

LICENSING AUTHORITY

www.oxford.gov.uk



APPLICATION PACK FOR:
**PRIVATE HIRE
OPERATOR
LICENCE**



VERSION: **APRIL 2023**

OXFORD CITY COUNCIL

PRIVATE HIRE OPERATOR LICENCE APPLICATION PACK

CONTAINED WITHIN THIS APPLICATION PACK YOU WILL FIND:

CONTENT	PAGE
INTRODUCTION	1
OXFORD CITY COUNCIL LICENSING TEAM DETAILS	1
FEES AND CHARGES	2
CRITERIA APPLICABLE FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE	2
PROCEDURE FOR A GRANT OF A NEW PRIVATE HIRE OPERATOR LICENCE	3
PROCEDURE FOR THE RENEWAL OF A PRIVATE HIRE OPERATOR LICENCE	3
PROCEDURE TO AMEND AN EXISTING PRIVATE HIRE OPERATOR LICENCE	3
CONDITIONS ATTACHED TO A PRIVATE HIRE OPERATOR LICENCE	4
AUDIO & VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES	5
EXEMPTION FROM DISPLAYING PLATES & STICKERS	6
PROCEDURE TO OBTAIN AN EXEMPTION NOTICE	6
CONDITIONS APPLICABLE TO THE GRANT OF AN EXEMPTION NOTICE	6
CONDITIONS ATTACHED TO AN EXEMPTION NOTICE	6
ENFORCEMENT PROCEDURES	7
OFFENCES	7
SAFEGUARDING: HUMAN TRAFFICKING: EXPLOITATION OF VULNERABLE PERSONS	8
TRANSPORTING DISABLED PASSENGERS	9
HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS	9
EQUALITY ACT 2010	10
PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.	11
POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS	13
GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS	17
TABLE OF REHABILITATION OF OFFENDERS ACT	20

INTRODUCTION

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

The Council licences 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

Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain a licence must be made by a **pre-booked appointment only** with the Licensing Officer. The renewal of a Private Hire Operators licence may be done by post.

Licence

Licences are issued for a maximum duration of 5 years. In all cases the licence will only be granted subject to the Licensing Authority being satisfied that the applicant is "fit and proper" to be issued with the 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. Licence renewals will not be granted until all of the relevant checks have been completed. To avoid delay, applicants are advised to submit an application 1 - 2 months before the expiry of their current licence.

Suitability

The Council reserves the right to require any applicant or existing licence holder to provide additional information if the Licensing Officer has reason to believe that circumstances 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 Private Hire Operators 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. That any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately. 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.

Having previous convictions for either criminal or motoring offences will not necessarily bar you from obtaining a licence, it will depend upon what the offences are, and how long ago they occurred. You should note that it is an offence to not declare such matters on your application to the Council.

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.

Nothing in this document shall be interpreted as overriding the provisions of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made thereunder.

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

CONTACT DETAILS:

OXFORD CITY COUNCIL – GENERAL LICENSING TEAM

Oxford City Council, St. Aldate's Chambers, 109 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

OXFORD DIRECT SERVICES MOTOR TRANSPORT SECTION

Oxford Direct Services, Marsh Road, Cowley, Oxford, OX4 2HH. Tel / Fax: 01865 252944

FEES AND CHARGES

Fees once paid will on no account be refunded, and fees may also be amended from time to time to meet the reasonable cost of issue and administration.

FEES & CHARGES PAID TO OXFORD CITY COUNCIL: LICENSING TEAM		
PRIVATE HIRE OPERATOR LICENCE FEES		
	5 YEARS	1 YEAR*
PRIVATE HIRE OPERATOR LICENCE (3 vehicles or fewer)	£2570.00	£514.00*
PRIVATE HIRE OPERATOR LICENCE (4 vehicles or more)	£5140.00	£1028.00*
ADDITIONAL PRIVATE HIRE OPERATOR CHARGES		
KNOWLEDGE & SAFEGUARDING COURSE / RE-SIT (NEW APPLICANTS ONLY)	£78.00	
SAFEGUARDING AND DISABILITY AWARENESS COURSE (NEW APPLICANTS ONLY)	£55.00	
BASIC DISCLOSURE & BARRING SERVICES (DBS) REPORT	£26.00	
AMENDMENT TO EXISTING LICENCE	£105.00	
DUPLICATE PAPER LICENCE	£6.00	
RETURNED CHEQUE FEE	£32.00	

CRITERIA APPLICABLE FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE

The following are the Council's criteria when considering applications for a Private Hire Operators Licence.

- The applicant shall provide evidence that he / she / the partnership / the company is, of good character.**
- The applicant shall provide evidence that he / she / the partnership / the company is capable of running the business to the required standard.**
- The applicant shall provide evidence that he / she / the partnership / the company is, capable of keeping records to the required standard.**
- The applicant shall provide evidence that he / she / the partnership / the company is, capable of supervising drivers and proprietors, and has a full understanding of the criteria, conditions and regulations relating to such licences.**
- The applicant shall provide evidence that he / she / the partnership / the company has a good local knowledge.**
- The applicant shall provide evidence that he / she / the partnership / the company has an awareness of the needs of disabled passengers and of safeguarding children and vulnerable persons.**

In order to meet the criteria 1 - 4, the applicant would need to provide full details of previous convictions by obtaining a Basic Disclosure & Barring Services (DBS) Report (if not already a licensed driver with this Authority) which can be obtained by the applicant online at www.disclosurescotland.co.uk, full details of previous employment and / or business activities, character references and be interviewed by a Licensing Officer. In order to meet criteria 3 – 6 the applicant would need to pass a Knowledge & Safeguarding Test and attend a Disability Awareness Course – both provided by the Licensing Authority.

The following are considered relevant for carrying out an assessment of whether or not the facilities to be provided by a Private Hire Operator are adequate to meet the Council's standards:

- Planning permission for the premises to be used as a Private Hire Operator business*
- Adequate parking facilities for the number of vehicles to be maintained at the premises
- Adequate telephone facilities
- Suitable customer waiting area
- Adequate facilities to record and carry out all necessary matters relating to the business of being a Private Hire Operator

In order to meet considerations (a) and (c) above, the Operator would need to provide the necessary documents as evidence. In order to meet considerations (b), (d) and (e) above, the premises will require an inspection by the Licensing Officer.

**Please be informed that should an application for an Operator licence be issued on a dwelling-house address and the use of the license introduce a material change to the dwelling-house you will need planning permission. Material changes may include, for example, additional taxi related vehicle trips to or from the property, increased parking at the property or nearby, the erection of a taxi-mast, development of garaging or hard standing areas for taxi-related business use. You are advised to contact planning@oxford.gov.uk for further information.*

SAFEGUARDING AND DISABILITY AWARENESS TRAINING

New applicants are requested to attend a "Safeguarding and Disability Awareness" training held by the Oxfordshire County Council. The cost of this course is £50.00. This course must be attended prior to any licence being granted. 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 date you would like to attend and follow the booking instructions.

LOCAL KNOWLEDGE & SAFEGUARDING TEST

New applicants must also undertake a Local Knowledge & Safeguarding Test. The test is devised so that an applicant can prove that they have sufficient knowledge of the City of Oxford, the conditions attached to the licenses of Operators, Drivers, Proprietors local traffic regulations, and display an awareness of the issues relating to the safeguarding of children and vulnerable persons.

The test contains three sections:-

A. Identifications of building locations	5 questions
B. Rules, Regulations and Safeguarding	20 questions
C. Correct routes	5 questions
TOTAL	30 questions

A minimum of 24 correctly answered questions is required to pass the test. The test last for 30 minutes and is of a multiple choice answer format. 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. To assist you a list of all rules and regulations, a summary of other law applicable to Hackney Carriage and Private Hire, and the issues relating to safeguarding can be found within this Application Pack and on the Council website. Details as to the roads and landmarks that may be included in the Private Hire Operator Knowledge Test & Safeguarding, and a more detailed description of the issues relating to safeguarding can be found on the Council's website at:

www.oxford.gov.uk/taxilicensing.

GRANT OF LICENCE TO NEW APPLICANT

Upon receipt of satisfactory Basic Disclosure & Barring Services Report, Planning Permission and inspection of the proposed business premises, 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 (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 above checks, you may be refused a licence.

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

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.

PROCEDURE FOR THE GRANT OF A NEW PRIVATE HIRE OPERATOR LICENCE

This procedure relates to a person or persons who have never before held a Private Hire Operators Licence, or who have held such a licence longer than 12 months ago.

1. You will need to book an appointment with the Licensing Team at our St. Aldate's Chambers offices (Tel. 01865 252115).
2. You must then attend this appointment, and 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 Business Partner Form** (if applicable)
 - **The Completed HMRC Tax check code form** (for each Business Partner)
 - **The Completed Right to Work share code form** (if applicable) (for each Business Partner)
 - **The Safeguarding and Disability Awareness Training Certificate** - Oxfordshire County Council
 - **Basic Disclosure & Barring Services Certificate** (must have been obtained no earlier than 28 days prior to your appointment with the Licensing Officer)
 - **Evidence of the Right to Work in the UK (unrestricted)** (usually passport or visa)
 - **Proof of the planning permission for the use of your premises as a Private Hire Operator**
 - **Local Knowledge and Safeguarding Test Certificate** (if completed before the appointment)
 - **Payment for the full application fees 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 & Safeguarding Test (unless you have completed the test prior to the appointment). You will be given confirmation of the time and date for the Test at your appointment. Should you not pass the Knowledge & Safeguarding Test, you are able to apply to retake the test.
4. Upon the passing of the Local Knowledge & Safeguarding Test, and any other requirements that the Licensing Officer may have relating to you fulfilling the Criteria for Private Hire Operators your licence will be granted for a maximum period of five or one year.

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.

5. If you are granted a Private Hire Operator Licence, it will be posted by First Class post to your home address.

PROCEDURE FOR THE RENEWAL OF A PRIVATE HIRE OPERATOR LICENCE

This procedure applies where the application is for the renewal of an existing Operators Licence, or from a person who within the last 12 months previously held an Operator's Licence.

1. You will be sent a "**Reminder Letter**" approximately 2 months before the expiry of your current Operators licence, by the Licensing Team. The letter will include the Private Hire Operator application pack.
2. You need to submit the following (attend the Council offices or via post):
 - **The completed Application Form**
 - **The completed Business Partner Form** (if applicable)
 - **The Completed HMRC Tax check code form** (for each Business Partner)
 - **The Completed Right to Work share code form** (if applicable) (for each Business Partner)
 - **Evidence of the Right to Work in the UK (unrestricted)** (usually passport or visa) (for each Business Partner)
 - **Payment for the full application fees credit/debit card (no cash)**
 - **Basic Disclosure & Barring Services Certificate** (obtained no earlier than 28 days before submitting), if you are not a licensed driver with this Authority
3. If you are granted a Private Hire Operator licence, your licence will be posted by First Class post to your business address.

PROCEDURE TO AMEND AN EXISTING PRIVATE HIRE OPERATOR LICENCE

This procedure applies should you need to amend any details or records relevant to an existing Private Hire Operator Licence.

1. You need to submit the application form request, provide the relevant documents and make the relevant payment to the Licensing Team. Officer will then process your application and amend the existing Private Hire Operator records accordingly. Should the Officer not be able to process your application for any reason, they will inform you as to why and what further requirements you must undertake. The Operator shall understand that Private Hire Operator licence is not transferable.
2. Upon consideration and approval of your request, your amended licence will be sent to you by first class post.

CONDITIONS ATTACHED TO A PRIVATE HIRE OPERATOR LICENCE

In these conditions "the Council" means the Oxford City Council. "Operator means the holder of a Private Hire Operator's Licence issued 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.

1. The Operator shall record in a suitable book, or by use of a suitable computer programme, the particulars of all vehicles operated by the Operator, including details of the owners, registration and drivers of the vehicles.
2. The Operator shall, before a hiring starts, record in a suitable book, the pages of which are numbered consecutively, or by use of a suitable computer programme the following particulars:
 - a. the date and time of the booking;
 - b. the name and address of the hirer;
 - c. the manner in which the booking was made (i.e. whether by telephone or in person or by internet);
 - d. the time and place at which it is intended that the passenger shall be collected;
 - e. the destination;
 - f. the time at which the driver was allocated the booking;
 - g. the registration number of the vehicle allocated to the booking;
 - h. the details of any sub-contract.
3. The Operator shall keep the records referred to in the above conditions and make available for inspection on request by an authorised Officer of the Council or a Police Officer for a period of not less than 12 months. If the records are maintained by the use of a computer, the operator shall ensure that a print-out of any record kept can be provided at any time the business is in operation, on request by an authorised officer of the Council or a police officer for a period of not less than 12 months.
4. The Operator shall not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.
5. The Operator shall notify the Council:
 - a) immediately of any change in the Operator's business address, in the vehicles operated by the Operator or in the drivers employed to drive them;
6. The Operator shall not provide any of the following to be displayed within the Council's district:
 - a) any sign, notice or advertisement on the roof of any vehicle licensed by Oxford City Council;
 - b) any sign, notice or advertisement which is illuminated in or on any vehicle licensed by Oxford City Council;
 - c) any sign or signage affixed either inside or outside of a Private Hire Vehicle for public display whatsoever that includes the words, "tax", "taxi", "Cab", "taxi-cab" or "for hire" whether or not as part of another word.
7. The Operator shall hold a copy of the driver's Private Hire Driver's Licence (to be provided by the driver) during the period that he utilises such driver.
8. The Operator shall ensure that every driver employed to drive the vehicles operated by the Operator holds a licence and is acquainted with, understands and observes the conditions attached to that licence.
9. The Operators shall not take any bookings requested directly by the driver of the Private Hire vehicle.
10. The Operator shall hold a copy of the proprietor's Private Hire Vehicle Licence (to be provided by the proprietor) during the period that he utilises such vehicle.
11. The Operator shall ensure that every proprietor of a Private Hire vehicle operating under his / her Operator's licence is acquainted with, understands and observes the conditions attached to a Private Hire vehicle licence.
12. The Operator shall provide, and ensure that any vehicle in his employ that is fitted with a taxi-meter carries and displays upon request a list of the tariffs charged by the Operator.
13. The Operator shall, when accepting a booking for a vehicle to attend at an appointed time and place, ensure that unless delayed or prevented by some sufficient cause, a suitable vehicle attends at that time and place.
14. The Operator shall maintain an adequate supply of door livery stickers, and provide such livery upon request to the owner of a licensed Private Hire Vehicle in his or her employ.
15. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.
16. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent Private Hire Drivers in his or her employ from parking in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near taxi ranks) and being in attendance of the vehicle without a prior booking for that location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.
17. The Operator shall within 7 days of any request made by any Authorised Officer, make available any records or other information that would reasonably assist with an investigation. Any failure to comply with the reasonable request of the Licensing Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.
18. The Operator shall within 7 days of receipt, notify the Council in writing of any complaints concerning the cleanliness or condition of a vehicle, or of a complaint against a driver, in the employ of the Operator.
19. The Operator shall understand that Private Hire Operator licence is not transferable.
20. The Operator shall keep a copy of the Private Hire Operator Application Pack at his or her place of business.

AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice. Oxford City Council has no mandatory scheme in relation to such equipment. If you do fit such a system to your vehicle, please notify the Licensing Authority (either in writing or by email to licensing@oxford.gov.uk) in order that we can update our records. The information provided below is simply to assist you should you consider fitting any system to your vehicle.

Should you wish to fit such equipment, you should ensure that any system fitted to your vehicle complies with the Information Commissioners Office "CCTV Code of Practice", which states that:

CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way. There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:

- **Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.**
- **Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.**
- **Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite.**
- **Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.**

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

Transport for London have adopted the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles, and we recommend that should you wish to fit such a system with audio recording enabled, that you follow the Transport for London model which states that:

- **Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.**
- **The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.**

NOTIFICATION TO THE INFORMATION COMMISSIONER'S OFFICE

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a TPH licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the TPH at any time during the term of the TPH vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

USING A THIRD PARTY SERVICE PROVIDER (DATA PROCESSOR)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

SIGNAGE FOR INTERNAL AUDIO AND VISUAL RECORDING EQUIPMENT

All Taxis and Private Hire Vehicles fitted with Audio and Visual Recording Equipment must display signage informing passengers that the vehicle is equipped with such a system. The driver may also wish to verbally bring to the attention of the passengers that such equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out. **The name and the contact telephone number of the Data Controller must be included on the sign.**

SIGNAGE FOR EXTERNAL FACING AUDIO AND VISUAL RECORDING SYSTEMS

Where a system is installed in order to record incidents *outside* the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

EXEMPTION FROM DISPLAYING PLATES & STICKERS: PRIVATE HIRE VEHICLES

Some customers prefer to be driven in executive vehicles that are low profile and represent their organisation - especially when meeting a client. Many chauffeur companies and some Private Hire Operators employ section 75(3) of the Act. Using this section of the law, allows for specific vehicles to be granted dispensation from displaying their Private Hire plate and door stickers. Vehicles issued with this "Exemption Notice" are not required to meet with the Authority's requirement for an Audio and Visual Recording Equipment system to be fitted.

Criteria: The work undertaken must not be conventional Private Hire work but regarded as specific 'chauffeur-driven' work, and that the vehicle to be used for such work is an "executive and prestigious" type vehicle of a higher standard than that of a 'normal' vehicle used for private hire work. This must be proved through the procedures detailed below.

Renewal of Exemption: Such an exemption must be reapplied for at the time of each vehicle licence renewal application. This exemption does not include school contracts or similar work for which a fully signed vehicle must be used.

Internal Plates: Exempt vehicles will be required to display two Oxford City Council vehicle internal plates showing that the vehicle is a licensed Private Hire Vehicle. Each internal plate must be displayed within its holder, one to be displayed at the top of the windscreen on the nearside and the second at the top of the rear window on the offside.

Revocation of Exemption: Exempt vehicles that undertake standard private hire work without an invoiced contract in place may have their Exempt status withdrawn.

PROCEDURE TO OBTAIN EXEMPTION FROM DISPLAYING PLATES & STICKERS

The procedure below relates to the application for Private Hire Vehicle licence holders seeking to be granted exemption from displaying door stickers and licence plates, or the renewal of the exemption:

1. You will need to submit to the Licensing Team the following:
 - **A LETTER FROM THE VEHICLE PROPRIETOR DETAILING THE FOLLOWING INFORMATION:**
 - **THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL**
 - **MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE**
 - **THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF CONTRACTED ACCOUNT WITH THE BUSINESS USER**
 - **THE NAME OF THE PRIVATE HIRE OPERATOR THROUGH WHOM BOOKINGS ARE PROVIDED**
 - **PAYMENT OF THE FEE**
2. The Private Hire Operator who holds the written contracts for the work that the vehicle seeking the exemption notice, needs to also submit to the Licensing Team the following:
 - **A LETTER ON COMPANY HEADED PAPER CONFIRMING THE FOLLOWING INFORMATION:**
 - **THE NAME OF THE VEHICLE LICENCE HOLDER**
 - **THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL**
 - **MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE**
 - **THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF CONTRACTED ACCOUNT WITH THE BUSINESS USER**
3. The decision to grant or refuse an exemption for the display of an identification plate and door stickers will be delegated to the Licensing Team Leader.
4. If granted, 2 internal plates and an Exemption Notice will be sent to the proprietor granting the exemption request, detailing the proprietor and vehicle to which the exemption is granted, and the conditions attached to the exemption. This letter must be kept in the vehicle at all times, and produced at the request of an Authorised Officer.

CONDITIONS APPLICABLE TO THE GRANT OF AN EXEMPTION NOTICE

1. The vehicle shall not undertake standard private hire bookings.
2. All bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
3. The vehicle shall be of an "executive and prestigious" type of a higher standard than that of a 'normal' vehicle used for private hire work.

CONDITIONS ATTACHED TO AN EXEMPTION NOTICE

1. A copy of the Exemption Notice is kept in the vehicle at all times
2. The standard licence plate once issued is to be kept inside the vehicle and must be produced on demand to an Authorised Officer.
3. The vehicle is not used on conventional private hire work but is operated only on 'chauffeur-driven' work
4. There is no change as to who the proprietor of the vehicle is.
5. The vehicle is only operated through the Private Hire Operator named at the time of application.
6. The vehicle must display internal plates issued by the Licensing Authority that indicates to an Authorised Officer that the vehicle is indeed a licensed vehicle.
7. Exempt vehicles shall not display any Operators details in the vehicle.
8. The display of 'No Smoking' stickers inside the vehicle is still a condition of any exemption granted.

ENFORCEMENT PROCEDURES

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head Regulatory Services and Community Safety, the General Purposes Licensing Casework 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 our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers 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 of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any 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 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 Community Services**
- **the referral of the matter to the General Purposes Licensing Casework Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

You will find details of the Warnings and further actions that the Licensing Authority may take contained within the section relating to Warnings, Offences, Cautions and Convictions that starts on page 20 of this Application Pack.

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 license 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. In the case of a London type cab this position will be facing the rear of the vehicle. **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 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 Carriages 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. **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 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 must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must **never** travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- 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.
- 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.

EQUALITY ACT 2010

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

There are some changes in the law which will come into effect in October 2010 which might affect you. The Equality Act 2010 includes provisions relating specifically to Hackney Carriages and Private Hire vehicles and disability. The Government brought into force several provisions of the Act in October 2010. Further provisions will come into force later – but not before April 2011.

The information below provides details of the provisions that came in to force in October 2010 in relation to Hackney Carriages and Private Hire vehicles, and what the implications will be for Hackney Carriage and Private Hire vehicle drivers; and details of the further measures that are due to be implemented at a future date yet to be determined.

DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS

The Equality Act is due to place duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs. A further announcement will be made on when the duties will come into force, but it will not be before April 2011.

The duties will 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 and therefore the following duties will apply to you. Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance. The opportunity to apply for exemptions started on 1 October 2010.

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. This section will be commenced at a later date (not before April 2011).

When section 167 comes into force, and the lists of designated vehicles have a statutory effect, it will be possible for the owner of a vehicle to appeal against a licensing authority's decision to include his or her vehicle on the list. This appeal will also go to the magistrates' court.

WHAT ARE THE DUTIES PLACED ON HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS?

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.**

WHAT DOES MOBILITY ASSISTANCE MEAN?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT 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 those duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

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 Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

GUIDE DOGS

The other thing that will happen on the 1st of October 2010 is that the duties 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. In practice, the duties will remain exactly the same as they are now. 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.

I HAVE AN EXEMPTION CERTIFICATE 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 HAVE A SPECIAL NOTICE IN MY HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE WHICH SAYS THAT I AM EXEMPT FROM CARRYING GUIDE DOGS AND MENTIONS THE DISABILITY DISCRIMINATION ACT 1995 SO WILL I NEED TO GET A NEW ONE?

No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.

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.

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

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

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

Introduction

Hackney Carriage and Private Hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal hours" of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people 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 employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council's powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- **Safety and health of drivers and the public;**
- **The promotion of a professional and respected Hackney Carriage and Private Hire trade;**
- **To prevent crime and disorder and to protect consumers;**
- **Improve the local environment, economy and quality of life; and**
- **To promote the aims and vision of Oxford City Council and its Partners.**

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 licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status

In exercising its discretion in 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 and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver's, operator's and proprietor's licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective 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.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the of Head Regulatory Services and Community Safety, the General Purposes Licensing Casework 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 our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers 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 of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a tiered and cumulative "Warning" system. Any 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 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 Community Services**
- **the referral of the matter to the General Purposes Licensing Casework Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

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 the commission of 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.

Hackney Carriages: A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public Hire.

General Purposes Licensing Casework 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 Community Services is unable to determine whether such a person meets the Authority's definition of a "fit and proper" person.

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

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

Private Hire Vehicles: A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a 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 the Private Hire Operator).

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

Operator: This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

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.

Advisory Warning: Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, 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 more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

First Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, 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, possibly leading to the suspension of the licence

Second Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted 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 consequences could be much more severe, possibly leading to the suspension of the licence.

Final Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted 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 / revocation of his/her licence.

Councillor Warning: A Decision issued by the General Purposes Licensing Casework Sub-Committee (likely to also include additional conditions being imposed on a licence) advising that although an offence, caution or conviction, and / or accumulation of Warnings issued by the Licensing Officers was not serious enough to have warranted 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 / revocation of his/her licence.

Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver.

In order to assess an individual's suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Disclosure & Barring Service Report and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver's licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered "fit and proper" to hold a licence issued by the Authority.

Suitability

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.**

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the General Purposes Licensing Casework Sub-Committee to determine. It is therefore advisable 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.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:

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

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

Offences, Cautions and Convictions

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc.) that may affect a person's suitability to hold a Hackney Carriage/Private Hire driver's licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters. The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken into consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti-social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court or the Police have found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination. **In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.**

A "Fit and Proper Person"

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine each case on its own merits.

History

The Licensing Officer may take into account a person's 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, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance

In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.

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

GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.
3. 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.
4. Cautions will be taken in to consideration for a period of five years.
5. 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 the application form was received in the Taxi Licensing Office.
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 of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers 'death by careless driving' or 'death by dangerous driving' to be a very serious and you should therefore refer to the **Major Traffic Offences** section. For information on alcohol and drug related offences see **Drunkenness & Drugs** sections.

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 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 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 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 General Purposes Licensing Casework Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

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

5 or less penalty points: For 5 or fewer points on an applicant's driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

"Totting Up" under S35 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the "totting up" procedures, the Licensing Officers will normally consider refusal until there has been a **period of 12 months** free of relevant convictions. If an applicant has agreed "exceptional hardship" and avoided disqualification, refusal will still be considered and a **period of 12 months** free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at **least 3 years** after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.

Major traffic offences

E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a **period of 12 months** free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a **period of 2 years** free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider 'death by careless driving' or 'death by dangerous driving' to be a very serious offence. If the applicant has been convicted of such an offence a **period of 3 years** free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the General Purposes Licensing Casework Sub-Committee.

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 whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (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 the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer's case. If a Private Hire Operator is complicit in allowing the driver to book a journey, 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 company 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 General Purposes Licensing Casework Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Drunkness (With Motor Vehicle)

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants' fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkness (Not in Motor Vehicle)

An isolated conviction for drunkness need not debar an applicant from gaining a licence. However, more than one conviction for drunkness could indicate a medical problem necessitating critical examination.

Drugs

A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail

Hackney Carriage and Private Hire drivers are expected to adhere to this Policy's definition of a "fit and proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Community Services. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Community Services. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the General Purposes Licensing Casework Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender's Register.

Violence

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty

Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the General Purposes Licensing Casework Sub-Committee, to determine their suitability to hold a licence.

Complaints Against Drivers

Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer's discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued By The Licensing Officers

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 City. 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.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority's policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head Regulatory Services and Community Safety, the General Purposes Licensing Casework Sub-Committee, or the Law and Governance department.

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 to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Community Services.

Any applicant or 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 complaint, to the Licensing Team Leader within **21 days of the Warning being issued.**

Conclusion

Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority's policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer's assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates' Court within **21 days of the notice of decision.**

APPENDICES

Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note that it is from **the date of conviction** that the time commences for the Rehabilitation of Offenders Act.

The table below shows the Rehabilitation Periods as determined by the age of the individual and how they were dealt with at the time of conviction or disposal

Sentence /disposal	Rehabilitation period if aged 18 or over when convicted / disposal administered	Rehabilitation period if aged under 18 when convicted / disposal administered
A custodial sentence of over 48 months	Never spent	
A custodial sentence of over 30 months but not exceeding 48 months	7 years from the date on which the sentence (including any licence period) is completed	42 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of over 6 months but not exceeding 30 months	48 months from the date on which the sentence (including any licence period) is completed	24 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of up to 6 months	24 months from the date on which the sentence (including any licence period) is completed	18 months from the date on which the sentence (including any licence period) is completed
Fine	12 months from the date of the conviction in respect of which the fine was imposed	6 months from the date of the conviction in respect of which the fine was imposed
Community order	12 months from the last day on which the order has effect	6 months from the last day on which the order has effect
Simple, caution, youth caution	Spent immediately	
Compensation order	On discharge of the order (i.e. when it is paid in full)	

The period of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. **The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.**

