 - **Hackney Carriage and Private Hire Vehicle Licence Application Pack**
 - **Private Hire Operator Licence Application Pack**

9. Information Sharing

- 9.1 Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. As well as, if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Where drivers have been licensed with other authorities, this authority shall carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the council will use the National Anti-Fraud Network's - National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (known as 'NR3'), to share information and mitigate the risk of non-disclosure of relevant information by applicants.
- 9.2 The police are an invaluable source of intelligence when assessing whether a licensing applicant or current licence holder is a 'fit and proper' person. This Authority is committed to work in partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, action taken by the licensing authority as a result of information received may be reported to the police. Safeguarding concerns resulting in a revocation or refusal on public safety grounds may be reported to the police and other relevant agencies.
- 9.3 In order to assist effective information sharing on a local level, this Authority is a partner in the Oxfordshire Joint Operating Framework (JOF) for the Transportation of Children and Adults with Care and Support Needs and Taxi Licensing. The framework provides a single set of minimum standards for agencies with responsibilities for transporting children and adults with care and support needs in Oxfordshire, including addressing vetting, training, awareness raising and most importantly information sharing between agencies.

10. Protecting the Public

- 10.1 It is not the Licensing Authorities role to balance a driver's right to work against the public's right to protection. The Licensing Authority is duty bound to treat the safety of the public as its principle consideration. Having considered and applied the appropriate guidelines, the council shall determine each case on its own merits.
- 10.2 The character of the driver in its entirety is the central consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a 'fit and proper' person.

11. Licensing history

- 11.1 The Licensing Officer may take into account a person's licensing history whilst holding a licence, from this or any other Authority. The Licensing Officer may take into account, in deciding whether a person is a 'fit and proper' person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, any enforcement actions, their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

12. Safeguarding

- 12.1 The council acknowledge that all licensed drivers who transport children, young people and vulnerable adults play a very important role in safeguarding, and this is why mandatory training is required for all licensed drivers. **The key message is that safeguarding is everyone's responsibility.**
- 12.2 The Authority recognise the opportunities provided by Taxi and Private Hire drivers to spot the signs and alert the appropriate authorities to concerns about the safety of children and adults with care and support needs. Taxis and Private Hire vehicles regularly transport passengers who may be vulnerable, for example when the passenger is under the influence of alcohol or drugs or is travelling alone, hence the need to promote the highest safeguarding standards to protect both passengers and drivers
- 12.3 Vulnerable children and adults are those whose mental health, disability, age, illness or other reasons means that they may be unable to take care of themselves and/or unable to protect themselves against serious harm or potential exploitation. Some people may have more advanced needs than others and therefore are more likely to face abuse or be directly abused by others because they require assistance to speak, move themselves or understand others; these are some of the types of needs that make them vulnerable.
- 12.4 Drivers are expected to report all safeguarding concerns to the police if there is an immediate risk of harm to a child or vulnerable adult and / or the relevant social care providers. Drivers are also expected to inform the Private Hire Operator under whose licence they operate at the time and inform the Council's Licensing Authority.

GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

1. General Principles

- 1.1 Each case shall be considered on its own merits.
- 1.2 Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire Licence. However, they should remain free of conviction for an appropriate period of time, according to the circumstances, before the Licensing Authority will consider whether a licence should be granted or renewed. This places passenger safety as the priority while enabling those with past offences to be considered for a licence. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.
- 1.3 Cautions shall also be taken into consideration. They can give indication as to an applicant's (licensee) character and whether they are a 'fit and proper' person to hold or be granted a licence. A caution is given where there is sufficient evidence for a prosecution and guilt has been admitted.
- 1.4 Should a Court have found as a matter of fact that a person has committed an offence, the Licensing Authority will not take into consideration the applicant's assertion that they did not commit the offence. The applicant can, however, explain any mitigating circumstances that led to them committing the offence, which could be taken into account when determining whether the applicant is a 'fit and proper' person to hold a licence. Such cases may be referred to the Hackney Carriage and Private Hire General Licensing Sub-Committee for determination.
- 1.5 In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
- 1.6 Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation to hold a licence issued by the Authority.
- 1.7 A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before a valid application form was received in the Taxi Licensing Office.
- 1.8 Where an applicant has more than one conviction / caution showing a pattern or tendency irrespective of time since the convictions, serious consideration shall be given as to whether they are a 'fit and proper' person to hold a licence.
- 1.9 In relation to a single conviction / caution, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence may be granted. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed.

2. Assessment of previous convictions

2.1. Crimes resulting in death

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

2.2. Exploitation

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

2.3. Offences involving violence against the person

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

2.4. Possession of weapon

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

2.5. Sexual and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. The licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

2.6. Dishonesty

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

Failure to declare endorsement convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving is regarded as a serious matter, whether it is through the omission of such matters when submitting an application to the Authority, or by not informing the Authority within 48 hours of receipt of their issue.

Any person, who fails to declare on his or her application any such matters, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

2.7. Drugs

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

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

2.8. Discrimination

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

2.9. Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of transporting the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence. However, applicants with multiple motoring convictions indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

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

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four (24) months has elapsed following its restoration and a warning should be issued as to future conduct.

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

Any motoring conviction while a licensed driver demonstrates that the licensee does not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a 'fit and proper' person to retain a licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the Hackney Carriage or Private Hire licence shall be suspended or revoked. A period of twenty four (24) months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire General Licensing Sub-Committee for determination.

Drivers already licensed by the authority and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 48 hours of any new conviction.

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

6 or less penalty points: Where any current licence holder, has 6 or fewer points on their DVLA driving licence, the Licensing Officer will usually consider granting the licence with a written warning, as long as the licensee remains 'fit and proper' person. The number, type and frequency of an offence(s) will be taken into account when considering the level of warning.

7 or more penalty points: Where any current licence holder is convicted during the course of the licence of any single offence which results in a penalty of six or more points or acquires

seven or more penalty points should expect their licence to be suspended, refused or revoked taking into account the number, type and frequency of an offence(s). In exceptional circumstances the Licensing Officer may request an additional / new driving standards test at the expense of the Licence Holder.

“Totting Up” under S35 Road Traffic Offenders Act 1988: Where an applicant or current licence holder, has been disqualified under the “totting up” procedures, the Authority will normally consider refusal until there has been a **period of twelve (12) months** free of relevant convictions. If an applicant has agreed “exceptional hardship” and avoided disqualification, refusal shall still be considered and a **period of twelve (12) months** free of relevant convictions required.

2.10. Other motoring offences

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

A major traffic or vehicle-related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving whilst disqualified, fail to stop after an accident, driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed

2.11. Drink driving / driving under influence of drugs

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

2.12. Using hand-held telephone or hand-held device whilst driving

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

2.13. Hackney Carriage and Private Hire offences

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

2.14. Plying for Hire

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire without a licence; this could be by taking a passenger without a booking in a licensed Private Hire vehicle or a picking up a fare without a booking in a Hackney Carriage vehicle outside of its licenced district. It is illegal for Private Hire drivers to park or stop in a prominent positions for the intention of taking a passenger (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by a Private Hire Operator. The licence holder should expect further enforcement measures to be taken against them, including a full inspection of the vehicle and driver compliance against the conditions relating to both licences.

Licensing Officers may request from Private Hire Operator details of all bookings given to a driver, and further evidence if required that could assist with the Licensing Officer's investigation. If a Private Hire Operator is complicit in allowing the driver to book a journey for a member of public, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the Operator itself.

The Licensing Authority regularly carries out what are known as “Test Purchase” Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of seven (7) years should have elapsed before any application is considered.

2.15. Licensing History

Applicants who have had a licence revoked or an application refused by the council or any other local authority will not be licensed for a minimum of five (5) years after the date of the revocation or refusal.

3. Complaints Against Licence Holder

- 3.1. Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.
- 3.2. The Authority operates a robust system for recording and investigating complaints, as well as analysing trends across the trade and individual licensees. This helps the authority to build a fuller picture of the potential risk an individual may pose and could tip the 'balance of probabilities' assessment that the authority must take. All complaints submitted to the Authority are investigated and dealt with by Licensing Officers. The licence holder is invited to make representations in regards to the complaint made against him/her. Should the complaint be of a serious nature, the licence holder may be requested to attend an interview.
- 3.3. The Licensing Officer will consider the conduct of the licence holder and determine what action should be taken, if any, whilst taking into account written submissions, evidence submitted or gathered during the investigation and the circumstances surrounding the alleged incident. The Licensing Officer will also consider the history of all complaints made against the driver to assess any patterns of behaviour and if deemed appropriate request additional background checks to be carried out.
- 3.4. In assisting the process all licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed

4. Warnings Issued by Licensing Officers

- 4.1. The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the district. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.
- 4.2. Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence are dealt with, in the first instance, by way of Warnings. Unless the incident is of serious nature and must be escalated. It is this Authority's policy to provide advice and to educate the licensed trade in order to meet the licensing objectives as described in this Policy.
- 4.3. The levels of Warning issued by the Licensing Officers shall be proportionate to the incident that they deal with. However, should a licence holder be found to be continually failing to meet with the requirements of their licence, display a repetitious behaviour or be subject to a serious incident, the level of Warning shall be escalated.
- 4.4. A licence holder, who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect the consequences to be much more severe. If deemed necessary the matter will be referred to the Head of Regulatory Services and Community Safety or the Hackney Carriage and Private Hire Licensing Sub-Committee or possibly lead to the suspension or revocation of the licence.
- 4.5. Any licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written submission (licensing@oxford.gov.uk), to the Licensing Team Leader (or higher management) within **21 days of the Warning being issued**.

NATIONAL REGISTER OF REFUSALS, REVOCATIONS AND SUSPENSIONS (NR3S)

From 27th April 2023 the Licensing Authority shall be required under the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 to implement and use the National Register of Revocations, Refusals and Suspensions (NR3S) for Taxis and Private Hire, provided by the National Anti-Fraud Network (NAFN).

All applications (new and renewal of Hackney Carriage and/or Private Hire Drivers Licence) will be checked on the NR3S register, any applicants on the database will result in a data request sent to the notifying Authority as per the register. Resulting information from the notifying Authority may be used to determine the "Fit and Proper" status of the applicant as per the Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

Below you will find important information in relation to the register and how will the implementation affect you as a licence holder/applicant.

What is the National Register of Taxi Licence Refusals, Revocations, and Suspensions?

The National Register of Taxi Licence Refusals, Revocations, and Suspensions Register (or the NR3S Register, for short) is a register of information about times when a licensing authority has refused, suspended, chosen not to renew, or revoked a taxi or PHV driver's licence, based wholly or in part on information about the driver regarding safeguarding or road safety.

Who runs the Register?

The Register is run by the National Anti-Fraud Network Data and Intelligence Services ("NAFN"). NAFN is a not for profit, unincorporated body formed by its members to provide services which support their work in the protection of the public interest. NAFN staff are employees of Tameside Metropolitan Borough Council ("Tameside").

What is the legal basis for the Register?

The legal basis for the Register is the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. Section 4 of the 2022 Act provides for the existence of the Register and gives the Secretary of State power to designate a person to run it. NAFN has been designated under this section.

Who actually runs the Register?

The work of running and maintaining the Register is carried out by Tameside, which works closely with NAFN.

Did the Register exist before the 2022 Act?

Yes. The Register was set up on a voluntary basis in 2018, and was run by NAFN and Tameside on behalf of licensing authorities. The 2022 Act puts the Register on a statutory footing.

The Register was originally known as the National Register of Taxi Licence Revocations and Refusals (or the NR3 Register). It has been enhanced to meet the requirements of the 2022 Act, and rebranded as the National Register of Taxi Licence Refusals, Revocations, and Suspensions (or the NR3S Register).

Which authorities can use the Register?

The 2022 Act says that the following can search the database, make entries in it, and amend, remove and reinstate entries that they have made:

- Licensing authorities;
- Relevant authorities;
- The Department for Infrastructure in Northern Ireland.

"Licensing authorities" means public authorities in England which have licensing functions under any of the following:

- sections 37 to 68 of the Town Police Clauses Act 1847
- the Metropolitan Public Carriage Act 1869;
- the Plymouth City Council Act 1975;
- Part 2 of the Local Government (Miscellaneous Provisions) Act 1976;
- section 13 of the Private Hire Vehicles (London) Act 1998.

"Relevant authorities" means:

- a district council in Wales;
- a licensing authority within the meaning of section 2 of the Civic Government (Scotland) Act 1982.

Who adds information to the Register?

Information is added by the authorities listed above.

When a licensing authority decides to do any of the following, based on certain specified information about safeguarding or road safety:

- to refuse a person's application for a driver's licence;
 - to refuse a person's application for the renewal of a driver's licence;
 - to suspend a person's driver's licence;
 - to revoke a person's driver's licence.
- then it must add information to the Register about its decision.

What information does the licensing authority have to add to the Register?

The licensing authority must add the following information about the person whose licence it has refused, suspended or revoked:

- (a) the person's full name, date of birth, home address and national insurance number;
- (b) if the person holds a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988, the driver number shown on the licence;
- (c) if the person holds a Northern Ireland driving licence, the driver number shown on the licence;
- (d) if the person holds a Community licence, the number of the licence;

- (e) the name of the licensing authority and details of how further information about the decision can be obtained from the authority;
- (f) the date on which the decision was made and (if different) the date on which it takes effect;
- (g) the date on which any subsequent change to the decision was made and (if different) the date on which it takes effect;
- (h) if the decision is to suspend the person's driver's licence for a period, the date on which the suspension is to end;
- (i) any other information that the Secretary of State prescribes by regulations.

Who has to check the Register?

Before making a decision on a person's application for a taxi or PHV licence (or for renewal of such a licence), a licensing authority must check the Register for entries about that person. If there is an entry:

- the licensing authority must write to the authority that made the entry, asking for the relevant information on which the recording authority based its decision about the person; and
- the authority that made the entry must provide it with that information.

Will I automatically be refused a taxi or private hire vehicle licence if there is information about me on the Register?

No. Licensing authorities are legally required to consider each taxi and PHV driver licence application on its own merits, and cannot refuse an application simply because an applicant is recorded on the NR3S Register.

The purpose of the Register is to ensure that authorities have the full information necessary to help them reach a decision on whether an individual is 'fit and proper' to have a licence. For instance, if circumstances have materially changed since the decision that has been recorded on the Register, it may be appropriate for another authority to award the same individual a licence.

Can the information on the Register be used for any purposes other than those referred to above?

The 2022 Act says that the person running the Register must make sure that the information in the Register is disclosed only for:

- the safeguarding of passengers; and
- road safety.

Can members of the public consult the Register?

No. This is because of what the 2022 Act says about the purposes for which the information in the Register can be disclosed.

Do licensing authorities share information with each other directly as well as via the Register?

Yes. The 2022 Act deals with a situation where an English licensing authority becomes aware of certain specified information about safeguarding or road safety, regarding a taxi or PHV driver who has driven in its area relying on a licence granted by another authority.

In some circumstances, the authority that becomes aware of that information must share it with the authority that granted the licence.

The latter authority must then consider whether to suspend or revoke the driver's taxi or PVH licence.

How do I find out if information about me is held on the Register?

Under the data protection legislation, you can make a "subject access request" to NAFN or to any authority that you think may have put information about you on the Register, asking to see the information about you that is held on the Register.

How long is information kept on the Register?

The 2022 Act says that an entry on the Register should be kept for 11 years from the time when it was first made.

Is the Register governed by data protection law?

Yes. The relevant law is set out in the UK General Data Protection Regulation ("UK GDPR") and the Data Protection Act 2018 ("DPA 2018"). These apply in relation to the personal data that is held on the Register. UK GDPR and DPA 2018 impose obligations on:

- NAFN;
- The authorities that provide information to the Register, and consult it; and
- Tameside.

NAFN and the authorities are "joint controllers" of the information contained in entries on the Register. Authorities that consult the Register are "controllers" in relation to their access to and use of the data they consult. Tameside is a "processor", operating the Register so that the authorities can add information to it and consult it.

Can I find out more about how licensing authorities comply with data protection legislation as regards the Register?

Yes. Under the UK GDPR, controllers of personal data must provide certain specified information about how they process this information. This is often referred to as a "privacy notice". You should be able to see the relevant privacy notice on the website of each licensing authority.

Can I find out more about how NAFN complies with data protection legislation as regards the Register?

Yes. NAFN's privacy notice for the Register is www.nafn.gov.uk/report/privacy/.