



Handbook for hackney carriage/private hire drivers, school contract drivers proprietors and operators

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Introduction

The West Oxfordshire District Council (WODC) licenses the following:

1. Hackney Carriage (taxi) vehicles and drivers
2. Private Hire vehicles and drivers
3. Private Hire Operators

This handbook has been produced to provide drivers, Proprietors and Operators working in the Hackney and Private Hire industry with information relating to WODC policy, the law and the application process to become a Hackney, Private Hire driver or Operator.

The Council exercises control over Hackney Carriage and Private Hire operations in accordance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; the Town Police Clauses Act 1847; the Health Act 2006; the Road Safety Act 2006 and the Smoke-free (Exemptions and Vehicles) Regulations 2007.

Failure to comply with relevant legislative requirements will be regarded as a breach of the conditions of any licence granted.

The Licensing Officers are based at:

West Oxfordshire District Council
Environmental and Regulatory Services
Woodgreen
Witney
Oxon
OX28 1NB
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Immigration Act 2016

From the 1st December 2016, Hackney Carriage drivers; Private Hire drivers and Private Hire operators must provide evidence that they have the right to work within the UK. This check is only needed once and, if you have the right to work, won't be required for future renewals. If you have a period of 'leave' we will need to check each time the licence is renewed. We will keep copies of the documents on file for audit purposes and for potential information sharing with the Home Office. Licences or renewals cannot be granted without this check taking place.

The following link gives a list of ID documents which can be used for the Right to Work check:

<http://www.westoxon.gov.uk/media/1519736/Lists-of-acceptable-documents-for-right-to-a-licence-checks.pdf>

Those with a permanent right to work within the UK are required to bring in ID from List A. Those who have a period of 'leave' must bring in ID from List B (Group 1 or Group 2 depending on which applies to them).

Hackney carriage or private hire driver application

I. Initial Application

An initial application for a drivers licence must be completed in the following order and accompanied by the following documents:

- i) **Knowledge Test** - For Hackney Carriage applicants the knowledge test contains four sections. The test comprises of 40 questions. The pass mark is set at 32 out of 40 (80%) for the Hackney Carriage test with the applicant required to obtain at least 8 marks (80%) in the Highway Code section and the test takes no more than one hour thirty minutes to complete.

For Private Hire/School Contract applicants the knowledge test contains three sections. The test comprises of 30 questions. The pass mark is set at 24 out of 30 (80%) for the Private Hire/school contract test with the applicant required to obtain at least 8 marks (80%) in The Highway Code section and the test takes no more than one hour to complete.

New applicants who have a medical condition or disability whereby the candidate considers that he/she may require additional support to undertake the Knowledge Test should contact one of the licensing team and individual arrangements to sit the test will be made to assist with the candidate's needs. (Evidence of this will be required). Should an applicant fail the knowledge test twice he or she will be barred from taking a further test for 6 months from the date of the second failure.

No mobile telephones or other electronic devices will be permitted in the test room. In cases where existing Hackney Carriage and Private Hire drivers, licensed by the Council, fail the knowledge test, and it is considered that it is in the interests of public safety, they will have their licence suspended or revoked under Section 52 of the Road Safety Act 2006. They will then have to revert to the same process as a new applicant.

Provision of an alternative to the DVSA taxi and private hire test

A local driver assessment test is a requirement.

A consortium of Approved Driving Instructors has agreed to work with the council to provide a driver assessment. This assessment will be in two stages over a single two hour period. During the first stage of the assessment lasting one hour, the driver's performance will be assessed. The driver will be advised of those areas which are of concern and during the second part of the assessment the driver is re-assessed to determine if there is an improvement.

A fee of £70 is charged for the local assessment. This is paid directly to the assessor by the applicant. Assessments will be available during the day, evening and weekend at the same cost. The booking process and assessment reports will be managed by the assessors.

Details of those driving instructors working with the council to provide the Driver Assessment can be found on the council's website by following the link below:

<http://www.westoxon.gov.uk/business/licences-permits/taxi-private-hire>

Please contact one of the instructors authorised by the council to make a booking

The driving instructor will provide you with evidence that you have taken the assessment. This information will be shared with the authority's officers.

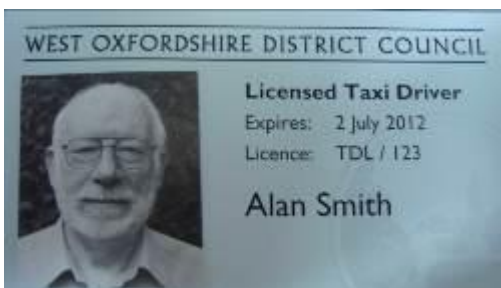
Where a Hackney and Private Hire applicant has passed a Private Hire / taxi NVQ or similar qualification or Institute of Advanced Motoring assessment or Local assessment in the last five years they will be exempt from taking the local driver assessment.

- ii) **Application Form** – This must be completed and all questions fully answered. One new colour passport-style photograph must be provided. Previously used photographs will be not accepted. The relevant licence renewal application forms can be downloaded at: www.westoxon.gov.uk/business/TaxiLicense.cfm
- iii) **Disclosure and Barring Service Form (DBS)** – all applicants must complete a DBS check every 3 years. Applications must be made online, the link can be found on the WODC web page: <http://www.westoxon.gov.uk/licensing-links/taxi-licensing/driver-licences/> . Once an application has been made, applicants must supply 3 valid, original forms of ID to one of the Council offices. Photocopies will then be taken and sent to the Licensing Team. DBS applications cannot be processed without the ID being supplied. Where an applicant has a valid passport and driving licence, these must be presented as 2 of their forms of ID. The full list of ID which is suitable for a DBA check can be found here: <https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide-> . The Council no longer receives a copy of your DBS certificate. If your DBS check reveals that there is something to disclose, you will be required to present your original DBS certificate to the Council Offices. If you have any previous cautions or convictions, these will need to be determined by a Licensing Sub-Committee. Please refer to our policy on convictions for more information.
- iv) **Medical Certificate** – A satisfactory medical certificate signed by a medical practitioner is required with the initial application. Annual medical examinations **may** be required before the age of 65 if there is a recurring medical condition. Annual medical examinations are required when the applicant/driver is 65 years old. The date

of the medical examination must not be more than one month before the date of the application. **A medical examination may be required at any time if a medical condition is diagnosed.**

- v) **Full Current Driving Licence** – This must be for the correct group as required for driving a Hackney Carriage or Private Hire vehicle as issued by the Driver and Vehicle Licensing authority (DVLA), the licence must have been held for at least 12 consecutive months, and show the applicant's current address. If the applicant has more than three current penalty points on the licence the application will be determined by a Licensing Sub-Committee.
- vi) **Age of applicants** - Applicants must be 21 years old and under the age of 65. Older applicants may be considered subject to the production of a satisfactory medical report.
- vii) **Fees** - All fees and charges are set by the Council and are reviewed annually. Cheques should be made payable to West Oxfordshire District Council. If paying by cash, you must pay at the Cashiers Offices in the Town Centre Shop, Welch Way, Witney. Cash cannot be accepted at either the Woodgreen or Elmfield Offices.
- viii) **Validity of Licences** - Licences are normally valid for three years from the date of issue (unless otherwise decided by the Sub-Committee).

No licence will be issued unless all the requested information has been supplied.



2. Driver Annual Re-licensing

Once a completed renewal application form and documentation is received by the Licensing Officers the new licence will automatically be issued from the date of expiry of the old licence. Should the DBS check or the DVLA check subsequently reveal matters that were not previously known to the Licensing authority then the Business Support Service Leader will consider the relevance of these matters and determine whether there are grounds to suspend or revoke the licence or refer the matter to the Licensing Sub-Committee for consideration. Those renewing their Licence for the first time will be required to undergo the Right to Work check.

3. Criminal convictions and road traffic offences

It is essential that you read the following notes carefully:-

- i) The applicant's driving record and any criminal record will be obtained from the DVLA and the Disclosure and Barring Service respectively.

- ii) Should any previous convictions or cautions come to light the Business Support Service Leader will take into consideration the relevance of these convictions when determining the application to become a Hackney Carriage or Private Hire driver.
- iii) If the applicant has been **charged** with an offence, **summonsed** to appear before a court of law at the time of making this application or is currently on police **Bail**, the applicant must declare the fact and details of the offence on a separate piece of paper which should be attached to the application. Insert the term 'PENDING'.
- iv) The applicant must state if they have previously been licensed with another authority and if their licence was revoked.
- v) All disclosures are treated in strictest confidence.

4. Driver Conditions

- i) **Rehabilitation of Offenders Act 1974 and disclosure of convictions.** Hackney Carriage and Private Hire Drivers must declare all spent convictions. The Council has a duty to the public to ensure that only fit and proper people are licensed to drive licensed vehicles.
- ii) **Hackney Carriage or Private Hire Drivers licence** - The Council has the power to revoke or suspend licences following convictions for criminal and or road traffic offences, or failure to comply with the relevant provisions of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976, Part II and Road Safety Act 2006 or any other reasonable cause. If your driving licence has more than 3 current points, the grant of your new or existing licence will be determined by the Licensing Sub-Committee. All application forms must be signed declaring that the information contained in the application is correct.
- iii) **Change of Address.** The driver shall notify the Council in writing within seven working days of any change of address during the period of the licence.
- iv) **Breach of conditions.** The Council operates a robust application process. Breaches of licence conditions will be dealt with in accordance with the WODC Enforcement Policy
<http://www.westoxon.gov.uk/media/730264/Enforcement-policy-January-2013.pdf>
- v) **Renewal of drivers licence. It is the responsibility of all applicants to submit applications for renewal prior to the date of the expiry of their existing licence.** Failure to submit all driver documentation requirements on renewal of any licence before the expiry date will result in the licence being invalid. The driver would not be licensed until the completion of a new application (knowledge test, DSA test, medical, DBS etc). An application can be applied for up to one month prior to the expiry date.
- vi) **Vehicles.** Only licensed drivers licensed with WODC may drive a licensed Hackney Carriage or Private Hire vehicle. The vehicle must be licensed with WODC. Once a vehicle is licensed as a Hackney Carriage or Private Hire vehicle, anyone driving it, including anyone driving it for private use (including family members), must hold a Hackney Carriage/Private Hire driver's licence.

- vii) **Licensing Sub-Committee.** Should the Shared Head of Public Protection and Regulation decline to exercise his delegated powers (for any reason) to sign any licence, the matter must be referred to the Council's Licensing Sub-Committee. The applicant will be advised of the date, time and venue of the Sub-Committee at which the application will be considered.
- viii) **Entitlement to work in the UK.** WODC 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. All new applicants and those applying to renew their existing licence must provide evidence to show that they are entitled to work in the UK (those persons who have restricted ability to work in the UK will NOT be granted a licence). Further information can be obtained from the website www.ukba.homeoffice.gov.uk

5. Conditions and conduct relating to Hackney Carriage and Private Hire Drivers

- i) **Appearance** – The driver shall pay attention to personal hygiene and dress so as to present a professional image to the public. The driver shall wear suitable footwear for driving
- ii) **Conduct**
- The driver shall be polite, helpful and fair to passengers, particularly those with special needs and whose mobility may be restricted.
 - The driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 - Drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving.
 - The driver shall obey all Traffic Regulation Orders and directions at all times.
 - The driver shall not consume alcohol before or at any time whilst driving or being in charge of a licensed vehicle.
 - The drivers shall be polite and helpful to other licensed drivers
 - The council does not permit the use of electronic cigarettes or other similar devices by drivers or passengers in West Oxfordshire District Council licensed vehicles at any time.
 - If a fare has been hired at an appointed time and place, the driver must be punctual
 - Every driver of a licensed vehicle so constructed as to carry luggage shall convey a reasonable quantity of luggage, afford reasonable assistance in loading and unloading, and afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person.
 - Every driver of a licensed vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to such destination by the shortest available route.
- iii) **Notification of incident to WODC**
The licensed driver must notify the Council in writing immediately or within one working day of any:
- Accident involving a vehicle driven by you.

- Advised of an intended prosecution for any criminal offence.
- Endorsement of your driving licence by the DVLA.
- Disability or medical condition which could affect your fitness as a driver.
- Driving disqualification by a court.
- Details of any motoring offence including Notice of Intended Prosecution and Conditional Offer of Fixed Penalty.

Please note that in cases where licensed Hackney Carriage or Private Hire drivers, licensed by the Council, are referred to the Miscellaneous Licensing Sub-Committee, the Sub-Committee may require the licensed driver to take and pass the Driving Standards Agency (DSA) Private Hire Taxi Test and/or knowledge test within a specified period of time. Also in cases where licensed Hackney Carriage or Private Hire drivers, licensed by the Council, commit a contravention of the conditions of their licence, they may be required by the Shared Head of Public Protection and Regulation, in consultation with the Chairman (or in their absence the Vice Chairman) of the Miscellaneous Licensing Sub-Committee to take and pass the Driving Standards Agency (DSA) Private Hire Taxi Test and/or knowledge test within a specified period of time.

- iv) **Badge.** The driver's badge issued by the Council must be visible at all times and must be produced on request. The badge remains the property of the Council at all times and must be returned to the Council when the applicant is no longer a Hackney Carriage/Private Hire driver.
- v) **Cigarettes and electronic smoking devices – Smoking in a West Oxfordshire District Council licensed vehicle by drivers and passengers is against the law. The council does not permit the use of electronic cigarettes or other similar devices by licensed drivers in West Oxfordshire District Council licensed vehicles at any time.**

6. Human Trafficking

Human Trafficking is a crime relating to the moving a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. Child Sexual Exploitation is the sexual exploitation of children and young people under 18 and involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing, and/or others performing on them, sexual activities.

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. The ability to spot the signs of human trafficking and having the knowledge of how to report this crime, can be a major help in tackling this terrible activity.

There are three main elements involved with Human Trafficking and Child Sexual Exploitation:

- i) **Movement:** recruitment, transportation, transfer, harbouring or receipt of people.

- ii) **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.
- iii) **Purpose:** exploitation of a person, 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 may not be significant, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- i) Does not know their home or work address
- ii) Allows others to speak for them when addressed directly
- iii) Live or travel in a group, sometimes with other persons who do not speak the same language
- iv) They are collected very early and/or returned late at night on a regular basis
- v) May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- vi) Their physical appearance may show signs of injury, malnourishment, unkempt
- vii) They may be isolated from the local community and/or appear to be under the control or influence of others
- viii) Have no cash of their own
- ix) 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 is vulnerable and may be the victim of abuse, exploitation and/or trafficking, you can report your concerns in confidence by telephoning:

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

7. Appeals

- i) The applicant may appeal against all or any of the conditions attached to a licence granted.
- ii) The applicant may appeal against the refusal of a licence.
- iii) Any appeal must be made within 21 days of grant of licence or the refusal of such licence.
- iv) Appeals must be made in writing to the Magistrates Court, Warwick Road, Banbury, Oxon OX16 7AW (01295) 452000. There is usually an administration fee to lodge an appeal.

8. Complaints - Complaints made against Hackney Carriage or Private Hire drivers or operators by members of the public

- i) Should a member of the public make a complaint to WODC regarding the conduct of a Private Hire or Hackney Carriage driver or Operator that appears to amount to criminal conduct the matter will be referred to the police for investigation. At the conclusion of any police investigation or prosecution the matter will be investigated by WODC Licensing officers to determine if there are sufficient grounds for the matter to be heard by the Licensing Sub-committee.
- ii) Should a member of the public make a complaint to WODC regarding the conduct of a Private Hire or Hackney Carriage driver or Operator alleging that the driver has failed to comply with the conditions set out in this document the matter will be investigated by WODC Licensing Officers to determine whether there is sufficient grounds for the matter to be heard by the Licensing Sub-committee. In consultation with the Shared Head of Public Protection and Regulation breaches may be dealt in accordance with our Enforcement Policy. <http://www.westoxon.gov.uk/media/730264/Enforcement-policy-January-2013.pdf>.

Where a Private Hire or Hackney driver or Operator makes a complaint against another Private Hire or Hackney driver the matter will be investigated by WODC Licensing officers to determine whether any breach of Council policy or the law relating to Private Hire and Hackney Carriage drivers or Operators. All complaints must be made in writing. Anonymous complaints will not be investigated.



WEST OXFORDSHIRE
DISTRICT COUNCIL

Private hire operators

and

Hackney carriage proprietors

Private hire operators

1. Private Hire Operator Application

- i) The Operators business address to be licensed must be within West Oxfordshire. The application form must be completed, together with payment, and returned to the Council.
- v) The Disclosure and Barring Service (DBS) - all applicants must complete a DBS check every 3 years. Applications must be made online, the link can be found on the WODC web page: <http://www.westoxon.gov.uk/licensing-links/taxi-licensing/driver-licences/> . Once an application has been made, applicants must supply 3 valid, original forms of ID to one of the Council offices. Photocopies will then be taken and sent to the Licensing Team. DBS applications cannot be processed without the ID being supplied. Where an applicant has a valid passport and driving licence, these must be presented as 2 of their forms of ID. The full list of ID which is suitable for a DBA check can be found here: <https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide-> . The Council no longer receives a copy of your DBS certificate. If your DBS check reveals that there is something to disclose, you will be required to present your original DBS certificate to the Council Offices. If you have any previous cautions or convictions, these will need to be determined by a Licensing Sub-Committee. Please refer to our policy on convictions for more information.
 - ii) Evidence you are entitled to work in the UK (usually a passport or visa)
 - iii) Applicants should ensure that they are not contravening any planning legislation in relation to using private premises for businesses purposes.

2. Criminal convictions and road traffic offences

It is essential that you read the following notes carefully:-

- i) The applicant's driving record and any criminal record will be obtained from the DVLA and the Disclosure and Barring Service respectively.
- ii) Should any previous convictions come to light the Shared Head of Public Protection and Regulation will take into consideration the relevance of these convictions when determining the application to become a Hackney Carriage or Private Hire driver.
- iii) If the applicant has been **charged** with an offence, **summonsed** to appear before a court of law at the time of making this application or is currently on police **Bail**, the applicant must declare the fact and details of the offence on a separate piece of paper which should be attached to the application. Insert the term 'PENDING'.
- iv) All disclosures are treated in strictest confidence.

3. Records to be kept by the Operator

- i) The records required to be kept by the Operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder, electronic spreadsheet or other means approved by the Council, and produced for examination on demand.
- ii) The Operator will record, before the commencement of each journey, the following particulars of every booking:
 - The time and date of the booking, and how the booking was made.
 - The name and pick up point of the hirer, and destination.

- The time and date of pick-up of the vehicle used.
- iii) The Operator will keep records of the particulars of all Private Hire vehicles, including details of the owner, registration number and drivers of such vehicles.
- iv) The Operator will keep all records for a period of not less than six months following the date of last entry.

4. The Standard of Service

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

- i) Ensure that when a Private Hire vehicle has been booked that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.
- ii) Keep clean, adequately heated, ventilated and lit premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.
- iii) Ensure that any waiting area provided has adequate seating facilities.

5. Provisions Regulating the Conduct of the Operator

- i) The Operator shall immediately or within one working day upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle or a complaint against a driver.
- ii) No Operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.
- iii) The Operator will, within one working day, disclose to the Council in writing details of any criminal convictions or cautions (motoring or otherwise) imposed upon him (or if the Operator is a company or partnership, on any of the directors or partners during the period of the licence).

6. Change of Address

The driver shall notify the Council in writing within seven working days of any change of address during the period of licence.

7. Breach of conditions - The Council operates a robust application process. Breaches of licence conditions will be dealt with in accordance with the WODC Enforcement Policy (this can be found at

<http://www.westoxon.gov.uk/media/730264/Enforcement-policy-january-2013.pdf>

If the Shared Head of Public Protection and Regulation does not wish to exercise his delegated powers (for any reason) to sign any licence, the matter must be referred to the Council's Licensing Sub-Committee. The applicant will be advised of the date, time and venue of the Sub-Committee at which the application will be considered.

8. Appeals

- i) The applicant may appeal against all or any of the conditions attached to a licence granted.

- ii) The applicant may appeal against the refusal of a licence.
- iii) Any appeal must be made within 21 days of grant of licence or the refusal of such licence.
- iv) Appeals must be made in writing to the Magistrates Court, Warwick Road, Banbury, Oxon OX16 7AW (01295) 452000. There is usually an administration fee to lodge an appeal.

Hackney carriage proprietors

1. Hackney Carriage Proprietor

Registered Proprietors of Hackney Carriage firms must ensure that they maintain an accurate list of all drivers licence details employed by them or operating in their vehicles.

2 Procedure for fares increase

- i) Section 65 of The Local Government (Miscellaneous Provisions) Act 1976 permits the Council to fix the fares for Hackney Carriages.
- ii) When a request to amend the fares is received, the matter will first be considered by the Licensing Sub Committee. The proposed Taxi Tariff Table shall then be published in at least one local newspaper asking for any representations in writing within 14 days from the date the newspaper is published.
- iii) If there are no objections to the proposed Taxi Tariff Table, the Table shall come into operation on the date of the expiration of the period specified in the newspaper notice.
- iv) Once the fares have been agreed, they then apply to Hackney Carriages licensed to ply for hire within the District, the current taxi fare table can be found at <http://www.westoxon.gov.uk/media/1034467/Taxi-Fare-Table-from-April-2015-for-website.pdf>
- v) Any fare increase approved must be set into the meter within one week of the date of which such increase comes into force.
- vi) No Proprietor may charge any increase until the due date and the meter has been re-calibrated to the new fares.
- vii) The Council may not set fares for Private Hire as these are set and advertised at the discretion of individual Private Hire vehicle Operators in accordance with the Provisions of the Act of 1976.

3. Fares

- i) Every Proprietor or driver of a Hackney Carriage plying for hire shall be entitled to demand the rate or fare prescribed by the Council as displayed on the meter, unless a cheaper fare is agreed before the commencement of the journey.
- ii) The Proprietor or driver shall not be entitled to demand and take a fare greater than that recorded on the taximeter, except for any extra charges authorised by the Council displayed on the Taxi Tariff Table.
- iii) Private Hire – The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed between the hirer and Operator.



WEST OXFORDSHIRE
DISTRICT COUNCIL

Hackney carriage and private hire vehicles

Hackney carriage and private hire vehicle applications

Hackney Carriage Intended Use Policy

West Oxfordshire District Council resolved to adopt an “Intended Use” policy for hackney carriage vehicles. The law permits a hackney carriage vehicle licensed by one local authority to be used to fulfil pre-booked hiring’s on behalf of a private hire operator licensed by another local authority. In order to close this loophole, West Oxfordshire District Council is likely to refuse to grant a hackney carriage vehicle licence where the applicant for that licence intends their hackney carriage vehicle to be used entirely or predominately for the purpose of fulfilling pre-booked hiring’s on behalf of a private hire operator licensed by another local authority. (e.g. Cherwell, Milton Keynes or Oxford City).

Intended Use Policy - The policy is for the following types of application:-

- New vehicle licence;
- Renewal of vehicle licence;
- Transfer of vehicle ownership;
- Change of vehicle;

New applicants wishing to licence a hackney carriage with West Oxfordshire District Council will be required to make a statement about their intended use of the vehicle, i.e., whether the applicant intends the vehicle to be used.

- (i) Exclusively or predominantly to ply for hire/or take advance bookings in West Oxfordshire (that is determined as 80% of the time; the journey may finish outside of West Oxfordshire) – **Complies with policy**
- (ii) Exclusively or predominantly (more than 20% of the time) operate taking pre booked journeys from operators outside of West Oxfordshire – **fails to comply with policy, presumption of refusal**

Renewal of a hackney carriage vehicle licence

The driver or operator will need to maintain an accurate record of all uses of the vehicle when being used to fulfil pre-booked hiring’s on behalf of a private hire operator licensed by another local authority. The record should contain:

- Name and address of the operator on behalf of which the journey was being undertaken; pick up point and destination date and time.
- Evidence of the number of days over the previous year they have plied for hire in West Oxfordshire.

If the records maintained show the vehicle use fails to comply with the policy, (see (ii) above, there will be a presumption of refusal of renewal.

Process for applications

I. Initial Application

- i) **Hackney Carriage** vehicles, including wheelchair accessible Hackney Carriage vehicles, can be licensed until they are 10 years old from the first date of DVLA registration.
- ii) **Private Hire** vehicles, including wheelchair accessible Private Hire vehicles, can be licensed until they are 15 years old from the first date of DVLA registration.
- iii) An application for a vehicle licence must be completed and accompanied by the following:-

Hackney Carriage:

Vehicle not previously licensed by West Oxfordshire District Council

Hackney carriage (less than 100 miles on odometer)	Copy of PDI sheet required
Hackney carriage (more than 100 miles on odometer)	MoT less than 1 month old

Private Hire Vehicle

Vehicle not previously licensed by West Oxfordshire District Council

Private Hire vehicle (less than 100 miles on odometer)	Copy of PDI sheet required
Private Hire Vehicle (more than 100 miles on odometer)	MoT less than 1 month old

Note: If the vehicle has less than 100 miles on the odometer when first licensed by the Authority an MoT certificate is **not** required.

An MoT **is** required when the vehicle licence is renewed, (The MoT must be dated within 1 month of the vehicle renewal date). The operator/owner will be required to sign a notice which will form part of the application pack that the vehicle is fitted with the necessary equipment, signs and meets the standard of appearance (see pages 18/19).

- If the vehicle has a tail lift, you must provide a current LOLER certificate and weight test certificate.
 - Vehicle registration document
 - MOT Certificate
- iv) Valid Insurance Certificate to operate as a Hackney Carriage or Private Hire. (The minimum cover is third party plus private/public hire and reward) If you supply a cover note, you **MUST** send WODC the insurance certificate as soon as it is received. If the insurance certificate is not received prior to the lapse of the cover note, you will not be licensed operate as a Hackney Carriage vehicle or Private Hire vehicle
 - v) Correct fee. (There will be a fee if paying by credit card).

- vi) Licences are valid for one year from the date of issue (unless otherwise decided by the Licensing Sub-Committee). There will be no reduction in fee for licences granted for a lesser period.
- vii) When the licence is issued, it may be necessary for a Licensing Officer to inspect the vehicle before releasing the licence.

2. Annual re-licensing

- i) Applications should be received **BEFORE** the licence expires.
- ii) When the licence is issued, it may be necessary for a Licensing Officer to inspect the vehicle before releasing the licence.
- iii) **Vehicle Testing – Vehicles already licensed by West Oxfordshire District Council**

Hackney Carriage vehicles:

Hackney Carriage vehicles up to the age of 10 years old	MoT less than 1 month old submitted with renewal papers (Annually)
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Note: the requirement for **interim inspections** has been discontinued for hackney vehicles.

Private Hire vehicles:

Private Hire vehicle under 10 years old	MoT less than 1 month old submitted with renewal papers (Annually)
Private Hire vehicles aged between 10 and 15 years old	MoT less than 1 month old required every 6 months

Note: If the vehicle is under 10 years old a MoT less than 1 month old must be submitted with renewal papers. (The requirement for **interim inspections** has been discontinued.)

If the vehicle is aged between 10 and 15 years there is a requirement for a MoT certificate which is less than one month old to be submitted every 6 months.

There is now no requirement for vehicle inspection sheets which were signed by the testing garage to be completed for Private Hire and Hackney vehicles.

If during the period of the vehicle licence the insurance expires, a copy of the new insurance certificate must be sent to WODC immediately.

Failure to submit all documentation requirements before the expiry date (annual or interim tests) will mean that the vehicle is not licensed and could result in the plate being removed (after the serving of a s69 and s58 notice of the Local Government (Miscellaneous Provisions) Act 1976) or the licence revoked by the Licensing Sub-Committee.

For an initial application or a renewal, if the Shared Head of Public Protection and Regulation does not wish to exercise his delegated powers (for any reason) to sign any licence, the matter must be referred to the Council’s Licensing Sub-Committee. The applicant will be

advised of the date, time and venue of the Sub-Committee at which the application will be considered.

3. Replacement/Transfer Vehicles

- i) Any replacement vehicles must comply with the initial requirements.
- ii) A completed transfer form must be submitted with other necessary documents and the required fee.
- iii) The date on the transfer licence will run until the date of the original licence, and the interim inspections will continue as if it was the original vehicle.

4. Interim Inspection - The vehicle may be called in for inspection at any time by the Council to ensure compliance with the relevant legislation and conditions. Failure to attend and show any documentation as requested may lead to suspension or revocation of the licence under Section 68 Local Government (Miscellaneous Provisions) Act 1976.

5. Vehicle Checks - Any vehicle which is suspected of any infringement of legislation, byelaws or conditions may be stopped by an Authorised Officer at any time. The officer is empowered to determine the vehicle's fitness to be used as a licensed vehicle in the interest of public safety.

6. Vehicle licence

The Council has the power to suspend or revoke a licence if the vehicle is unfit or any non-compliance with the Local Government (Miscellaneous Provisions) Act 1976 Act by Operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned to the Council.

With regard to applications for Hackney Carriage and Private Hire licences, those which come within the requirements may be dealt with and granted by the duly authorised Officer. All application forms must be signed declaring that the information contained within it is correct.

7. Dual Plating - No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance, (i.e. signs, meters, suspensions or revocation).

8. Alteration of the Vehicle - No alterations in the specification, design or appearance of the vehicle shall be made without the approval of WODC. This application should be made in writing.

9. Vehicle Damage or Accident Involving a Licensed Vehicle - The Proprietor or Operator of any licensed vehicle must report in writing to the Authorised Officer as soon as reasonably practicable, and in any case within one working day of the occurrence of any accident involving the vehicle. If the vehicle is taken off the road for repairs, a new inspection sheet will be carried out by a MOT registered garage and submitted to the Council before the vehicle is reinstated.

10. Standards, maintenance and appearance of vehicle

The vehicle must be kept in exceptional condition to include the following list which is included on the application form and checked annually and on the mid-term inspection;

- i) Be safe, clean and tidy.
 - ii) Comply with all relevant statutory requirements.
 - iii) Be suitable for use as a licensed vehicle i.e. normally have four doors and an engine capacity suitable for the vehicle being used as a licensed vehicle. The Council will assess individual vehicles as necessary and consider if they are suitable for use.
 - iv) Have a minimum of 4 passenger seats.
 - v) The vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council throughout the term of the vehicle licence.
 - vi) **Rust** – any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with more than three visible rust patches of more than 20 sq cms in total should be failed.
 - vii) **Dents** – any vehicle with minor dents on three or more panels where such dents are more than 5 cms in diameter/length, should be failed. Any larger dents should be failed.
 - viii) **Scratches** – any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cms in length, or a single scratch of more than 20 cms in length, should be failed.
 - ix) **Seats** – all seats must be free from cuts, tears or cigarette burns.
 - x) **Seat belt** - all vehicles must be fitted with front and rear seat belts.
 - xi) **Carpets/Floor Covering** – all carpets and floor covering shall be complete and free from cuts, tears or staining.
 - xii) **Headlining and Other Trim** – all interior trim, including headlining, shall be clean, complete, properly fitted and free from cuts, tears or soiling. The roof to be kept watertight.
 - xiii) **Window Operation** – all passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.
 - xiv) **Boot/Luggage Compartment** – this should be empty, except for spare wheel and essential tools.
 - xv) **Interior** – the interior must be kept clean, tidy and free of any litter or other rubbish.
- 11. Fire Extinguisher** - an efficient foam or dry powder fire extinguisher which shall be carried in such a position as to be readily available at all times from the drivers seat.
- 12. Vehicle suitability** - the Council must be satisfied that the vehicle is suitable in type, size and design for use as a licensed vehicle and it is in a suitable mechanical condition, safe and comfortable.
- 13. First Aid** - It is recommended that all vehicles carry a first aid kit.
- 14. Signs** - Advertising material, provided that the material does not offend on the grounds of good taste and public decency, such advertisements to be applied for in writing and approved by the Shared Head of Public Protection and Regulation or Licensing Sub-Committee.
- 15. CCTV** can be fitted inside the Hackney Carriage/Private Hire vehicle in a sealed unit at the drivers own cost.

If you wish to install CCTV, you must send the written request and detailed information of the system to the Shared Head of Public Protection and Regulation for approval. There must be clear, prominent signs displayed inside the vehicle for the Public to be aware that CCTV is in operation, maybe recorded and used in evidence.

- 16. Towing of Trailers** - No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Council. The contents of such trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the DVLA.
- 18. Number of Passengers** - The driver shall not convey in the vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle or the window identification sticker (regardless of the age of any passenger carried).
- 19. Seat Belt regulations for Children 2006** - It is impracticable to expect the right child seat or booster to be available in a licensed vehicle. Therefore, there is an exception in these Regulations so that if child restraints are not available in a licensed vehicle it may carry children:
- i) Under 3s may travel unrestrained but in the rear only.
 - ii) Those 3 years and above must use an adult belt in the rear seat only.
 - iii) Remember that a child up to 135cms in a front seat of **any** vehicle must use the correct child seat or booster.
 - iv) The driver of the vehicle is responsible for the seat belt worn by children under 14 years (except in taxis with fixed partitions).
 - v) The Council encourages licensed drivers to request that parents/carers of young people to provide the correct child seat or booster, and this is to be fitted to the licensed vehicle by the parent/carers in accordance with the manufactures instructions.
- 20. The Smoke-free (Exemptions and Vehicles) Regulations 2007** state that any vehicle carrying members of the public will be required to be smoke free at all times.
- i) 'No smoking' signs must be displayed in a prominent position which is clearly visible on entering the vehicle. Failure to display a sign is a fixed penalty notice of £200 or a fine of up to £1000.
 - ii) Licensed drivers cannot smoke in their licensed vehicles even when they do not have any passengers.
 - iii) Smoking in a licensed vehicle could result in the issue of a fixed penalty notice of £50 or a fine of up to £200. Failing to prevent a passenger smoking in the licensed vehicle is a fine of up to £2500 for the driver.
 - iv) **The council does not permit the use of electronic cigarettes or other similar devices by licensed drivers in West Oxfordshire District Council licensed vehicles at any time.**

Example of a 'no smoking sign' to be clearly displayed in ALL licensed vehicles for every passenger to see.



21. Seeing and Hearing (Guide) Dogs - No driver may refuse to carry a seeing or hearing (guide) dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him or her from this condition and present it to the Council immediately; any payment for such certificate will be paid by the applicant. All vehicles and drivers must comply with the requirements of the Disability Discrimination Act 1995, in respect of such Seeing and Hearing dogs.

22. Passengers with a disability - Under the Disability Discrimination Act 2005 (DDA) it is unlawful to discriminate against members of the public on the grounds of disability without justification.

23. Lost Property

- i) The driver shall immediately at the end of any hiring of a licensed vehicle or as soon as practicable, carefully search the vehicle for any property which may have been accidentally left there.
- ii) If any property left in a licensed vehicle by any person must be taken within 24 hours to the nearest police station.

24. Breach of conditions

Breaches of licence conditions will be dealt with in accordance with the West Oxfordshire District Enforcement Policy can be found on

<http://www.westoxon.gov.uk/media/730264/Enforcement-policy-january-2013.pdf>

25. Appeals

- i) The applicant may appeal against all or any of the conditions attached to a licence granted.
- ii) The applicant may appeal against the refusal of a licence.
- iii) Any appeal must be made within 21 days of grant of licence or the refusal of such licence.
- iv) Appeals must be made in writing to the Magistrates Court, Warwick Road, Banbury, Oxon OX16 7AW (01295) 452000. There is usually an administration fee to lodge an appeal.

Hackney Carriage only

- 1. Door Stickers** - the Council requires that all licensed Hackney Carriage vehicles must display a WODC sticker on both front doors of the vehicle. Initial issue of stickers will be free of charge but there will be a charge for lost or replacement stickers.
- 2. Plates** – to be displayed on the outside at the rear of all licensed vehicles. All plates provided by the Council remain the property of the Council at all times. The plate must be returned to WODC when the licence is transferred or is off the road for more than 7 days i.e. in an accident.



Examples of stickers and plates for Hackney Carriage licensed vehicle

3. **Tariff** - a current Taxi Fare Table will be clearly displayed in a Hackney Carriage vehicle.
4. **Meters** - Hackney Carriage vehicles must be fitted with a meter and it shall be maintained in working order at all times. A Proprietor or driver of a Hackney Carriage shall not, with intent to deceive, tamper with or permit any person to tamper with any meter.
 - i) When standing or plying for hire, keep the meter locked in the position in which no fare is recorded on the face of meter.
 - ii) When the meter is in action, the fare should be clearly legible not exceeding the tariff fixed by the Council.
 - iii) The meter will be clearly visible to the passengers and should be illuminated during any period of hiring.
5. **Roof Signs**
 - i) A roof sign bearing the word “taxi” on its front and rear face may be installed. The sign may include the name and telephone number of the Hackney Carriage Company.
 - ii) If the sign is capable of being illuminated it must at all times comply with any requirement of vehicle lighting regulations, including no red lights to be shown at the front, and no white lights to be shown at the back.
6. **Hackney Carriage ranks** – Drivers must comply with the following:
 - i) Proceed with reasonable speed to and station the Hackney Carriage on one of such stands facing the same direction.
 - ii) When any other Hackney Carriage immediately in front is driven off or moved forward the driver must move his vehicle forward to fill the place.
 - iii) The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at anytime.
 - iv) Hackney Carriage drivers will not leave their vehicle unattended at any time on the rank.
 - v) Hackney Carriage drivers should not stand in the road to talk to other drivers in their vehicles.
 - vi) Hackney Carriage drivers must take a passenger from the rank unless they have reasonable cause to decline the fare.

Private Hire vehicles only

- 1. Repeal of the Contract Exemption (Section 53)** - The exemption for licensing for contract hire vehicles has been repealed. All bookings for such trips as school runs, that used to be exempt must now use a licensed vehicle and licensed driver. The only exemptions from licensing will be vehicles used solely for weddings and funerals.
- 2. Window Identification Sticker** - Window identification stickers must at all times be displayed on the inside of the front and rear windscreen in the plastic holders. They will be provided on renewal of the licence or on a new application. The labels must not be covered. The Council must be informed immediately if the label is lost or broken and a replacement paid for. There are exemptions to display the labels under the Local Government (Miscellaneous Provisions) Act 1976 s75 (3). Private Hire Operators should apply in writing to the Council. Exemptions for specific occasions may be granted if the Council receives a prior application in writing. Should an exemption be granted the label must then be carried in the vehicle and produced on demand by any Authorised Officer.

Examples of window identification stickers for Private Hire



3. Roof Signs (Private Hire)

- A roof sign bearing the name and telephone number of the Private Hire company may be displayed.
- The following must **NOT** be displayed – any sign, notice or advertisement that includes the words, “taxi”, “cab”, “taxi-cab”, or “for hire” whether or not as part of another word.
- If the sign is capable of being illuminated it must at all times comply with any requirements of vehicle lighting regulations, including no red lights to be shown at the front, and no white lights to be shown at the back.

Private Hire vehicles must not be of such design or appearance or use any wording as to lead any person to believe that the vehicle is a Hackney Carriage.

4. Touting and Soliciting - The driver shall not, whilst driving or in charge of a Private Hire vehicle:

- Tout or solicit any person to hire, or be carried for hire in any Private Hire vehicle
- Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any Private Hire vehicle.
- Ply for hire or appear to be plying for hire.

Private Hire vehicles must not stop on or near an appointed Hackney Carriage rank.