Statement of Hackney Carriage and Private Hire (Taxi) Licensing Policy
January 2016 - 2020
CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Executive Summary</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>Definitions</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Aims and objectives</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Introduction</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Vehicles</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>Drivers</td>
<td>18</td>
</tr>
<tr>
<td>7</td>
<td>Operators</td>
<td>27</td>
</tr>
<tr>
<td>8</td>
<td>Disciplinary and Enforcement Measures</td>
<td>30</td>
</tr>
<tr>
<td>9</td>
<td>Delegated Powers</td>
<td>34</td>
</tr>
<tr>
<td>10</td>
<td>Fares and Fees</td>
<td>35</td>
</tr>
<tr>
<td>11</td>
<td>Taxi Ranks</td>
<td>35</td>
</tr>
<tr>
<td>12</td>
<td>Complaints</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>Appendices</td>
<td>37</td>
</tr>
<tr>
<td>Appendix A</td>
<td>Hackney Carriage and Private Hire Vehicles Specification and Schedule of Conditions</td>
<td>39</td>
</tr>
<tr>
<td>Appendix B</td>
<td>Hackney Carriage and Private Hire Vehicle Licensing Procedures</td>
<td>58</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Additional conditions for Private Hire Limousines, Speciality Vehicles and plate exemption vehicles</td>
<td>61</td>
</tr>
<tr>
<td>Appendix D</td>
<td>Driver and Operator licence procedures</td>
<td>65</td>
</tr>
<tr>
<td>Appendix E</td>
<td>Guidelines Relating to the Relevance of Convictions</td>
<td>75</td>
</tr>
<tr>
<td>Appendix F</td>
<td>Hackney Carriage Byelaws</td>
<td>86</td>
</tr>
<tr>
<td>Appendix GA</td>
<td>Code of conduct applicable to hackney carriage drivers</td>
<td>91</td>
</tr>
<tr>
<td>Appendix GB</td>
<td>Conditions applicable to private hire drivers</td>
<td>95</td>
</tr>
<tr>
<td>Appendix GC</td>
<td>Conditions applicable to combined private hire and hackney carriage drivers</td>
<td>99</td>
</tr>
<tr>
<td>Appendix H</td>
<td>Code of conduct for Licensed Drivers/Operators</td>
<td>103</td>
</tr>
<tr>
<td>Appendix I</td>
<td>Dress Code</td>
<td>105</td>
</tr>
<tr>
<td>Appendix J</td>
<td>Private Hire Operator Licence Conditions</td>
<td>106</td>
</tr>
<tr>
<td>Appendix K</td>
<td>Penalty Points Warning Scheme and other Disciplinary Action</td>
<td>110</td>
</tr>
<tr>
<td>Appendix L</td>
<td>List of Hackney Carriage ranks within Milton Keynes</td>
<td>117</td>
</tr>
<tr>
<td>Appendix M</td>
<td>List of matters on vehicle compliance test</td>
<td>118</td>
</tr>
</tbody>
</table>
1. **Executive Summary**

1.1 This document sets out the Council’s policy on the licensing of hackney carriage and private hire drivers, hackney carriage and private hire vehicles and private hire operators. This document also sets out the legislative framework administered by the Council in respect of such licences, government guidance and the procedures for obtaining such licences and the conditions attached to them. This Policy, however, is not a comprehensive statement of the law and applicants should, where necessary, obtain their own legal advice.

1.2 Appendices that form part of this policy may be updated from time to time by the Regulatory Committee and any revision to the appendices will be publicised on the Council’s website at least 28 days prior to commencement. Any amendments to the Policy itself shall be made by the Regulatory Committee and ratified by Cabinet and take effect immediately upon adoption unless a later date is specified.

2. **Definitions**

2.1 Where used within this Policy the following words will have the meanings attributed to them in this part.

- “Licensed Vehicle” Means both a hackney carriage and Private hire vehicle.
- “Vehicle” Unless the context indicates otherwise means a “licensed vehicle”.
- “Private hire vehicle” Means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passenger for hire or reward by prior booking through a private hire operator.
- “Private hire operator” Means a person licensed under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake.
- “Hackney Carriage” Means a vehicle used to stand or ply for hire to. Members of the public can book journey’s directly with the driver.
- “Operate” Means to, in the course of business, make provision for the invitation or acceptance of bookings for a private hire vehicle.
“The DfT” Means the Department for Transport, including previous names under which that Department has been known.


“The Committee”. Will mean the Regulatory Committee or Regulatory Sub-Committee of the Council.

“Driver” Means a person with a licence issued by Milton Keynes Council to drive either a Private Hire Vehicle or a Hackney Carriage vehicle licensed by Milton Keynes Council.

“Taxi” Is often used generically by members of the public and the trade to describe both hackney carriages and private hire vehicles. Legislation issued later than the Local Government (Miscellaneous Provisions) Act 1976 only refers to Hackney Carriages as “Taxi’s”. For the avoidance of doubt the term is not used in this Policy other than to refer to both types of Licensed Vehicle.

“DVLA driving licence” Means a full original UK driving licence issued by the DVLA.

“DVLA” Means the Driver and Vehicle Licensing Agency and any previous or subsequent names by which it may be known.

“seatbelt” Means a three point belt which restrains the upper and lower parts of the torso including lap belt. The belt is anchored at not less than three points, and is designed for use by an adult.

“Policy” Means this Policy and its appendices.

“Assistance Dog” Means, (a) a dog which has been trained to guide a blind person; (b) a dog which has been trained to assist a deaf person; (c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person’s mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; (d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

“Conditions” Means the conditions of licence applied by the Council to either a driver licence, operators licence or vehicle licence.

“WAV” Means a wheelchair accessible vehicle.


3. **Background**

3.1 **Aims and Objectives**

3.1.1 The aim of licensing hackney carriage drivers and vehicles and private hire drivers, vehicles and operators is primarily to protect the public. For this reason the main objective of this Policy is public safety and public safeguarding.

3.1.2 The Council recognises that the trade plays an important part in local transport provision and it is important that the Council’s licensing responsibility is used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required and that drivers are fit and proper to undertake the role. This includes minimising crime and disorder and the fear of crime.

3.1.3 Due regard will be given to the Transport Vision and Strategy for Milton Keynes where appropriate.

4. **Introduction**

4.1 **Powers and Duties**

4.1.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended) which place duties on the Council to carry out its licensing function.

4.1.2 The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote well-run, safe and responsible businesses that display sensitivity to the wishes and needs of the general public. This includes the licensing of drivers; vehicles and operators.

4.1.3 Vehicles will only be licensed for the carriage of a maximum of eight passengers. Vehicles that are required by an applicant to carry more than eight passengers for hire and reward fall outside the legislation governing private hire and hackney carriages and require a public
service vehicle licence from the Traffic Commissioners. The Council has no involvement in the licensing of these vehicles.

4.2 **Policy Status**

4.2.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this Policy.

4.2.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is appropriate for the Council to depart substantially from its Policy, clear reasons will be given for doing so.

4.2.3 Nothing in this Policy will prevent an applicant or licence holder from requesting that the Council considers the individual merits of their case and give reasonable consideration to departing from its Policy. Such request may either be in writing to, or made orally before, the Regulat...y Sub-Committee, or Officers of the Council as deemed appropriate in the circumstances of the case.

4.2.4 This Policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines. The Council recognises it may need to consider applications outside the scope of this Policy.

4.2.5 This Policy shall be kept under review and revised as appropriate and in any event not less than every four years from the date of its last adoption.

4.26 Any changes requested to be made to the Policy must be made to the Regulatory Committee in writing providing full details as to why the change is requested and providing substantive evidence or reasons as to why the change is appropriate and its effect on the primary objective of the Policy.

4.27 The Council condemns incidents of harassment whether racist, religiously motivated, homophobic, or due to gender or disability. The Council will investigate all such complaints made about its licensed drivers and where warranted appropriate enforcement action will be taken. The Council has separate policies and procedures for dealing with any such complaints made against members of staff or Councillors and further information about these will be provided to complainants. The Council does not have the power to regulate the behaviour of members of the public who use licensed vehicles but will give as much support and assistance to licensed drivers as possible to help them deal with or report such incidents.

4.2.8 The Council supports the principal of a taxi forum (or panel) made up of representatives of private operators; private hire drivers; vehicle
proprietors and hackney carriage drivers as well as customer groups and others as considered appropriate. The panel will meet as and when required or requested.

4.2.9 This Policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption or as may be enacted after the adoption of this Policy. Where there are any subsequent changes made to the applicable legislation or its interpretation by the Courts, that conflict with this Policy, the conflicting elements of this Policy shall not apply and will be amended at the earliest opportunity.

4.2.10 To promote consistency of standards the Council will liaise and coordinate with its neighbouring and other relevant local authorities.

4.3 The Licensing Regime

4.3.1 Some activities are considered to be of such risk to the safety of members of the public that the law requires an approval to be in place, in the form of a licence, to regulate that activity. This is the case with the Taxi and Private Hire vehicle trade who make themselves available for hire to transport members of the public to their chosen destination in return for reward (usually money).

4.3.2 The Legislation creates three types of licence:

1. Vehicles (Hackney Carriage and Private Hire).
2. Drivers (Hackney Carriage and Private Hire).
3. Operators (Private Hire only).

4.3.3 A journey not carried out in accordance with the correct licences is not only illegal it is likely to invalidate the insurance held by the driver, vehicle owner and operator and could have serious consequences should an accident occur. If an individual causes an injury to another person and is not insured they will be liable personally for the damages suffered.

4.4 The Differences between Hackney Carriages and Private Hire Vehicles

4.4.1 The main difference between Hackney Carriages and Private Hire vehicles is that Hackney Carriages can be hailed (“flagged down”) in a public street or hired from a taxi rank. Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator and are not permitted to wait on a rank or be booked directly from a public street.

4.4.2 Should a Private Hire vehicle driver accept a fare which has not been pre-booked through an operator he is committing an offence and if caught, will be subject to relevant enforcement action by the Council.
It is also important to note that anyone being conveyed in a Private Hire vehicle which has not been pre-booked will not be covered by the drivers insurance.

4.4.3 Hackney Carriages in Milton Keynes are identifiable by the display of a “white plate on the rear of the vehicle and Private Hire Vehicles are identifiable by the display of a “blue plate”.

4.4.4 Hackney carriage drivers may only charge their passengers such fare as is set by the Council and published by it in its table of fares. The charges levied by private hire operators and drivers are not subject to the Council’s control and form a private contract between the hirer and the operator. Members of the public are encouraged by the Council to always agree private hire fares when booking a vehicle to avoid any disputes later on.

4.4.5 Hackney carriage vehicles can only be driven by licensed Hackney Carriage drivers and Private Hire vehicles can only be driven by licensed private hire drivers. In all cases the driver of the vehicle must be licensed by the same authority that licensed the vehicle. For example, a hackney carriage vehicle licensed by Milton Keynes Council can only be driven by a hackney carriage driver licensed by Milton Keynes Council.

4.4.6 In addition to being driven by a private hire driver, private hire vehicles must only be despatched by a private hire licensed operator. As above, the operator must be licensed by the same authority as the vehicle it despatches (which in turn is driven by a driver licensed by that same authority).

5. Vehicles - (Hackney Carriage & Private Hire)

5.1 Limitation on Numbers

5.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

5.1.2 Quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”.

5.1.3 In the event of a challenge to a decision to refuse a licence on these grounds, it would need to be established that the Council had been reasonably satisfied that there was no significant unmet demand. As a result if the Council were to consider that a quantity restriction on Hackney Carriages could be justified in principle, an unmet demand
survey would be required to assist in assessing the limit to be imposed.

5.1.4 A demand survey undertaken by the Council and published in November 2014 and revealed that there was no unmet demand for hackney carriages in the Borough. The Council therefore chose to cap the number of hackney carriage appropriate to 138 vehicles.

5.2 Specifications and Conditions

5.2.1 Local authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages and private hire vehicles.

5.2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle. The Council has adopted minimum standards as set out in Appendix A and are dependent on the type of vehicle concerned.

5.3 Accessibility of Vehicles

5.3.1 An accessible public transport system where people with disabilities have the same opportunities to travel as other members of society is the aim of this and other Council polices. The Council expects that drivers and operators of licensed vehicles give detailed consideration to the service that they provide to ensure that they provide a service to all members of society without discrimination.

5.3.2 The Equality Act 2010 allows for regulations to be made that set standards for wheelchair accessible taxis to ensure that these aims are being met. Such regulations have not yet been made and the Council has therefore considered these requirements when setting the standards it considers appropriate for the vehicles it licences. These are shown at Appendix A of this Policy.

5.3.3 Under the Equality Act 2010 disability is defined as a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on a person’s ability to do normal daily activities. Licensed drivers and operators have a legal duty of service not to discriminate against people who have a disability; this includes discrimination (both direct and indirectly), harassment and/or victimisation.

5.3.4 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the treatment of disabled persons with an Assistance Dog. Neither drivers nor
operators of licensed vehicles can make any extra charge or refuse to carry such passengers.

5.3.5 The Council takes all complaints of discrimination seriously and will have due regard to its duty to eliminate discrimination and the provisions of the Equality Act 2010 when considering the fitness of an individual to hold a hackney carriage or private hire licence. Licence holders who are found to have not complied with the above provisions will face enforcement action.

5.3.6 Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Council for an exemption certificate from those duties. The Council must issue an exemption certificate to that licensed driver if satisfied that it is appropriate to do so on medical grounds or, in respect to assisting wheelchairs, on the grounds that the drivers physical condition makes it impossible or unreasonably difficult for a person to comply with the duties. It is the driver’s responsibility to apply to the Council for such an exemption and to satisfy the Council at his or her own cost of the medical grounds. A driver has no defence against these offences, even if a medical ground or other physical condition exists, if he has not been issued an exemption certificate.

5.3.7 The Council is of the view that persons who chose to provide one of the services regulated by this Policy, whether as hackney carriage driver, private hire driver or private hire operator must provide that service to all members of society and cannot pick and choose for their own convenience. As such, a dim view will be taken of those who do not comply with the legislative duties of the Equality Act 2010 and will result in appropriate enforcement action being taken.

5.3.8 The standards at Appendix A (see 1.20 of that Appendix) indicate what is required in respect of wheelchair access for those vehicles which have been adapted or constructed for this purpose. It includes a requirement that new hackney carriage vehicles must be adapted for disabled passengers and for the wheelchair to be loaded from the side of the vehicle. Certain other hackney carriages licensed prior to the imposition of this policy may continue to be rear loading other than those with protected rights (see 1.1.2 of Appendix A).

5.3.9 All hackney carriage vehicles licensed by the Council, with the exception of those with historical protected rights, will be wheelchair accessible. As hackney carriages pick up passengers from ranks and the road side all new licensed hackney carriages are required to be side loading.

5.3.10 The Council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to take such steps to advertise that these vehicles are available through them and to make clear that there is no additional cost that can be levied by
them or their driver for the conveying of a passenger in a wheelchair or any other disabled passenger.

5.3.11 The Council endeavours to monitor the provision of wheelchair accessible vehicles and shall, if deemed insufficient, consider imposing further requirements on operators, drivers and proprietors of vehicles to ensure the sufficiency of the provision.

5.4 **Maximum Age of Vehicles at time of initial licensing**

5.4.1 The Council has an age restriction on the vehicles it will licence for the first time (see Appendix A). There is no upper age limit and vehicles will continue to be licensed on renewal provided that they pass the Council's vehicle compliance test and the Council are otherwise satisfied with the mechanical suitability of the vehicle. Where the licence of a vehicle lapses a subsequent application to licence that vehicle will not be considered as a renewal but as a new application and the age restriction Policy will apply. This is further explained in Appendix A (paragraph A1.10).

5.4.2 There is no upper age limit for vehicles provided they are continually licensed and continue to pass Council compliance tests satisfactorily. However, the Council recognises that licensed vehicles can be used heavily whilst in service and as such will give special consideration to vehicles that are ten or more years of age that are found to fail their compliance tests or enforcement checks regularly which may indicate that the vehicle condition is deteriorating and is no longer fit for use. In such instances the Council may refuse to licence a vehicle following a failed compliance test and determine to consider no further applications in respect of it.

5.5 **Vehicle Testing**

5.5.1 No vehicle can be used as a hackney carriage or private hire vehicle unless it has been given a pass certificate following a satisfactory test, and the Council has appropriately licensed it (see Appendix B). Responsibility for ensuring the vehicle is tested and licensed remains with the licence holder. These inspections are presently carried out by the Council. The list of checks undertaken is detailed in Appendix M.

5.6 **Signage; Advertising and Livery**

5.6.1 Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or able to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.
5.6.2 It is possible to prohibit private hire vehicles from displaying any identification at all apart from the Council’s licence plate or disc. Some clearer identification is however seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver, and secondly because it is quite reasonable (and in the interests of the travelling public) for a private hire vehicle operator to be able to state on the vehicle the contact details for hiring. The Council’s requirements are detailed in Appendix A.

5.6.3 Within the Council’s area, both hackney carriages and private hire vehicles will be required to display a licence plate on the rear of the vehicle. The plates are to be different colours (blue for private hire and white for Hackney Carriage) to distinguish one type from another. This is a key feature in helping to identify vehicles that are properly licensed.

5.6.4 All hackney carriages licensed by the Council must carry an illuminated roof-mounted sign clearly indicating they are a taxi. Private hire vehicles must not carry such signs. Limited advertising giving details concerning the proprietor’s or operator’s private hire business is permitted but is strictly controlled so that confusion between private hire and hackney carriage vehicles is kept to the minimum.

5.6.5 Private hire vehicles are permitted restricted first party advertising subject to restrictions as detailed in the conditions in Appendix A.

5.6.6 Hackney carriage vehicles licensed on or after April 1st 2013 will not be permitted to have full livery third party advertising or to be of any colour other than black.

5.6.7 Vehicles licensed prior to the April 1st 2013 are permitted to have all over advertising and/or be of any colour but will not be given consent to change the existing advertising or colour to anything other than black paintwork.

5.7 Exemption from displaying plates

5.7.1 The 1976 Act requires private hire vehicles to be issued with a licence plate that the Council ordinarily will, by condition, require to be displayed on a vehicle.

5.7.2 The open display of the identifying licence plates is intended by the primary licensing legislation and is important in terms of protecting the public and supporting the taxi trade by identifying it as a regulated business. However, there are occasions when the display of such identification may have the opposite effect and undermine customer safety or create commercial implications for the operating business.
5.7.3 The operation of chauffeured, executive and limousine vehicles is such a case. Identification of the vehicle as a licensed vehicle may allow “high risk” passengers to be more readily targeted putting both them and the driver at risk. The display of the Council’s licence plates externally may also deter some customers from using a specific service. For this reason the Council may, upon application, exempt a licence vehicle from displaying its licence plate. Such vehicles are known as “plate exempt” vehicles and further details are provided at Appendix C.

5.7.4 It is not intended that all private hire vehicles should have access to this exemption, only those operating the type of service where the display of a licence plate either endangers the safety of one or more members of the public or restricts a legitimate business need. To that end an exemption will only be granted where the applicant is able to satisfy the Council that:

- There is no public safety risk
- There is a legitimate business or service requirement
- The vehicle is suitable for the purposes outlined by the applicant

5.7.5 The primary consideration of the Council must be whether or not there is a public safety risk. The overriding intention of the primary licensing legislation is that a plate must be displayed as it is important that members of the public have confidence that a vehicle is licensed by Milton Keynes Council and therefore reaches a high standard of safety. It is also important that enforcement Officers of the Council and other regulatory agencies can identify licensed vehicles as specific legislative requirements apply to them. For instance, licensed vehicles require a specific type of insurance and not displaying a licence plate may allow an offence of failing to hold the correct insurance to go undetected. The Council therefore need a sufficient reason to be provided by an applicant for plate exempt status in order to be satisfied that there is no public safety risk that would arise from the non-display of a licence plate.

5.7.6 The Council does not think it is appropriate to specify the types of use that it considers would show a legitimate business or service need. It would however expect an applicant to show an identified customer or customers who wish to use the vehicle in question exclusively without the display of a licence plate. This may be done either by the provision of the relevant contracts or booking allocations or the applicants own market research. The Council would ordinarily expect the applicant for a plate exempt vehicle to be despatched by a private hire operator exclusively operating the vehicle applied for (and, if applicable, other vehicles) solely for business use stated. Applicants intending to work with Operators that also despatch vehicles for general private hire circuit work would
need to satisfy the Council that both the Operator and the applicant can ensure that the plate exempt vehicle would not be used for any circuit work.

5.7.7 As the provision of a private hire vehicle to a customer forms a private hire contract between the customer and the private hire operator it may be of assistance to the Council for the applicant to provide evidence of a contract signed by the customer confirming their requirement for the vehicle to be plate exempt and that the customer absolves the operator of any liability to their safety arising from such status.

5.7.8 When considering the specified business use of the vehicle the Council will ensure that the business use is not simply one of convenience for the applicant but is in fact a significant requirement or need of specified customers. The Council does not consider routine private hire work booked in the usual fashion without a written contact, including journeys to airports, to be sufficient to qualify for plate exempt status.

5.7.9 When considering the suitability of the vehicle the Council will take into account both the business requirement outlined by the applicant and the safety of the member of the public. Where an applicant intends to operate an executive type of chauffeuring business it is reasonable that the vehicle is of a high quality specification. Where the business use identified is not for chauffeuring business clients the applicant must satisfy the Council that there is demand for another type of vehicle by providing evidence of this. For instance, wheelchair accessible vehicles or specific types of speciality vehicle may also be acceptable.

5.7.10 If the Council is satisfied that the vehicle is suitable the licence will be granted and the vehicle exempt from the condition to display its plate provided that the vehicle is only used for the purpose identified by the applicant, that the operator record conditions and any specific condition imposed in respect of the vehicle are fully complied with. The granting of plate exempt status is a discretionary decision made by the Council to assist certain businesses and is not a right. The Council therefore reserves the right to revoke the plate exempt status at any time where the licensed vehicle proprietor, operator or driver fails to comply with any requirement imposed by the Council or the vehicle ceases to be used exclusively for purposes meeting the requirements of this Policy.

5.8 Security & Closed Circuit Television (CCTV)

5.8.1 The DfT Guidance recommends that licensing authorities look sympathetically at the installation of security measures in licensed vehicles, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
5.8.2 The Council does not require enhanced security or CCTV measures to be in vehicles at this time as it is considered that the taking of such measures should be left to the judgment of individual operators, owners and drivers. Whether CCTV or other enhanced security measures are installed or not, the hackney carriage and private hire vehicle trades are encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships or equivalent.

5.8.3 However, the Council wishes to support the trade in taking sensible measures to protect drivers and passengers in licensed vehicles. The Council recognises that there are benefits to the trade (as well as passengers) where CCTV is installed in licensed vehicles and as such strongly encourage drivers, proprietors and operators to consider the installation of CCTV in their vehicles.

5.8.4 CCTV in a licensed vehicle benefits the trade by deterring and preventing criminal activity within a licensed vehicle, reducing the number of customers who fail to pay or abuse drivers and, where incidents have occurred, CCTV assists the police in taking action. Insurance companies investigating insurance claims are also assisted by CCTV and this may have the added benefit to drivers by reducing their insurance premiums.

5.8.5 Whilst the Council supports the use of CCTV in licensed vehicles the Council is also mindful of the fact that there are data protection concerns arising from the use of such surveillance. Proprietor’s of licensed vehicles are responsible for ensuring that installed CCTV conforms to the Council’s requirements and relevant applicable legislation, such as the Data Protection Act 1998.

5.8.6 To assist the trade and protect the public the Council expect that, where CCTV is installed in a licensed vehicle, the Proprietor will ensure:

1. That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 1998 and is responsible for ensuring compliance with that Act and associated legislation.

2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO).

3. The footage must remain “tamperproof” and be accessible only to a responsible third party (i.e. Council or Police) rather than the driver, proprietor, operator or members of the public.
4. Vehicles must display relevant signage informing members of the public that CCTV is in operation and that they are being filmed.

5. Access provisions and agreements must be in place in order for the footage to be used by the relevant bodies and agencies.

7. CCTV is not installed in a licensed vehicle, or where it is already installed, not altered or replaced, until it has been approved by the Council in writing.

5.9 Application Procedures

5.9.1 The Council requires that all applications must be made on the specified application form in accordance with the application procedure set out in Appendix B. The applicant for the licence remains responsible for ensuring that application form is completed correctly and accompanied by all other necessary documents outlined in Appendix B.

5.10 Consideration of Applications

5.10.1 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete. Only once a completed application form and all correct supporting documents have been provided will the Council consider an application and, if satisfied that the vehicle is suitable, grant a licence.

5.11 Grant and Renewal of Licences

5.11.1 Hackney carriage and private hire vehicle licences will be granted for 4 or 6 months dependant on the age of the vehicle (see Appendix A). However, a licence may be granted for a shorter period, should this be appropriate in the circumstances. Vehicle licenses can be renewed up to one calendar month before expiry with no loss of licence benefit.

5.11.2 The responsibility to ensure that a vehicle is licensed is that of the proprietor, driver and in the case of private hire, the operator, as all may be guilty of an offence should an unlicensed vehicle be used.

5.11.3 The Council will only accept complete applications comprising of all the necessary information. In terms of renewing a licence, an application received late or incomplete may render a vehicle being unlicensed for a period of time during which it will be unable to be used for licensed purposes. In some cases once a licence has lapsed vehicles will not be eligible to be re-licensed (see Appendix A), for example if they no longer meet age criteria. The responsibility to
renew is that of the proprietor (or driver or operator as the case may be).

5.11.4 The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.

5.11.5 In respect of Hackney Carriage vehicles, licenses are granted on the proviso that the vehicle concerned will work predominantly within the borough of Milton Keynes.

5.12 Environmental Considerations

5.12.1 The DfT Guidance suggests that licensing authorities, in discussion with those responsible for environmental health issues, may wish to consider how far their vehicle licensing policies can and should support local environmental policies that the Council may have, having due regard to ensure the benefits of any policies outweigh the costs to the licensed trade and the Council.

5.12.2 Where the Council has declared an Air Quality Management Area in any part of the Borough and air quality standards are being breached as a result of vehicle emissions, then local vehicle emission controls may be brought in as part of a plan to improve air quality standards.

5.12.3 The Council recognises that low emission vehicles such as hybrids can have a positive impact on the environment and these will be given special consideration if they do not meet the Council’s criteria in respect of the minimum engine size outlined in Appendix A.

5.13 Stretched Limousines & Speciality Vehicles

5.13.1 Stretched limousines are elongated saloon cars their use generally includes all private hire work plus special occasions such as stag and hen parties and children’s birthday parties. Speciality vehicles may include vintage and themed vehicles.

5.13.2 The licensing of stretched limousines and speciality vehicles will be approached on the basis that these vehicles have a legitimate role to play in the private hire trade by meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected (for example just because the vehicles may be left-hand drives) and each application will be considered on its merits.

5.13.3 The Vehicle and Operator Services Agency (VOSA) have an Individual Vehicle Approval (IVA) inspection regime, which verifies that a converted vehicle is built to certain safety and environmental standards. This standard will be required from all stretched limousine and speciality vehicles that do not meet the standard vehicles standards of the Council.

5.13.4 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection will be required in order for
the Council to ensure the safety and suitability of the vehicle prior to a licence being issued (see Appendix C). The Council's age limit requirements detailed in Appendix A also apply.

5.13.5 The Council strongly recommends that anyone wishing to licence a stretched limousine contacts the licensing section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards, as each vehicle will be considered on its merits.

5.14 Funeral Vehicles

5.14.1 There is no requirement under current legislation for a vehicle to be licensed for private or public hire by the Council where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

5.15 Wedding Vehicles

5.15.1 There is no requirement under current legislation for a vehicle to be licensed for either private or public hire while it is being used in connection with a wedding.

5.16 Courtesy Cars

5.16.1 In this part of the Policy "Courtesy Car" refers to a vehicle that is provided in the course of a business to transport members of the public, from one place to another, for reasons ancillary to the main purpose of that business. For example, the transporting of customers to and from hotels, night-clubs, etc. Such vehicles will be driven by a driver provided by the business. In this Policy "Courtesy Car" does not refer to those vehicles that are provided to a person under the terms of an insurance policy, warranty or other similar contract, as temporary replacement for their own vehicle. Such vehicles would however require a licence if used for private hire or hackney carriage work.

5.16.2 All vehicles with 8 or less passenger seats operating for hire and reward must be licensed. Current case law supports the view that vehicles which are used as "courtesy cars", i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service and must therefore be licensed as must the driver and operator of that vehicle.
6. Drivers - (Hackney Carriage & Private Hire)

6.1 General

6.1.1 Licences to drive a hackney carriage and a private hire vehicle are granted under the 1976 Act. A licence is only granted to individuals who have been authorised to drive a motor vehicle for at least 12 months and who the Council are satisfied are “fit and proper”.

6.2 Fit and Proper

6.2.1 There is no definition of “fit and proper” in the 1976 Act nor a fixed legislative process. It is for the Council to determine how it wishes to be satisfied that a driver is fit and proper and to this end the Council considers a range of documentary evidence, practical criteria and qualifications provided by an applicant in order to be satisfied that an individual is fit and proper. Although there are some legislative differences between a hackney carriage driver licence and a private hire driver licence, the legislative test of being “fit and proper” and the documentary evidence considered by the Council to be satisfied of this, is the same and therefore the sections below apply equally to private hire and hackney carriage drivers unless otherwise specified.

6.2.2 Applications will be considered on their own merits individually and not jointly.

6.3 Age and Experience

6.3.1 There is no minimum or maximum age limit for drivers provided that an applicant can satisfy the Council that they are fit and proper by completing the relevant stages of the application procedure as required by the Council.

6.3.2 The above is subject to the legal requirement that an applicant must have held a driving licence for at least 12 months.

6.3.3 Licensed drivers will be on the road more frequently than most other people. Therefore the Council expects that they can evidence that they have a higher standard of driving ability than other people. New applicants are therefore required to have passed the Driver and Vehicle Standards Agency (DVSA) Taxi Driving test (Standard Assessment) before applying.

6.3.4 Applicants who intend to drive a licensed WAV must take the DVSA Taxi Driving Test enhanced assessment as it includes a wheelchair exercise. Drivers who have passed the standard assessment may at a later date upgrade to the enhanced assessment by taking the wheelchair exercise. The Council therefore expects proprietors of a licensed WAV to ensure that is driven by someone who has passed the enhanced assessment.
6.3.5 To ensure fairness and a level standard, drivers licensed before the adoption of this Policy will be expected to have undertaken the DVSA test by September 1 2018.

6.4 Application Procedure

6.4.1 The application process is outlined in Appendix D of this Policy and provides an applicant with the opportunity to satisfy the Council that he or she is a fit and proper person.

6.4.2 An application for a hackney carriage and private hire driver’s licence must be made on the application form specified by the Council and correctly completed in full by the applicant.

6.4.3 The Council will from time to produce and revise documentation offering information and guidance to applicants and licensed drivers to assist with applications and their duties as a driver. Such documentation will be available on the Council's website.

6.5 Medical Examination

6.5.1 The Council recognises that it is good practice for it to be satisfied that a driver is physically and mentally able to carry out the duties of a licensed driver. As such the Council requires the applicant to submit evidence of their medical fitness with their application.

6.5.2 The Council has adopted the relevant DVLA medical standard known as the 'Group 2'. This is the standard applied to the licensing of lorry and bus drivers and is considered to be best practice for those who drive for a living. Prior to application the applicant must have had a medical examination to the Group 2 standards completed by an appropriate person. An appropriate person will either be the applicants own GP or other general medical practitioner with access to the applicants medical record.

6.5.3 The applicant will be responsible for arranging the medical examination with the relevant medical practitioners or surgery and for paying any fee that may be required. Following the completion of the medical assessment the applicant is responsible for ensuring that the evidence that the applicant meets the group 2 standards is provided to the Council.

6.5.4 Those granted licences will be required to be re-examined to the group 2 standard at the age of 45 and every subsequent 5 years until they reach the age of 65. After the age of 65 licence holders must submit evidence of having been assessed to meet the group 2 medical requirements on an annual basis.

6.5.5 The Council may request a licence holder or applicant to be assessed by a medical practitioner at any time where the Council has concerns
about the fitness of a driver. This may be in incidents where the Council believes that the applicant no longer meets the group 2 standard or suffers from a medical condition that may endanger the driver and or members of the public travelling in his vehicle.

6.5.6 Failure to provide a satisfactory medical certificate in the circumstances outlined in this Policy will lead to the refusal of an application for, suspension or revocation of, or other enforcement action against, a drivers licence.

6.5.7 Ordinarily, meeting the group 2 requirements will be sufficient to satisfy the Council that an applicant or driver is physically and medically fit to be licensed. However, there may be occasions where an applicant or licence holder passes a group 2 medical but further information is present which may result in the Council being unable to be satisfied that the driver is suitable, either at the present time or at some point in the future. For example, a medical condition that is being treated but may deteriorate in future or a previous medical condition that may reoccur.

6.5.8 Where the Council is not satisfied as to the medical fitness of an applicant, the Council will require the applicant to undergo and pay for a further medical examination, at an appropriate medical facility, conducted by either the applicants GP or other qualified medical practitioner with access to the applicant’s full medical records to certify in writing that the applicant meets the relevant standard to act as a licensed driver.

6.5.9 Where there remains any doubt about the fitness of any applicant or licence holder the Council will review the medical evidence and, if necessary, put further questions to the relevant medical practitioner (such costs to be borne by the applicant or licence holder), before making any final decision in light of the medical evidence available.

6.5.10 In some cases the Council may grant a licence with a condition that the licence holder provides more frequent group 2 medical assessments and/or notes from his or her GP as to his or her suitability to be licensed.

6.5.11 Applicants and licence holders must notify the Council as soon as it is practicable of any deterioration in their health that may affect their ability to drive a licensed vehicle and/or their suitability to be a licensed driver. The Council expects licensed drivers to not continue to drive following any deterioration in their health until approved by both a medical assessment and the Council.

6.5.12 The Council will take a stern view of any licence holder continuing to drive if that driver is aware of, or as a licensed driver should be aware of, any health problems that could endanger the lives of their passengers.
6.6 Evidencing Criminal record - Disclosure and Barring Service (DBS)

6.6.1 In order to satisfy the Council that an applicant is fit and proper to hold a licence the applicant is required to provide an enhanced DBS disclosure of their criminal record.

6.6.2 A criminal record check on a driver is an important safety measure and the Council will require at least a continuous criminal record history of 20 years or more or, where an applicant is younger than the age of 36 their criminal record from the age of 16.

6.6.3 DFT Guidance is that the once licensed, a licence holder should not be required to have their criminal record checked more than once every 3 years and the Council will therefore require applicants to provide a DBS disclosure at their standard 3 year renewal.

6.6.4 However, the Council encourages applicants to join the DBS update service which allows the applicant to keep the Council informed of their criminal record history at all times. It is believed that all responsible and professional licensed drivers will do this.

6.6.5 The Council may, at its discretion, require additional DBS and criminal record checks within the standard three year cycle.

6.6.6 A DBS disclosure will only be accepted by the Council as evidence of an applicant's criminal record if it has been applied for through the Council and is dated no more than 3 months after the issue date on the disclosure. The Council will not accept a disclosure that has been applied for by any other body or organisation.

6.6.7 As the Council is an approved body applicants can deal with the DBS process through the Council but the Council supports the online DBS update service as an alternative system.

6.6.8 The Council will retain the DBS disclosure (or copies) and other relevant information on licence holders and applicants in line with the Council's retention policy or such lesser duration as it may deem appropriate after a licence holder ceases to be licensed or an application refused. Information obtained by the Council will be maintained in accordance with the provisions of the Data Protection Act and only provided to third parties in the circumstances permitted by that Act.

6.7 Evidencing Criminal Record – foreign offences

6.7.1 Where an applicant has either not lived in the UK continuously for 20 years or more, or has spent more than 6 continuous months living outside of the UK at any time in the last 20 years, the applicant is
required to satisfy the Council that they have not been convicted of any offences in a foreign jurisdiction.

6.7.2 An applicant will therefore be required to provide an equivalent to the DBS disclosure (for example certificate of good conduct duly authenticated) completed by the Embassy, Consulate or policing authority for each country in which the applicant has lived for 6 months or more in the last 20 years.

6.7.3 If an applicant does not provide this information the Council cannot be satisfied that the applicant is fit and proper to hold a licence.

6.8 Convictions and Cautions and additional information

6.8.1 The Council will consider each case on its merits but its overriding consideration is that of public safety. The Council will take a particularly cautious view where an applicant has been convicted of, investigated for, or otherwise had some involvement in offences involving violence, dishonesty and sexual related matters. Such offences are at odds with the role and responsibility of a licensed driver and the Council does not expect to grant licences to such applicants.

6.8.2 The Rehabilitation of Offences Act 1976 does not apply to the role of a licensed driver and applicants have no right to be granted a licence. However, the Council is aware that a person convicted of an offence may evidence themselves as fit and proper to the Council’s satisfaction after a number of years have elapsed since the commission of an offence.

6.8.3 It is not the Council’s role to prove that an applicant is, or is not, fit and proper. It is the applicant who is responsible for evidencing that they are fit and proper to the Council’s satisfaction. This evidence will be considered by the Council on its own merits.

6.8.4 The mere fact that an applicant has remained conviction free for a certain period of time does not automatically qualify him as fit and proper, however, guidance as to how criminal convictions are considered is provided in Appendix E. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

6.8.5 Licensed drivers will be expected to agree to either sign up to the DBS update service or consent to providing a further DBS disclosure upon the request of the Council during the course of a 3 year licence where the Council deem it appropriate to check that a driver has not been convicted of any offence that has not been disclosed to the Council.
6.8.6 Licensed drivers are required to report in writing all new convictions, official cautions, and fixed penalty notices to the Council within 14 days of their notification or occurrence. This includes any motoring offences. A similar declaration is required as part of the three yearly licensing process.

6.9 Driving Licence Records

6.9.1 The Council will carry out a check of DVLA records when considering if a driver is a fit and proper person to be licensed. This is to ensure that the information submitted by the applicant is in accordance with the information held by DVLA and so that the Council are aware of any endorsements shown on the applicants drivers licence. Licensed drivers will spend the majority of their working time in a licensed vehicle on British roads with members of the public as passengers. An applicant’s driving record is therefore relevant to the determination as to whether an applicant is fit and proper as the Council must be satisfied that licensed drivers have due regard and appreciation of the legislative provisions designed to protect all road users and pedestrians.

6.9.2 Applicants are required to make use of the DVLA’s online Shared Driving Licence Service to enable the Council to check their driving licence record.

6.9.3 Checks may also be made by the Council, requiring the applicant or licensed driver to provide a shared DVLA driving licence code at other times. This will either be where the Council believes an applicant or licence holder has been convicted of an offence not previously declared, there has been a delay in the application process and the Council wish to ensure they have updated details before determining an application or, as part of periodical compliance checks of licensed drivers.

6.9.4 If an applicant is unable to, or chooses not to, use the Shared Driving Licence Service, the applicant will be required to give written consent to the Council to apply to the DVLA in writing. The applicant must pay the reasonable administrative fees of the Council as well as those of the DVLA. Utilising this service will result in long delays in the Council processing an application. As the use of the shared driving licence service is free of charge and easy to use the Council do not expect that this alternative method of checking records shall be necessary.

6.9.5 Existing licence drivers will be expected, and conditioned, to provide a shared driving licence code upon the request of the Council during the course of a 3 year licence where the Council deem it appropriate to check that a driver has not received any endorsements that have not been disclosed to the Council.
6.10 Renewals

6.10.1 Drivers must apply to renew their licences at least 3 months before the expiry of their licence. This is the licence holder’s responsibility and as someone who has been deemed “fit and proper” to hold the licence, is expected to comply with this provision.

6.10.2 Responsibility for ensuring a renewal application is made remains with the licence holder. If an application is received late or is incomplete there may be insufficient time to process the application before an existing licence expires. The licence holder therefore runs the risk of being unlicensed to drive for a period of time until such a licence is granted.

6.10.3 Any application made after the expiry of a licence will be treated as a new application.

6.10.4 Unless the applicant has already passed the DVSA taxi driving test (or its predecessor the DSA test) an applicant for renewal must ensure that he provides evidence of having passed this test within 6 months of his first renewal or by 1 September 2018 (whichever is sooner).

6.10.4 The considerations in this part of the Policy for the determination of a new application apply equally to those of a renewal application.

6.11 Conditions of Licence

6.11.1 Hackney carriage drivers are subject to Council’s byelaws (see Appendix F).

6.11.2 Hackney drivers are also responsible for complying with the Council’s hackney carriage drivers code of conduct (GA).

6.11.3 Private hire drivers and those granted a combined private hire and hackney carriage drivers are subject to the conditions attached at Appendix GB and GC.

6.11.4 From the 1 January 2016 the Council will grant combined hackney carriage and private hire driver licences to new applicants. Those who chose to renew an existing hackney carriage or private hire driver licence after 1 January 2016 will be required to apply for a combined licence rather than an individual licence.

6.12 Code of Conduct and Dress Code

6.12.1 In addition to the above conditions of licence outlined in 6.11 above, the Council also has a Dress Code and a Code of Conduct to promote the professionalism of the drivers and to present an acceptable state of attire to visitors and residents of the Borough. The
Code of Conduct for drivers and operators is found in Appendix H. The Dress Code is found in Appendix I.

6.12.2 Failure to comply with any aspect of the Dress Code and a Code of Conduct will be addressed as part of enforcement action and as a result of breaches following advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.

6.12.3 The Council believes that steps that serve to enhance the professional image of the hackney carriage and private hire trade, and promote the concept that drivers of licensed vehicles as vocational drivers are to be encouraged.

6.12.4 In order to promote public confidence in licensed drivers the Council will, by 1 January 2017, issue a duplicate badge to drivers which will be conditioned to be displayed clearly in a licensed vehicle facing towards the passengers. This will be in addition to the badge that a driver is legally required to wear on his person under the 1976 Act.

6.13 **Duration of Licences**

6.13.1 The 1976 Act (as amended by the Deregulation Act 2015) requires the Council to grant a licence for the duration of 3 years or for such lesser period as the Council think is appropriate in the circumstances of the case.

6.13.2 Once the Council is satisfied that an applicant is “fit and proper” it will ordinarily grant the licence for a period of 3 years from the date of grant.

6.13.3 Once granted a licence, the licence holder must remain fit and proper in the eyes of the Council and his or her licence may be suspended or revoked at any time after the grant of a licence where the Council has reasonable cause.

6.13.4 All licences will be conditioned so as to require the licence holder to keep the Council updated with all the documents the Council initially required to determine the applicant as fit and proper. Whilst the Council will endeavour to notify the licence holder that relevant documentation that the Council require sight of is due to expire, keeping the Council updated remains the licence holder's responsibility.

6.13.5 Where a licence holder fails to provide updated documents to the Council during the term of their licence and in such manner as required by the conditions of licence, the licence will be suspended or revoked.
6.13.6 The Council may, however, as an alternative to granting a licence for 3 years deem it appropriate to only grant a shorter licence if an applicant indicates that they do not wish to consent to or agree to, signing up to the DBS update service, providing further DBS enclosures upon the reasonable request of the Council, providing a DVLA shared driving licence code or up to date medical certificate.

6.13.7 After being licensed a driver may decide that they no longer wish to remain licensed. In these instances that driver may surrender their licence to the Council with a request that the licence be suspended or revoked by the Council as may be appropriate in the circumstances. In these instances the Council shall suspend or revoke in order to exempt the driver from any continuing obligations and to protect members of the public.

7. **Private Hire Operators**

7.1 **Requirements & Obligations**

7.1.1 Any person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle must be licensed as a private hire operator. A private hire vehicle may only be despatched to a customer by a licensed private hire operator.

7.1.2 The Council recognises that there is a limited exemption for public service vehicle (PSV) licence holders to operate private hire vehicles but in most cases, this exemption will not apply.

7.1.3 Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward will require a licence. The acceptance of bookings may be provided for by a variety of methods, such as, being in person, by telephone, e-mail, internet, smart phone applications, in writing or by any other communication means.

7.1.4 The objective in licensing private hire operators is the safety of the public who will be using the operators' premises; vehicles, and drivers arranged through them.

7.1.5 Applications for operator's licences must be made on the Council's prescribed form, together with the requisite fee. Applications can be made by individuals as well as partnerships, companies, or other organisations. Incomplete applications will be rejected.

7.2 **Fit and Proper**

7.2.1 The Council will not grant a licence unless satisfied that the applicant is “fit and proper” to hold a licence.
7.2.2 Whilst the licensed operator is not the individual driving members of the public in the private hire vehicle and therefore, not an immediate physical risk to the passengers, the operator is responsible for despatching a vehicle and driver to its customer. For this reason it is imperative that those licensed as operators conduct themselves to a high standard.

7.2.3 Many private hire operators are also licensed as private hire drivers and will have been assessed as being fit and proper to drive. However, being fit and proper to drive a licensed vehicle does not necessarily mean an individual is fit and proper to be an operator. The Council would not, however, expect to grant an operators licence to an individual who it has considered not to be fit and proper to be a driver, either following a refusal of an application for, or revocation or suspension, of a private hire or hackney carriage driver's licence.

7.2.4 Operators are required to comply with a number of legislative requirements and conditions of licence regulating how they run their business. The Council needs to be satisfied that an applicant understands their duties and responsibilities.

7.2.5 An applicant for an operator’s licence must provide a standard criminal record check upon application to satisfy the Council that they are a fit and proper person to hold such a licence.

7.2.6 Operators must be licensed in the same district as the district in which they have their operating base, and may only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence subject to any legal exemption allowed for by legislation.

7.3 Conditions

7.3.1 The Council has the power to impose such conditions on an operator’s licence as it considers reasonably necessary. The standard conditions set out in Appendix J are those considered to be reasonably necessary.

7.4 Insurance

7.4.1 The Council will expect that appropriate public liability insurance has been taken out for premises that are open to the public (e.g. taxi waiting rooms).

7.5 Licence Duration

7.5.1 The 1976 Act as amended by the Deregulation Act 2015 requires private hire operators' licences to be granted for a maximum of five years from the date of grant. Where it is appropriate the
Council may grant a licence for a shorter period. The Council consider that it would be appropriate to grant a shorter term licence if requested by the Operator.

7.5.2 It is the responsibility of the licence holder to ensure that they renew their licence. Renewal applications should be received by the Council at least two months in advance of the licence expiry date to ensure that a renewal application can be processed and a licence issued in time.

7.5.3 If an application is received late, or is incomplete, there may be insufficient time to process the application before the existing licence expires and the operator concerned may be unlicensed for a period of time.

7.6 **Address from which an Operator may operate**

7.6.1 An operator's licence will specify the address from which the operator may operate. This will be the premises where the records required are kept and where bookings are made. This means that depending on the nature of the operation there can be occasions when an operator will require more than one operator licence for different locations within the Borough.

7.6.2 The Council will not grant a licence to an operator whose premises are located outside the borough. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

7.6.3 It is the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose.

7.7 **Sub-contracting**

7.7.1 Section 55A of the 1976 Act, inserted by the Deregulation Act 2015 permits Operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another local authority.

7.7.2 However, regardless of which operator fulfils a booking, the operator can only despatch a vehicle licensed by the same Council that licences the operator and driven by a driver licensed by that same Council.

7.7.3 For example, if an Operator licensed by Milton Keynes Council choses to sub-contract a booking to an operator licensed by Liverpool City Council, that operator must despatch a vehicle with a driver licensed by Liverpool City Council. Or in, reverse, if a Liverpool
licensed Operator sub-contracts a booking to a Milton Keynes Council licensed operator, the vehicle despatched, and its driver, must both be licensed by Milton Keynes Council.

7.7.4 Operators that accept a booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as normal and the fact that it was sub-contracted.

7.7.5 Customers who book through a licensed operator expect a vehicle to be provided that is directly controlled by that operator and not one that is licensed in another district. The Council aims to have the highest standards possible as appropriate for its district. Other local authorities have different standards appropriate for their district and the vehicles and standards of drivers may differ.

7.7.6 For this reason the Council does not believe that sub-contracting bookings should be common place amongst its licensed Operators. It may be appropriate for Operators to sub-contract in order to provide a certain type of vehicle that is not on its fleet such as WAV.

7.7.7 The Council does not have the ability to take enforcement action against those licensed by other authorities but may, upon the investigation of a complaint, take action against an Operator where they have sub-contracted to another Operator and failed to exercise all due diligence to ensure that the person making the booking was transported in compliance with the standards imposed by the Council.

7.8 Cross Border Hiring

7.8.1 In relation to private hire vehicles, the 1976 Act permits members of the public to contact and book a private hire vehicle through any licensed private hire operator regardless of in which district they are licensed. Private hire bookings are private contracts between the hirer and the operator and are not a matter for the Council to regulate. In this regard, the Act leaves the selection of an operator entirely to market forces and the freedom of choice to the customer.

7.8.2 The Council intends for its private hire operators and their vehicles to aspire to the highest standards of service so that they are the operator of choice for its residents.

7.8.3 The Council does however recognise that members of the public may be confused by the appearance of vehicles licensed by other authorities working in Milton Keynes. The Council therefore encourages its residents to understand the difference between private hire vehicles and hackney carriages and the requirement that private hire vehicles, regardless of which authority licences them, must be booked in advance.
8. Disciplinary and Enforcement Measures

8.1 Enforcement

8.1.1 Legislation installing a licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the Council. For this reason, the Council has dedicated taxi enforcement Officers.

8.1.2 The Council will take appropriate disciplinary action upon receipt of evidence that an offence has been committed by a hackney carriage or private hire driver, a private hire operator, private hire or hackney carriage vehicle proprietor or in relation to a hackney carriage, private hire vehicle or operator’s licence.

8.1.3 Offences may be committed either contrary to the legislation enforced by the Council, the conditions imposed on licences granted by the Council, the adopted bye-laws regulating hackney carriage proprietors and drivers, or this Policy.

8.1.4 Drivers, operators and proprietors of vehicles who have committed offences under legislation outside of that applicable to taxis will also be investigated in order to establish whether they are still fit and proper to hold a licence.

8.1.5 The Council will undertake targeted enforcement operations (including out of normal office hours) based on intelligence received as well as for compliance purposes.

8.1.6 The Council will investigate complaints received in respect of licensed and unlicensed vehicles; operators and drivers in accordance with the Police & Criminal Evidence Act 1984 and the Council’s Enforcement Policy.

8.1.7 The Council will undertake regular compliance checks of the records of Operators, drivers and vehicle proprietors and may request any documentation from those holding licences with the Council in order to ensure compliance with the legislative provisions, conditions of licence, bye-laws and this Policy.

8.1.8 The Council will share information with other agencies in respect of potential illegal activities and enter into joint enforcement operations with other agencies and authorities. This may include taking enforcement action in respect of drivers and vehicles licensed by other Authorities where agreements and necessary delegations are in place. Officers of the Council may also enter into joint warranting with neighbouring authorities to enable enforcement activities to take place in respect of vehicles and drivers licensed by those neighbouring authorities but operating in Milton Keynes.
8.19 The Council has an enforcement policy, available on the Council website or provided on request, regulating how enforcement measures are taken by the Council. This states that any action shall be proportional, reasonable, transparent and appropriately directed. Details on enforcement action taken will be shared with other appropriate agencies and other Council services.

8.2 **Disciplinary Action**

8.2.1 There is a range of disciplinary action which the Council may take following the outcome of an investigation. This includes prosecution, revocation, refusal or an informal disciplinary sanction.

8.2.2 Where there is no evidence of wrongdoing no further enforcement action will be taken. However, an advisory letter may still be appropriate. Where there is evidence of wrongdoing the Council will take action.

8.2.3 Prosecutions will be taken where it is in the public interest. However, there are some instances where the revocation or suspension of a licence is a more effective and immediate remedy than prosecution. Licence holders successfully prosecuted by the Council for offences that put public safety at risk will have their licence revoked.

8.2.4 The Council will revoke, suspend or refuse to renew a licence where the licence holder has committed offences that put public safety at risk or for persistent non-compliance with the relevant legislation or licence conditions. In addition, a licence holder who fails to sufficiently safeguard the public, especially children and vulnerable adults, may have their licence suspended or revoked.

8.2.5 Minor offences which do not put the public at risk or do not call into question the fitness of the licence holder will be dealt with informally under the Council’s penalty point warning scheme. The frequency or nature of minor offences may be such that the penalty point warning scheme is not considered appropriate and another sanction is necessary, such as suspension or revocation.

8.2.6 Action taken in respect of vehicle licences, such as suspension or revocation, will be dealt with by Officers guided by the requirements of the Local Government (Miscellaneous Provision) Act 1976 (including sections 60 & 68), Town Police Clauses Act 1847 (including section 50), Council Enforcement Policy, and this Policy.

8.2.7 Action taken in respect of drivers or operators that fall outside of the penalty point warning scheme will be dealt with by Officers unless referred to a Regulatory Sub-Committee.

8.2.8 One of the functions of the Regulatory Sub-Committee is to consider the impact of transgressions of the law on the fitness of an individual
to hold a hackney carriage or private hire licence, and to take appropriate action under the circumstances. The Regulatory Sub-Committee affords a licence holder the opportunity to plead their case to elected members.

8.3 Penalty Points Scheme

8.3.1 Whilst the operation of a successful hackney carriage and private hire vehicle trade is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use those services.

8.3.2 The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to minimum standards and to apply this in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions, codes of conduct or byelaws adopted by the Council and in this policy. Together they identify what is required of the trade and help to ensure that a consistent approach is taken.

8.3.3 The Council believes that an effective means of applying conditions at a local level is through a penalty point warning scheme. This acts as a first step in ensuring compliance with conditions, and serves as an “early warning” system to drivers, vehicle proprietors, and operators who see fit to ignore their responsibilities or fail to meet the requirements of their licence.

8.3.4 Points are accumulated on a sliding scale dependent upon the type of breach that has occurred. These penalty points then remain “live” for a relevant period on the drivers, proprietors or operators record from the date they are imposed. Where a driver, proprietor or operator accumulates a specified number of points within the relevant period they will be requested to attend a disciplinary hearing before the Regulatory Committee or a Regulatory Sub-Committee. The Committee can either suspend or revoke the licence.

8.3.5 It is believed that a warning based penalty point’s scheme does assist the trade in maintaining standards but it does not compromise the Council’s ability to take other enforcement action for breaches of statute or licence conditions should an offence warrant such action.

8.3.6 The penalty points scheme is further detailed at Appendix K. The scheme is aimed at dealing with breaches and offences not otherwise dealt with (and generally not as serious as those set out) in Appendix E – “Guidelines on Relevance of Convictions”. The Council however is not obligated to follow this scheme where it is of the opinion that it is appropriate for it to use its powers under the legislation to either suspend, revoke or refuse to renew a licence, or to prosecute.
8.3.7 Enforcement Officers will issue warnings and penalty points in accordance with this policy and the principles and guidelines set out in the Council’s Enforcement Policy.

8.4 Public Safeguarding and Child Sexual Exploitation

8.4.1 Child Sexual Exploitation (CSE) is a form of child abuse. It can involve sexual abuse, physical abuse and emotional abuse of children by adults. Licensed drivers, proprietors and Operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or Operator have any concern about the vulnerability of a child they must report this immediately to Crimestoppers on 0800555111 or 01908 253169 or email children@milton-keynes.gov.uk. Should a licence holder fail to report a concern then they will be investigated and may have their licence revoked or suspended.

9. Delegated Powers

9.1 Delegated Functions

9.1.1 The Council has delegated responsibility for the exercising of the Council’s functions as per the table below.

9.1.2 Applications for new licences or the renewal of a licence will be dealt with by Officers unless referred to a Regulatory Sub-committee.

9.1.3 Officers are permitted to issue oral and written warnings, penalty points and cautions and may instigate prosecutions wherever appropriate.
### 9.1.4 Table of Delegation of Functions

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Executive (cabinet)</th>
<th>Regulatory Committee</th>
<th>Regulatory sub-committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxi Licensing Policy</td>
<td>All cases</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommendation for the adoption of Taxi Licensing Policy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adoption of Appendices to the Taxi Licensing Policy (except for E and F)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for Private Hire Drivers Licence</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for Hackney Carriage Drivers Licence</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for Private hire operator licence</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for Hackney carriage vehicle licence</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for private hire vehicle licence</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adoption of conditions applicable to drivers; vehicles or operators</td>
<td>All cases</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for transfer vehicle Licence</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hackney carriage fares</td>
<td>All cases</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspension; revocation or refusal of vehicle licences</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspension; revocation or refusal of driver licences</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspension; revocation or refusal of operator licences</td>
<td>If referred by Officer</td>
<td>All cases unless referred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue of Penalty Points</td>
<td>If referred by Officer</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limitation of Hackney Carriage vehicle numbers</td>
<td>All cases</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 9.2 Appeals

#### 9.2.1
Where an applicant or licence holder is aggrieved by the Council’s decision to refuse an application, revoke or suspend a licence, or impose conditions on a licence the applicant or licence holder has a right of appeal to the Magistrates Court within 21 days of the applicant being notified of the Council’s decision, except for two specific instances described below.

#### 9.2.2
Appeals against the refusal of an application for a hackney carriage proprietor’s licence must be made to Crown Court and where a vehicle has been suspended under section 68 of the LGMPA no right of appeal exists.
10. **Fares & Fees**

10.1 **Fares**

10.1.1 The Council has the power to set Hackney Carriage fares for journeys within its district but cannot regulate fares for private hire vehicles. Where the fares have been set for Hackney Carriages they shall be readily available from the Council. All Hackney carriages licensed by the Council must display the table of fares.

10.1.2 Hackney Carriage fares are a maximum, and so in principle are open to downward negotiation between passenger and driver. There are no provisions which prevent the driver of a hackney carriage from charging less than the fare shown on the meter.

10.1.3 The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council for trips within the Council area.

10.1.4 The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

10.2 **Licence Fee Structure**

10.2.1 The fees payable for the grant and renewal of hackney carriage and private hire licences driver; vehicle and operator licences will be reviewed as part of a budgetary process and current fees will available on the Council’s website or from the Council upon request.

11. **Taxi Ranks**

11.1 **Appointed Ranks**

11.1.1 A number of ranks for hackney carriages have been designated within the Council area and these will be clearly; properly and appropriately signed. Details of the location of the ranks are contained in Appendix L.

11.2 **Waiting on Stands**

11.2.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended commit an offence.

12 **Complaints**
12.1 Members of the public who wish to make complaints or comments about a licensed driver, vehicle or operator should contact the Council's enforcement team. Members of the public should however note that the Council can only deal with breaches of legislation or conditions of licence and not complaints about customer service which must be made to the operator (or in the case of a hackney carriage, the driver).

12.2 Licence holders, applicants for licences or members of the public that wish to complain about the Council's service must follow the Council's complaints procedure published separately.

APPENDICIES
Appendix A

Hackney Carriage & Private Hire Vehicles
Specification and Schedule of Conditions

A1.1 Introduction

A1.1.1 The following specify the minimum standard requirements for vehicles licensed for hire or reward by the Council. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the Council. The applicant will, in these circumstances, be required to submit in writing a persuasive and substantial case for departing from the Council’s policy. To assist vehicle proprietors a list of approved vehicles is maintained which details those vehicles known to satisfy Council requirements. Applicants for vehicle licences are expected to have first read this Policy, and, where unsure, ask questions of Officers to ensure a vehicle will be licensed.

A1.1.2 The Council recognises that certain Hackney Carriage vehicles (so called 100 plates and specified others) have historical permissions (known as Protected Rights) and that these can continue provided the vehicle licence concerned never lapses. A vehicle licence will lapse if the vehicle is not tested by the Council before the licence expires unless, prior to the licence expiring, the licence plate is voluntarily surrendered to the Council to preserve the protected rights of the vehicle licence.

A1.1.3 The Council will issue different colour vehicle plates to differentiate between Private Hire and Hackney Carriage vehicles (blue for private hire and white for Hackney Carriage). The Council also operates a Temporary Hire vehicle licence system where vehicle proprietors have a need for replacement vehicles when their licensed one is off the road (for example due to an accident). Any temporary hire vehicles will need to comply with the standards elsewhere within this policy and temporary hire plates will only normally be issued when a standard vehicle licence has been suspended and the Council is also in receipt of the licence (plate) concerned.

A1.2 Vehicle Safety Certification

A1.2.1 To ensure that all vehicles licensed by the Council are of a recognised safety standard all licensed vehicles must be certified by the Vehicle Certification Agency (VCA) to one of the standards listed below. The vehicle must be M1 classified upper level i.e. it was built to be a passenger carrying vehicle.
A1.2.2 Where a vehicle has been subject to a write off the Council may consider applications for vehicles that have been classified Category C, D or X but not A or B. Where necessary such vehicles will need accompanying proof of an adequate Vehicle Identity Check from DVLA / VOSA / Ministry of Transport as required.

A1.3 EC Whole Vehicle Type Approval

A1.3.1 EC approval of most road vehicles is based around the “whole vehicle” framework Directive 92/53/EEC and this specifies a range of approximately 50 aspects of the vehicle that must be approved including testing of brakes, seats, emissions etc. This is regarded as the highest standard of safety, and 98% of all passenger cars entering service in Great Britain have this type of approval to meet harmonised European standards.

A1.4 Individual Vehicle Authorisation

A1.4.1 This approval is for individual vehicles that do not have European Type Approval. However, as well as the visual examination carried out on the vehicle, additional documentary evidence that the vehicle complies with the European Type Approval standards has to be produced. The Vehicle Inspectorate can accept an equivalent standard certificate by, or on behalf of, a foreign authority, or can do a comparison between two vehicles to satisfy themselves that the vehicle meets this standard. Some destructive tests are done on one vehicle and then every other vehicle of this make is given a visual inspection to check that it is of the same vehicle construction as the one that was destructively tested. From October 2003 evidence of crashworthiness has also been required.

A1.5 Other Vehicle Requirements

A1.5.1 When licensing hackney carriage and private hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers’ original specification and shall be constructed and designed:

- For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
- Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
- With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as “1.6”
models unless of an approved size below this (for example some hybrid / electric vehicles).

- To have windows to the side and rear providing natural light to passenger compartment.
- Must not be a convertible.
- Must have a current and valid MOT certificate.
- Luggage space must be reasonable and sufficient for the maximum number of passengers being carried at that time and be physically separated from the passenger seating.

A1.5.2 LPG conversions other than new vehicles must be carried out by competent persons for such conversions and the necessary proof provided if required. Sufficient space must still be available for luggage.

A1.6 Compliance Testing

A.1.61 As well as holding suitable approval certificates (see Vehicle Certification above), all vehicles must be submitted for inspection and certified fit for public use, before the issue of a licence. Within the Borough of Milton Keynes, this is known as Compliance Testing and is required every 6 or 4 months for every licensed vehicle dependent upon the age of the vehicle.

A.1.62 It is the proprietor’s responsibility to arrange for the vehicle to be inspected and tested by the Council prior to its first licence being granted and, where that licence is to be renewed, on all occasions prior to the expiry of the licence. If the proprietor cannot test their vehicle prior to the expiry of their licence the Council will permit the proprietor to voluntarily surrender their licence plate in order to renew the licence at a later stage.

A.1.63 Vehicles can be tested up to one calendar month before its licence expires and, if a new licence granted, the new licence will take effect from the expiry date of the old licence. A licence holder will not therefore be penalised for testing their vehicle early and early testing is encouraged. The frequency of vehicle tests depends on the type and age of the vehicle and is as follows:

- Private hire vehicles and Hackney Carriage (100 plates) that are under 6 years old must be tested every 6 months.
- Private hire vehicles and Hackney Carriage (100 plates) that are over 6 years old must be tested every 4 months;
- Hackney carriage vehicles (500 or 600 series) must be tested every 6 months until they reach the age of 10 years.
- Hackney carriage vehicles (500 or 600 series ) over the age of 10 years must be tested every 4 months.
A.1.6.4 Vehicles that do not pass the compliance test will be issued with a fail certificate (which includes a suspension notice) detailing why they have not passed. The Council will need to re-assess the vehicle once the necessary works have been undertaken before a pass certificate can be given. The maximum period allowed for this to take place is normally two months which is in accordance with legislation. There may be a charge for a retest depending on the duration of time that has elapsed since a fail certificate was issued and the nature and number of matters that need to be re-inspected. The Council reserves the right to require a complete compliance test to be undertaken where more than 7 days have elapsed since the original test.

A.1.6.3 Where a vehicle has a minor defect that requires attention the Council may issue a licence on the condition that works are completed to rectify the defect within a set period of time. Failure to carry out the works within this time period will result in either suspension or revocation of the licence.

A1.7 Licence Plate

A1.7.1 The proprietor must ensure that the licence plate provided and allocated to him by the Council is maintained in a clear and legible condition and is affixed externally to the rear of the vehicle on or adjacent to the rear bumper or in such other position as may be approved by the Council. In addition:

- The Council must be informed should the licence plate be lost, broken or defaced.
- The Proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or identifying feature is illegible.

A1.7.2 The proprietor or driver of the vehicle shall not carry or permit to be carried in the vehicle more than the maximum number of passengers specified by the licence as indicated on its plate.

A1.8 Licence

A1.8.1 The licence must be kept in the possession of the Proprietor and be produced on request to an authorised officer of the Council, or any Police Officer. Also:

- In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued. An administrative charge shall be levied for replacement or copy licences.
- On revocation, expiry, transfer or suspension of the licence, the licence and the plate issued in respect of the
vehicle must be returned to the Council immediately following service of a notice on the Proprietor.

- The licence must not be altered or defaced in any way.
- The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements.

**A1.9 Ownership and Insurance**

**A1.9.1** The proprietor shall ensure that the vehicle has a valid policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle and those driving it for the relevant licensed activity of the carriage of passengers for hire or reward for either public or private hire as applicable. The Certificate of Insurance must be produced upon request by an authorised officer of the Council, or by a Police Officer.

**A1.10 Age**

**A1.10.1** The Council will not grant a new licence in respect of private hire vehicles or saloons licensed as hackney carriages that are over seven years old.

**A1.10.2** The Council will not grant a new licence to a wheelchair accessible hackney carriage vehicle that is over four years old.

**A1.10.3** There is no upper age limit for licensed vehicles provided they remain continually licensed by the Council. “Continually licensed” means that the licence held in respect of the vehicle must not lapse before an application is made to renew it. A vehicle licence will lapse on the expiry date shown on the licence or, if surrendered or revoked, on the date of such surrender or revocation, subject to the provisions of A.10.7 (below).

**A1.10.4** Whilst the Council do not have an upper age limit for the vehicles it licences it recognises that the purpose to which such vehicles are put will result in heavy use and high mileage. It is therefore expected that the condition of vehicles will deteriorate significantly the older they get. For this reason detailed consideration will be given to vehicles over 10 years of age which fail regular compliance tests either upon application for renewals of licences or following enforcement operations.

**A1.10.5** Regular failures of Council compliance tests will result in the Council refusing to continue to licence a vehicle where the
evidence is such that the Council cannot be satisfied that the vehicle is safe and suitable for use by members of the public.

A1.10.6 Where an application for a licence is made and no licence in respect of that vehicle is in force (i.e. the vehicle is either not licensed or any licence granted to it has lapsed) it will be treated as an application for a new licence and the age limits set out above will apply.

A1.10.7 To allow some flexibility where proprietors cannot re-licence a vehicle before a licence expires, plates (and therefore licences) may be voluntary surrendered for suspension by the licence holder before expiry for re-licensing at a later date. The maximum period that a plate will be held, following its voluntary surrender, for re-licensing is 6 months from the date of the plate expiry.

A1.11 Doors

A1.11.1 In the interest of safety all vehicles should have a minimum 4 doors, which are capable of being opened from the inside. The rear passenger compartment must have an openable door on either side of the vehicle unless they have been licensed under protected rights (for example rear loading wheel chair accessible hackney carriage).

A1.12 Seating

A1.12.1 The passenger carrying capacity of a vehicle will be at the discretion of the Council

- The rear seat of the vehicle must be a minimum of 1.22 metres long to accommodate three people

- Any seat must have a minimum width of 405 millimetres (16 inches per person).

- All seats must be fitted with fully operational seat belts.

- The number of passenger seats must remain as stated on the vehicle licence.

- There must be no alteration to the seating configuration without first notifying, and receiving confirmation from, the Council in writing, or unless otherwise requested by the Council.

- All seats must be forward or rear facing unless otherwise agreed in writing by the Council following a written request.

- All vehicles must be able to seat a minimum of 4 passengers in comfort.
- There must be a minimum ‘leg room’ distance of 300 mm in front of a seat and a minimum height of 864 mm between the top of any passenger seat and the roof.

- The seat covering must be clean and in a good state of repair.

- The depth and width of the foot well must be sufficient to accommodate adult passengers in safety and comfort.

- The Council will not permit “child seats” or seats designed for temporary use to be included as part of a licence.

A1.12.2 Multipurpose vehicles (MPV’s) or people carriers offer a number of seat configurations often to match the owner’s needs. These vehicles are often designed for domestic families and not professional taxi proprietors. In the interests of the safety of the passengers it is necessary to examine these seating arrangements to ensure that in the event of a collision or fire there is unobstructed egress from the vehicle.

A1.13 Maintenance, Appearance and Condition of the Vehicle

A1.13.1 The vehicle and its fittings must, at all times when it is licensed and available for hire, and when it is presented for inspection, be:

- Safe
- Tidy
- Clean
- In compliance with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- Maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.

A1.14 Tyre Safety

A1.14.1 For all Hackney Carriage and Private Hire vehicles, the depth of tyre tread on all vehicles and condition of any tyre must meet the VOSA required standard except that the minimum tread across the central three quarters width must be 2mm. This is because of the high mileage that licensed vehicles do. In addition any damage to the tyre or part of the tread not meeting the required standard (for example cuts and bulges, foreign bodies in a tyre such as screws; nails etc.) will result in a test failure. The use of second hand tyres is not recommended.
A1.14.2 All vehicles must carry a suitable spare wheel where they have been designed to carry one unless exemptions below can apply. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres, passengers must not be carried when using a space saver wheel other than to complete a hire already commenced before the space saver needed to be fitted, and provided it is safe to do so. Where the vehicle has not been designed to carry a spare wheel an appropriate inflation device must be in the vehicle unless appropriate run flat tyres are fitted all round.

A1.15 Exterior Appearance

A1.15.1 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

A1.16 Interior Appearance

A1.16.1 The interior of the vehicle must always be in a clean and tidy state and fit for purpose.

- Carpets, upholstery and cloth trim are to be clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.
- All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
- All doors, locks and windows are to be in full working order and in good condition.
- All interior lights and fascia illumination are to be in full working order and in good condition.
- All windows are to be kept free of dirt, grime and marks
- Boot space/luggage areas are to be kept clean and vehicle equipment properly stowed.

A1.16.2 If in the opinion of the Council, a vehicle is in such a condition internally or externally as to render its use by the public as undesirable, the Council shall notify the proprietor thereof whereupon the proprietor shall not use or cause or permit the use of the vehicle until the Council has re-inspected the vehicle and confirms that it is of a standard suitable for public use.

A1.17 Interior Markings

A1.17.1 The proprietor shall cause to have the licence inside the vehicle in such a position so as to be visible at all times to persons
conveyed, showing the number of the licence and the number of passengers prescribed in the licence.

A1.17.2 Any other signs shall not contain anything of a religious or political nature or contain any matter likely to cause offence. An exception will be a small discreetly placed, symbolic item that is reflective of a personal belief that will keep a driver safe. This should not be directly in the line of sight of any passenger and must not present a risk to the safety of a passenger (for example by being inadequately fixed).

A1.18 Fire Extinguisher & First Aid Kit

A1.18.1 It is a requirement that all vehicles carry an appropriate first aid kit and a 0.75kg dry powder fire extinguisher, both of which must be in a serviceable condition and within any expiry or recommended expiry date.

A1.19 Accidents and Vehicle Damage

A1.19.1 In the event of a vehicle being involved in an accident, the Proprietor must inform the Council as soon as reasonably practicable and, in any case within 72 hours, of any accident causing damage materially affecting the safety, performance or appearance of the vehicle.

A1.19.2 An authorised officer will consider any vehicle damage reported to the Council and if of the view that the vehicle is still in a fit condition to continue in service may permit the vehicle to continue in use but specify a time limit by which a permanent repair must be undertaken.

A1.19.3 If any damage is considered by an authorised officer to be extensive enough to affect the safety or general appearance of the vehicle the vehicle licence will be suspended and the plate immediately removed. The suspension will not be lifted until the vehicle is repaired to the satisfaction of the officer and the plate is re-affixed.

A1.19.4 If the licensed vehicle cannot be used then it may be possible for the proprietor to obtain a Hire plate in respect of an appropriate replacement vehicle.

A1.20 Disability Access

A1.20.1 Wheelchair accessible vehicles must be adapted or designed to carry at least one wheelchair passenger whilst they remain seated in the wheelchair.

A1.20.2 There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn. There must be sufficient space for a wheelchair to travel facing forward or rearward. There must be a separate means of securing the chair and the wheelchair occupant. There must be serviceable
wheelchair ramps carried in the vehicle and be of a size and comfort to accommodate a user in a standard wheelchair and at least one carer and to have sufficient luggage space.

A1.20.3 It is a criminal offence for a driver or operator to make an extra charge for carrying a wheelchair.

A1.20.4 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- Loading of the wheelchair is from the side unless an exemption has been given for rear loading.

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.

- Wheelchair internal anchorage must be of the manufacturer’s design and construction, and secured in such a position as not to obstruct any emergency exit.

- Wheelchair internal anchorage must be installed and fitted by a competent person able to verify in a professional capacity that it has been fitted in accordance with all relevant legislative safety standards and requirements and complies with The Road Vehicles (Construction and Use Regulations 1986 (as amended).

- A suitable restraint must be available for the occupant of a wheelchair.

- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.

- Ramps and lifts must be securely stored in the vehicle before it may move.

A1.20.5 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

A1.21 Luggage in Estate Cars

A1.21.1 Estate cars cause a safety concern when stacking luggage in the vehicle causing a potential danger to passengers in the event of harsh braking or an accident. Luggage cannot therefore be stacked above the height of the rear seats unless the vehicle is
designed, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

A1.22 Roof racks and roof mounted luggage boxes
A1.22.1 These are not permitted under the terms of the vehicle licence.

A1.23 Tow Bars
A1.23.1 Tow Bars are not permitted on licensed vehicles. Licensed vehicles are not permitted to tow trailers, caravans, broken down vehicles or anything else of a similar description.

A1.24 Taximeters
A1.24.1 If a taxi meter fitted to the vehicle is repaired, adjusted or for any reason if the seal is broken, or if any change is made to the type of tyre fitted to the vehicle, or alterations made to the vehicle's transmission gearing ratio, the vehicle shall be suspended until the taximeter has been satisfactorily tested or approved by the Council. The Council supports the use of calendar controlled meters.
A1.24.2 Where a taxi meter is fitted to a vehicle the proprietor shall obtain, and keep, a certificate of calibration evidencing that the meter has been correctly calibrated to the Councils Hackney Carriage Table of Fares.

A1.25 Mobile Devices
A1.25.1 Drivers shall not use mobile devices including phones, tablets and laptops and anything similar whilst driving. Drivers must comply with the Road Traffic Act, Highway Code and Road Traffic regulations at all times in order to ensure the safety of the travelling public.
A1.25.2 Mobile telephones on a hands-free kit should not be used when conveying a passenger.

A1.26 Smoking
A1.26.1 Under the Health Act 2006 and the Smoke-free (Signs) Regulations 2012, hackney carriage and private hire vehicles are classed as a place of work and are required by law to be smoke free and are also required to display at least one prescribed no smoking sign. The signage must be displayed in a prominent position within the vehicle.
A1.26.2 Hackney carriage and private hire vehicles are required to be smoke free at all times, whether they are being used for work or for private use.

A1.26.3 The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 set out the persons who have legal duties to cause any person who is smoking in a smoke free vehicle to stop smoking, namely:

- The driver
- Any person with management responsibilities for the vehicle
- Any person in a vehicle who is responsible for order or safety in it.

A1.26.4 For the avoidance of doubt, the Council also forbid the smoking of electronic cigarettes within vehicles whether by the driver or passengers.

A1.27 Tinted Glass

A1.27.1 No stickers are to be placed on any vehicle window unless they are required by relevant legislation or licensing conditions.

A1.27.2 In the interests of safety and reassurance of passengers, heavy tinted glass or mirrored glass that restricts all views into the passenger compartment is not generally accepted on licensed vehicles. All vehicles must be maintained with all side and rear windows allowing a minimum of 70% light to be transmitted through them. The national standards set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended) will apply to the level of light permitted to be transmitted through the windscreen. Limousines and plate exempt vehicles may be exempted from this requirement on application as are all vehicles licensed before adoption of this policy providing they are kept continually licensed and alterations to windows are not made.

A1.28 Assistance Dogs

A1.28.1 Under the Equality Act 2010 a driver cannot refuse to carry an Assistance Dog that is in the charge of a fare paying passenger and cannot make an extra charge for the Assistance Dog. This applies whether or not the passenger being accompanied by the Assistance Dog is assisting the person hiring the vehicle, travelling with another passenger who is hiring the vehicle and who is not being assisted by an Assistance Dog, or is being trained as an Assistance Dog by a passenger. The Assistance Dog must be allowed to travel in the same compartment as the passenger.

A1.28.2 The Council must grant an exemption to a driver if satisfied that the driver has a medical reason preventing compliance with the above
requirements of the Equality Act. A driver must apply to the Council for such an exemption and provide a medical certificate from a registered medical practitioner stating clearly the medical condition suffered by the driver preventing compliance with the driver's duties under the Equality Act. The Council may then issue an exemption certificate to be displayed in the vehicle whilst that person is driving that vehicle. This is normally valid for no more than 5 years. An exemption must be granted by the Council before a driver can legally refuse to carry an Assistance Dog. Refusing to carry an Assistance Dog without holding an exemption is a criminal offence and enforcement action will be taken by the Council where there is evidence that this has occurred.

A1.29 Advertising

A1.29.1 Advertising on a vehicle is only permitted if it has been approved by the Council.

A1.29.2 New vehicles will not be permitted to display any form of advertising. Subject to A1.29.3 below.

A1.29.3 In order to support the use of environmentally friendly vehicles (such as low or zero carbon vehicles) the Council will permit the display of information on a vehicle that highlights it as being environmentally friendly. The Council will refuse such advertising where it goes beyond a simple statement of the vehicles nature and is considered to form a commercial advertisement.

A1.30 Criminal Cautions and Convictions

A1.30.1 The proprietor of the vehicle must immediately (and where it would be unreasonable to do so immediately, no later than 14 days) disclose to the Council in writing the details of any criminal cautions or convictions (including any motoring offences and fixed penalties), Court Orders injunctions, community protection notices, County Court Judgments, High Court Judgments and Fixed Penalty Notices imposed upon him or her, (or in the case of a company or partnership, on any of the directors or partners), during the period of the vehicle licence being in place.

A1.31 Change of Address

A131.1 The proprietor of a private hire vehicle must inform the Council of any change of address or ownership in writing prior to the change where possible, but not more than 14 days after such change occurs. The proprietor of a Hackney carriage must inform the Council of any change of address or ownership in writing prior to the change where possible, but not more than 7 days after such change occurs.
A1.32 Dual Plating

A132.1 No vehicle will be granted a licence by Milton Keynes Council if it is licensed by another authority. This is due to the fact that a vehicle is unlikely to comply with the requirements of two separate licensing authorities and will cause confusion to members of the public.

A1.33 Mechanical Breakdown

A133.1 If any vehicle becomes unfit to complete a journey for which it has been booked or hired the driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

A1.34 Record of Licenses

A134.1 The proprietor of the vehicle shall supply to the operator / driver of the vehicle, where applicable, with such details relating to the vehicle licence such as insurance and MOT / Pass Test Certificate as may be required by the operator or driver.

A1.35 Fares

A135.1 The driver shall, if requested by the hirer of the vehicle, provide him/her with a written receipt for the fare paid.

A1.36 Safety Screen Fitted between Driver and Passengers

A136.1 A screen may be installed in the licensed vehicle subject to the satisfaction of the Council.

A1.37 Complaints

A137.1 Any vehicle which a complaint is made about must be presented to an authorised officer within one working day of the request being made either for inspection, testing and if necessary for the driver to answer any complaint.

A1.38 Inspection and Compliance

A138.1 Any vehicle may be called in for inspection at any time by an authorised officer to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence or other penalties.

A138.2 The proprietor of a vehicle must ensure that the Council is kept updated at all times with all documents that the Council may, by
letter, request. Failure to do so will result in suspension or revocation of the vehicle licence.

A1.39 Vehicle Checks

A1.39.1 A licensed vehicle can be inspected for infringements of legislation, bye laws or conditions by an authorised officer at any time to ensure its fitness to be used in the interest of public safety.

A1.40 Conditions Relevant to Hackney Carriage Vehicles Only

A1.40.1 A hackney carriage vehicle can only be driven by a person licensed as a hackney carriage driver to drive that particular type of vehicle by the Council.

A.1.40.2 No hackney carriage shall be used in the district under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the Council in relation to hackney carriages, and when any hackney carriage is so used the fare or charges shall be calculated from the point in the borough at which the hirer commences their journey.

A1.40.3 Hackney carriages must be wheelchair accessible and side loading unless exempt from this condition.

A1.40.4 All Hackney Carriages must be painted black in colour all over (as per DVLA V5 form log book or replacement) and listed as category M1 under EU classifications unless exempted as below.

A1.40.5 Vehicles licensed prior to April 1st 2013 and kept continually licensed thereafter can be any specified manufacturers colour and all over advertising may be allowed subject to prior written approval from the Council.

A1.40.6 Hackney carriage vehicles will not be given consent by the Council to have all over advertising from April 1st 2013. Those vehicles that presently have all over advertising will be permitted, but will not be given consent to replace with new advertising or allowed to transfer existing advertising to a new vehicle.

A1.40.7 Notwithstanding the above nothing shall be advertised which might cause reasonable offence to members of the public and the Council reserves the right to require that any advertisement it deems unsuitable be removed forthwith.

A1.40.8 Hackney carriages shall be fitted with an approved roof sign which:

- Indicates that they are a taxi
- Will be illuminated when the vehicle is plying for hire, such illumination to be extinguished when the taximeter operates.
• Unless integral to the bodywork of the vehicle, is positioned in
the centre of the roof with a minimum width of 760mm (30
inches).

A1.40.9 The proprietor of a hackney carriage shall ensure that the vehicle
is fitted with a taximeter approved by the Council, and that meter
shall be maintained in a sound working condition at all times. The
taximeter shall be set for up to the current maximum tariff agreed
by the Council and no unauthorised adjustment of the meter shall
be made. The Council may request at any time for the proprietor
of a vehicle to evidence that its meter has been correctly
calibrated by producing a certificate of calibration or of
installation. The proprietor shall ensure that the "For Hire" sign
or other illuminated sign is extinguished when the fare
commences, and the taximeter brought into operation.

A1.40.10 In the case of all hackney vehicles that are built or adapted for
disabled passengers, the design of the vehicle must ensure that
any wheelchair is loaded from the side rather than the rear of the
vehicle except for those vehicles previously exempt.

A1.40.11 The number of vehicles stationed at any rank must not exceed
the number for which the rank is appointed at any time where
signage indicates the maximum number.

A1.40.12 When a hackney carriage is available for hire the proprietor shall
ensure that a copy of the current fare table supplied by the
Council is on display inside the hackney carriage at all times and
that table is not concealed from view or rendered illegible.

A1.40.13 (a) Unless otherwise prohibited by this Policy, the proprietor may
cause to be displayed an advertisement on each front door panel
of the vehicle subject to the Council having the right in the case
of each advertisement to order its removal if in the opinion of the
Council such advertisement is considered unsuitable.

(b) There may also be displayed on each front door panel of
wheelchair accessible vehicles an approved wheelchair logo not
exceeding 154mmx154mm (6 inches x 6 inches approx.)

(c) Where the vehicle to which this licence relates is of a FX4
type the proprietor may cause to be displayed an advertisement
on the back of each rear fold-down seat in the vehicle, subject to
the prior approval of the Council to the advertisement.

A1.40.14 The proprietor of a hackney carriage vehicle shall ensure that the
vehicle will be operated as a hackney carriage for the purpose of
public hire within the borough of Milton Keynes.
A1.40.15 From the 1 January 2017 the proprietor of a wheelchair accessible vehicle will ensure that it is only driven by a person who has passed the Driver and Vehicle Standards Agency (DVSA) enhanced practical driving test (including wheelchair exercise).

Additional Vehicle Licence Conditions for Hackney Carriage Type HC100 (wheel chair accessible type) – protected rights apply.

A1.41.1 The vehicle must be built for the transportation of Wheelchair passengers and comply with Milton Keynes Council approved specification.

A1.41.2 Ingress and egress must be from the nearside and/or rear.

A1.41.3 The Licence may only be changed to a vehicle which is constructed or adapted for use by the disabled in wheelchairs.

Additional Vehicle Licence Conditions for Hackney Carriage Type HC100 (non wheel chair accessible type) – protected rights apply

A1.42.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle, except as may be required by any statutory provision (including byelaws) or required or permitted by other licence conditions. This condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:-

a) is displayed in, on or from the vehicle while it is stationary;

b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which the business is carried out and its address and, in either case, the name of a passenger or passengers to be carried in the vehicle; and;

c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.

The vehicle licence identification plate is to be securely fitted to the rear exterior of the vehicle either screwed or affixed to an approved type bracket. Any variations are to be approved by an authorised officer of the Council. It is to be maintained at all times whereby it can be easily read.
Additional Vehicle Licence Conditions for HC 500 / 600 Vehicles

A1.43.1 The vehicle must be built for the transportation of Wheelchair passengers and have European Whole Vehicle Type Approval from the Vehicle Certification Agency.

A1.43.2 That no vehicle older than four years of age can be accepted for initial licensing.

A1.43.3 Ingress and egress should be from the nearside.

A1.43.4 The Licence may only be transferred to a vehicle which is constructed or adapted for use by the disabled in wheelchairs.

Conditions Relevant to Private Hire Vehicles Only

A1.44.1 No vehicle will be accepted for licensing as a private hire vehicle if its appearance is, in the opinion of the council, likely to create confusion in the minds of the travelling public that it may be a hackney carriage.

A1.44.2 A private hire vehicle can only be driven by a person licensed by the Council as a private hire vehicle driver, to drive that particular type of vehicle.

A1.44.3 Private hire vehicles are not permitted to display any type of roof sign.

A1.44.4 Private hire vehicles are only permitted to display on the outside of the vehicle the following:

- Vehicle licence plate
- Operators signage (as detailed below in 1.44.5)
- Any other item required to be displayed by law

A1.44.5 All Private hire vehicles must display a sign on the metal surface of each front door. The sign must include the following words “ADVANCE BOOKING ONLY” or “PRIVATE HIRE ADVANCE BOOKING ONLY” but can also include the proprietor's company name, logo, website, email address and/or telephone number. Any such signs shall be non-reflective and nothing shall be advertised which might reasonably cause offence to members of the public.

A1.44.6 Private hire vehicles are not permitted to display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material e.g. business cards on the dashboard.
A1.44.7 Private hire vehicles licensed before the adoption of this policy with advertising that does not comply with the above may be permitted to continue as long as the vehicle concerned remains continually licensed; the advertisements do not change and the relevant conditions above are complied with.

A1.44.8 If the ownership of the vehicle changes, the owner’s address changes, or if there are any changes in the particulars endorsed on this licence, notice must be given in writing to the Council within 14 days.

A1.44.9 Wheelchair accessible vehicles licensed for private hire use are permitted to load a wheelchair from the side or from the rear provided the vehicle complies with all other requirements specified in condition A1.20.1 to A1.20.5.

A1.44.10 From the 1 January 2017 the proprietor of a wheelchair accessible vehicle will ensure that it is only driven by a person who has passed the Driver and Vehicle Standards Agency (DVSA) enhanced practical driving test (including wheelchair exercise).

A1.44.11 From the 1 January 2017 the proprietor of a wheelchair accessible vehicle will ensure that it is only driven by a person who has passed the Driver and Vehicle Standards Agency (DVSA) enhanced practical driving test (including wheelchair exercise).
Appendix B

Hackney Carriage & Private Hire Vehicle Licensing Procedures

B1 Applications for new or renewal of a vehicle licence

B1.1 In order for a vehicle to be licensed as either a private hire or hackney carriage vehicle the proposed proprietor must complete and submit the relevant application form accompanied by:

- **The Vehicle Registration Document.**
  This is issued by the DVLA and will confirm that the vehicle belongs to the applicant (either wholly or jointly with any other person(s) hereinafter described as proprietor(s). Other proof of ownership may be acceptable in certain instances, such as where the vehicle has just been purchased. If an applicant cannot prove they own the vehicle a licence will not be granted.

- **Motor insurance certificate**
  The applicant must provide a copy of an insurance certificate (or temporary insurance cover note), to satisfy the Council that the vehicle is insured for third party risks covering ‘hire and reward’ for the relevant licensable activity and, if applicable, for the carriage of the number of wheelchairs for which the vehicle is adapted. The relevant licensable activity needing to be covered shall be public hire for a hackney carriage or private hire for a private hire vehicle.

- **MOT Certificate**
  An MOT certificate or proof via the DVLA that the vehicle has a current MOT certificate must be provided where, for a hackney carriage 1 year has elapsed from the date of its first registration or for a private hire vehicle, 3 years.

- **Proof of Road Tax**
  The applicant must provide proof that the vehicle is taxed.

- **Vehicle Compliance Certificate issued by the Council**
  The applicant must provide the pass certificate issued following the Council’s compliance test of the vehicle which must be dated no less than 14 days prior to the application being made (except those vehicles with a delivery mileage of less than 500 miles on the odometer).

- **Calibration Certificate – new hackney carriages only**
  Applicants for a new hackney carriage vehicle must be provided with evidence that the installed taxi meter has been
calibrated to the table of fares set by the Council by a competent person.

- **The fee**
  The application fee and the fee for Council compliance tests and re-tests are determined annually and publicised separately.

In the case of a change of vehicle, the original vehicle plate must be provided or in the case of a renewal application the expired licence plate must be provided at the time of application or upon receiving the new licence and plate.

B1.2 If all documentation required cannot be provided the application cannot be considered. Copies will be taken of all original documents and retained with the originals returned to the applicant.

B1.3 If a vehicle fails the inspection test and in the opinion of the examiner fails to meet the standards required by the Road Vehicles Construction and Use) Regulations 1986, any licence plate will be removed by the testing centre, or an authorised officer. The plate will not be returned to the vehicle until it is passes its compliance test.

B1.4 Authorised Officers of the Council have the power at all reasonable times to inspect and test a vehicle for the purpose of ascertaining its fitness. If the Council are unable to inspect the vehicle and consider the vehicle to be unfit for use the Council will either suspend or revoke the vehicle licence.

B1.5 Subject to all conditions being met the licence will be granted and the plate issued after payment of the appropriate fee. The licence is valid until the expiry date stated on it unless it is suspended or revoked before that date. Vehicle licences are valid for 6 or 4 months depending on the age of the vehicle. The vehicle cannot be used as a licensed vehicle until the plate is attached to the vehicle (unless exempt from this requirement by the Council).

B1.6 The Council has the power to suspend or revoke a licence if the vehicle is unfit or if there is non-compliance with the 1976 Act by the operator; the proprietor, or the driver, or for any other reasonable cause. In the case of suspension or revocation the plate must be returned to the Council.

B1.7 Without prior written approval by the Council no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force.

B1.8 Applications for renewals should be received by the Council at least 14 days before the expiry of the vehicle licence in order that the
licence can be processed and issued before the expiry of the current licence.

B2  **Application to transfer ownership of a Hackney Carriage/Private Hire Vehicle Licence**

B2.1 Section 49 of the 1976 Act provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle to another person.

B2.2 Appropriate notice of the transfer must be given to the Council within 14 days in writing by completing the relevant form. Such vehicles are generally in use for hire or reward immediately after transfer of ownership has been arranged and it is often necessary for proprietors to change vehicles on occasions for a variety of reasons. Proprietors transferring a vehicle should be aware that they remain responsible for the vehicle and offences committed in relation to it until the Council has been notified of the transfer.

B2.3 Following a transfer it will be necessary for the new owner to obtain a new licence with updated details of the new owner/vehicle. The applicant must complete, in full, the necessary application form accompanied by:

- The Vehicle Registration Document issued by DVLA or proof of ownership (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s)).
- Evidence that the vehicle is insured for third party risks to cover “hire and reward”. This will be by way of a cover note or certificate of insurance.
- The fee.
- The compliance certificate.
- MOT for the vehicle
- Proof of road tax

B2.4 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage/private hire vehicle licence together with the licence plate for the vehicle, which must not be used as a licensed vehicle until attached to the vehicle.

B3  **Change of vehicle**

B3.1 Subject to meeting the required vehicle specification; application requirements; and vehicle compliance test, the Council may issue a pro rata licence plate where an existing one is surrendered and a new vehicle submitted in replacement by the same licence holder (i.e. where a change of vehicle takes place)
Appendix C

Additional Conditions for Private Hire Limousines, Speciality Vehicles and plate exemption vehicles

These conditions are in addition to the private hire vehicle conditions and specifications set out in Appendix A and application procedures in Appendix B.

C1 Types of Vehicles

C1.1 The vehicle must have one of the following:

(i) A UK Single Vehicle Approval Certificate
(ii) A European Whole Vehicle Approval Certificate
(iii) UK Low Volume Type Approval Certificate

C1.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the Individual Vehicle Authorisation certificate at time of licensing.

C2 Vehicle and Safety Equipment

C2.1 Stretched limousines and speciality vehicles shall comply with the conditions applicable to all licensed private hire vehicles as specified in Annex A of this Policy in so far as they are not superseded by these additional conditions. The private hire licence fee shall be the same.

C2.2 The proprietor of a vehicle shall:

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations 1986 (as amended) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle must be removed from service by the proprietor until the reasons for non-compliance are rectified.
- Ensure that loose luggage is not carried within the Passenger compartment of the vehicle.
- Ensure that any CCTV cameras installed in the vehicle have received the prior written approval from the Council and that the use of the CCTV cameras comply with any code of
practice and guidance issued by the Information Commissioners Office (ICO) and any direction given by the Council based on such codes of practice or guidance. Audio-recording is not recommended or required by the Council and such systems using audio recording will not normally be approved unless designed in such a way to comply with the ICO guidance and codes of practice.

• Ensure that where CCTV is installed a Council approved sign is clearly displayed in the vehicle in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation and confirming who the data controller is of the data recorded by such equipment.

• Ensure that the vehicle is fitted with tyres that meet both the size and weight specification for the vehicle proposed to be licensed.

C2.3 Vehicles may be granted an exemption from the standard private hire conditions to be right hand drive if the Council is satisfied that the proposed use of the vehicle will not increase the public safety risk.

C2.4 Vehicles with sideways facing seating may be considered for private hire licensing if the Council is satisfied that the proposed use of the vehicle will not increase the public safety risk.

C2.5 Where the vehicle has tinted windows such tints must comply with the relevant national regulations applicable to all vehicles.

C3 Use of Vehicle

C3.1 The proprietor must satisfy the Council that the proposed use of the vehicle is such that it is reasonable and appropriate for the Council to exempt the vehicle from the standard requirements applicable to all private hire vehicles.

C3.2 The Council may request the proprietor to provide information, such as contracts with clients or records of bookings to evidence the use of the vehicle.

C3.3 The proprietor of the vehicle shall:

- Ensure that the vehicle is at all times driven by a person who holds a current private hire vehicle driver's licence issued by Milton Keynes Council.
- Not to permit more than the number of persons for whom the vehicle is licensed to be conveyed in the vehicle regardless of the age or size of the passengers.
• Ensure that in any advertisement publicising their business, the maximum number of passengers permitted in vehicles is accurate.
• Not convey any passengers in the front compartment of the Limousine.
• Not supply any alcohol or regulated entertainment in the vehicle unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale; supply or provision of the same if required.
• Any glassware in the vehicle must be made of either shatterproof glass or plastic.
• The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
• When directed by the Council, display and maintain any notices in a conspicuous position.

C4 Vehicle Identification and Plate Exemption

C4.1 The 1976 Act requires all licensed vehicles to be issued with a licensed plate which is conditioned by the Council to be displayed on a vehicle in order to identify its nature to members of the public, Council and other enforcement officers. The display of a vehicle licence plate is an important public safety measure.

C4.2 A vehicle may be exempt from the requirement to display the plate that will be issued to the proprietor. Along with the licence plate, the proprietor of the vehicle will be issued with its paper licence and an exemption certificate identifying the vehicle as a private hire vehicle, the registration number of the vehicle and the number of passengers permitted to be carried. The proprietor shall ensure that:

• The licence, the licence plate and the exemption certificate will be carried at all times within the vehicle.
• No private hire vehicle licence or exemption certificate shall be parted with, lent or used on any other vehicle.
• Any loss or damage of the vehicle identification shall be reported to the Council as soon as possible and no later than 14 days.
• In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle identification and licence to the Council within 14 days.

C4.3 Where an applicant or vehicle proprietor applies for a vehicle to be exempt from the condition to display the issued vehicle licence plate the applicant or vehicle proprietor must satisfy the Council that there are substantive reasons to support the exemption given the Council’s overriding objective of protecting members of the public. Such
evidence may be of the appropriate business contracts and clientele or the applicants' terms and conditions for hire. The applicant will be responsible for completing the Council's application form and providing such evidence as the Council may require in order to be satisfied that the vehicle and its proposed use meets the requirements of the Council's Policy specified in part 5.7.

C5 Signs, Notices, Etc.

C5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council in writing following a written request or application by the proprietor.

C6 Insurance and Compliance Test Certificates

C6.1 The vehicle must not be used to carry passengers for hire and reward unless there is in force for the vehicle:

• A satisfactory compliance certificate
• A policy of insurance covering the use of the vehicle for hire and reward and any nominated driver, named thereon, is the holder of a Milton Keynes Council private hire driver's licence

C6.2 These documents shall be produced to an authorised officer of the Council or Police Officer at such time and place as may be required. The proprietor shall deposit a valid and current copy of the certificate of Compliance test certificate and certificate of insurance or cover note with the operator before the vehicle is used to accept any bookings provided by the operator.

C6.3 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Council shall be informed immediately and the vehicle shall be suspended until appropriate insurance is obtained.

C7 Application

C7.1 Proprietors requiring an exemption from the standard conditions of Annex A, as explained in this part of the Policy, must apply for their licence following the procedure outlined in Annex B and accompanied by a further application form designed for limousines, speciality vehicles and plate exempt vehicles.
Appendix D

Driver & Operator Licence Procedures

Information disclosed will be kept in strict confidence and will be retained no longer than is necessary in order to determine an application and, where a licence is granted, for no longer than necessary after that licence has lapsed, in accordance with data protection legislation and the Council’s retention policy.

It is an offence under the 1976 Act for any person to knowingly or recklessly make a false statement or to omit any material information required by the application, punishable by up to seven years imprisonment upon conviction. Anyone committing such an offence, in addition to facing prosecution, will not have a licence granted.

D1. Application Pre-requisites

D1.1 An applicant must complete in full the application for a licence to drive a hackney carriage and/or private hire vehicle. This application form must be completed in full and signed as a Statutory Declaration.

D1.2 The applicant will be required to evidence that they are a fit and proper person and will need to ensure that prior to application they can produce the following:

1. Possession of a full UK Drivers licence held for at least 12 months (subject to D1.3.1 below).
2. A medical certificate dated within the last calendar month confirming that the applicant meets the DVLA Vocational Group 2 Standards.
3. A Driving and Vehicle Standards Agency (DVSA) Taxi test pass certificate.
4. Evidence of the applicants criminal record from any Country outside of the UK in which they have resided for 6 months or more.
5. Councils induction pass certificate.
6. Councils knowledge test pass certificate.
7. Evidence of passing such training courses as the Council may reasonably require as part of the application process, such as customer care, disability and vulnerable person awareness and communicating in English.

D1.3 The above pre-requisites will be required to be completed by an applicant in advance of an application being made and are the responsibility of the applicant to arrange and complete. Where appropriate the Council will provide relevant advice in completing the above.
D2. Applying for a licence

D2.1 Where an applicant is ready to proceed with the above they must complete and submit the relevant application form and provide it with the following:

1. A completed application form for a Disclosure and Barring Service (DBS) Enhanced Disclosure of the applicant's criminal record or the applicants DBS update service certificate number.
2. DVLA shared driving licence code or, where necessary, consent to a DVLA Data Subject Check form that permits the Council to confirm the individual's driving history.
3. Appropriate documentation to confirm the applicant's identity and address. As documents vary, the Council shall provide an updated list of acceptable documents for applicants.
4. A valid passport, travel document, EU national identity card and, for non EU/EEA residents proof of the right to work in the UK as a licensed driver.
6. A passport photograph of the applicant.
7. Evidence of passing a number of pre-requisites listed above in D1.2.
8. The application fee must be paid before the licence can be granted.

D2.2 Where an applicant fails to complete the application process within twelve months the application will be considered as withdrawn and a new application will need to be submitted. This is because the Council considers one year from the date of application to be sufficient for an applicant to complete the process.

D2.3 Where applications are withdrawn there is no automatic refund entitlement of fees paid and if refunds are given the authority may charge an administration fee in so doing.

D3 Driving Licence

D3.1 The applicant must produce their current driving licence at the time of application. The applicant must have held their entitlement to drive for at least 12 months prior to application. Ordinarily the applicant will produce their photo card driving licence, however, where an applicant has not yet been issued with a photo card their original paper licence will be accepted.

D3.2 The licence must show that the applicant is authorised by the DVLA to drive the relevant vehicle category covering a hackney carriage and private hire vehicle.

D3.3 Non UK licences must be converted to a UK DVLA licence before an application can be accepted as the driving licence is an important
identification document enabling the Council to apply for an enhanced DBS and allows the Council to check the applicant’s endorsement history.

D3.4. ‘Automatic only’ licences are acceptable subject to the applicant being able to fulfil the role of a taxi driver in its wider meaning. If such a driving licence is granted the licensed driver would be responsible for ensuring that they only licence and drive an automatic vehicle.

D4. Enhanced DBS Disclosure

D4.1 The DBS disclosure application form will normally be completed as part of the application process and submitted to the DBS by the Council following the appropriate payment by the applicant. The disclosure will be returned by the DBS directly to the applicant who must then submit their disclosure to the Council within one calendar month of its issue date. The Council will then, with the consent of the applicant, take a copy of the disclosure certificate.

D4.2 An application for an enhanced DBS check will not be necessary where the applicant can produce an appropriate DBS certificate from another arm of the Council or is a member of the DBS update service.

D4.3 An applicant with a record of criminal convictions, cautions, or other enforcement or civil penalties will not prevent a person from submitting an application. Such offences will only be considered when determining whether an applicant should be granted a licence. This consideration may include consultation with, and consideration of evidence from, the Police and any other relevant agency where there are relevant convictions. Details of Council guidelines can be found in Appendix E.

D4.4 The Council may require another DBS disclosure to be applied for at any time if a further check is considered necessary.

D5 Certificate of good conduct

D5.1 Where an applicant has, in the last 20 years, resided in a Country outside of the UK for a period of 6 months or more an equivalent DBS check (for example a Certificate of Good Conduct) from the relevant embassy, consulate or police force for each Country in which they have resided will be required.

D5.2 The requirement that an applicant provides evidence of their criminal record from other countries in which they have resided is an important public safety measure and ensures that applicants that have not lived in the UK for a period of 20 years have their criminal history checked as substantively as those who have lived in the UK for that period of time.
D5.3 The responsibility of obtaining the above certificate rests with the applicant who will be required to contact the relevant embassy for advice on obtaining the necessary documentation and paying any fee that is required.

D5.4 Applicants must make all reasonable attempts to obtain a certificate of conduct from all Countries outside of the UK in which they have resided in for more than 6 months in the past 20 years. An exemption from this requirement will be allowed where the Council is satisfied that:

1) The Country from which the disclosure is sought is one from which the Home Office currently confirm are unable to provide such disclosures AND

2) All reasonable attempts have been made by the applicant to obtain the certificate by following the procedure itemised under Procedure A below OR

3) The applicant, for reasons of which he has been granted asylum in the UK, cannot return to, or contact, his home Country for a criminal record disclosure or certificate of conduct. The Council will be required to be satisfied of this under Procedure B.

D5.5 Procedure A

1) All reasonable attempts must include as a minimum; writing to the relevant embassy in the UK or following the guidance published by the Home Office and completing in full any procedure set by either.

2) Where there is no UK embassy or published procedure the applicant must write to the relevant police station in the area(s) in which the applicant has resided or, a relevant governmental department.

3) If the applicant has not received a response to any letter after a period of 8 weeks he must write a second follow up letter.

4) If a procedure published by the Home office has not been completed within the timescales suggested by the Home Office, or where no timescale exists within 8 weeks, the Applicant must write a follow up letter.

5) Where any letter has been written the applicant must send this recorded or registered post in order to provide the Council with evidence that this has been done and keep a copy of the letter he has sent.

6) Where any response has been received the applicant must provide a copy of it to the Council.

7) If an applicant has not been able to receive any response after 8 weeks of a follow up letter he may provide a written
statutory declaration stating that that he has followed the procedure required by the Council in full and has been unable to obtain further information from that country and declare whether or not he has or has not been convicted of any foreign offences.

8) Where a statutory declaration is permitted it will be on the proviso that should any information contrary to the declaration be received the Council will suspend or revoke any licence granted to the applicant.

D5.6 Procedure B

1) The applicant must satisfy the Council that he is unable to contact his home Country or any Country that he has resided in for more than 6 months in the last 20 years due to reasons for which he was granted Asylum.

2) In order for the Council to be so satisfied the applicant must provide the full documentary evidence of his Asylum claim and the decision notice granting him Asylum. If this cannot be provided the Applicant should contact the Home Office.

D5.7 Further to the above procedures, Applicants will be required to provide written references from either their Home Office caseworker or another professional person or employer to verify their character.

D6 Medical Certificate

D6.1 The applicant must ensure that he is examined by a registered medical practitioner to the DVLA’s group 2 medical standards and provides a correctly completed medical certificate conducted by that practitioner confirming that the applicant meets that standard. The applicant is responsible for booking and paying for the medical test and ensuring that the Council receive a copy of the signed and completed certificate within one calendar month of it having been completed.

D6.2 A medical needs to be passed initially at the time of application and then again at ages 45, 50, 55, 60, 65 and annually thereafter, or at any other time as reasonably required by the Council (for example in respect of an ongoing; developing or arising medical condition that is a potential concern).

D7. Induction and Knowledge test

D7.1 The Council will run regular induction courses for potential applicants to attend prior to submitting an application. The purpose of such induction courses will be to provide applicants with the relevant information and advice on applying for licences and advising them on
the legislative and policy requirements that apply to licensed drivers and vehicles.

D7.2 The induction course will include training on a variety of topics that the Council may reasonably require applicants to evidence satisfactory performance and understanding in. Such training will include understanding the legislative provisions applicable to licensed drivers, vehicles and operators, the Council's policy expectations, customer care and disability and vulnerable person awareness. Training may vary depending on the changing nature of the taxi trade and the matters facing their role in society.

D7.3 A number of questions will be asked of applicants to assess their ability to converse in spoken English. If it is considered by the Officer or trainer conducting the induction that the applicant does not possess an acceptable standard of English the applicant will be required to undertake an English for Speakers of Other Languages Course (ESOL) course and return when their ability has improved. It is important that licensed drivers not only have a good level of communication skills to provide a reasonable level of service to members of the public but also for their own protection by being able to understand the rules that apply to them, report concerns to the Council or Police and avoid misunderstandings with customers. Depending upon circumstances some free courses may be available and details will be provided by the Taxi Licensing service.

D7.4 The applicant will be required to sit and pass a knowledge test either before or after application. The knowledge test will allow the applicant to show their understanding of the matters discussed on the induction course and their understanding of the Council's Policy. Part of the test will allow the applicant to evidence their knowledge of villages, major routes and places of interest and note within the borough of Milton Keynes (including schools, public houses etc.) as well as the Highway Code (including traffic signage).

D7.5 If the applicant fails their knowledge test they will be able to re-take it a further 2 times provided a period of 21 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.

D7.6 If the applicant is unsuccessful on their third attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.

D7.7 A fresh application can be made but a period of 12 months is required to elapse before another attempt can be made to enable the applicant to develop the necessary skills. The Council believes that this policy is necessary to ensure that applicants do not continue to take the knowledge test to their own financial detriment when they do not have the necessary understanding to pass. However, if an
applicant can evidence that exceptional circumstances exist that it would be fair and reasonable to allow a further test to be taken within a period of 12 months from the 3rd failure the Council may depart from this Policy. If a driver is not able to satisfactorily complete the test due to difficulties with spoken or written English they may be required to take an ESOL course.

D7.8 Where a former licensed driver has allowed their licence to lapse or it has been surrendered or revoked, the applicant may apply for a new licence and may be exempt from sitting parts of the induction test if they still retain the relevant pass certificates but must re-sit the knowledge test.

D8 Identity documents and proof of entitlements

D8.1 Copies of the documents required to verify an applicant’s identity and that they are entitled to work in the UK as a licensed driver must be kept up to date and lodged with the Council. For instance; driving licences, medicals, passports and travel documents are necessary to ensure that a driver is legally able to continue to be licensed. It is therefore a condition of a licence that the applicant must provide up to date copies of these documents following their expiry. Failure to do so will result in suspension of a licence.

D9 Renewal applications

D9.1 Licences will normally be granted for 3 years unless the Council have considered it appropriate to grant a shorter licence. The majority of this Appendix will apply for renewals as with new applications.

D9.2 Drivers should be aware that the Council can refuse a renewal where:

   a) The driver has been convicted of an offence involving dishonesty, indecency or violence, since the grant of the licence (see Appendix E).
   b) The driver has been convicted of an offence under the 1976 Act or 1847 Act or failed to comply with the provisions of those Acts.
   c) Any other reasonable cause. A reasonable cause would include convictions or cautions under any other legislation that call into question the suitability of the applicant, a breach of licence conditions or policy requirements.

D9.2 Not only must a driver satisfy the Council that they are fit and proper on the initial grant of a licence, they must continue to remain fit and proper in the eyes of the Council throughout the duration of their licence and at the time of renewal. A DBS disclosure will be required on each renewal with consideration to the DFT guidance that a licensed driver should only have their criminal record checked every 3 years.
D9.4 Licensed drivers should note that any offence falling within a), b) and c) listed in D9.1 above can result in the suspension or revocation of a licence prior to its expiry.

D9.5 Applications for renewal are expected to be made three months prior to the expiry date with all the documentation required submitted at that time to enable any checks of official records to be made prior the issue of a new licence. Failure to submit an application in such timescales may result in a renewed licence not being granted prior to the licence expiring.

D9.6 In cases where a medical condition of the applicant needs to be referred to the Council’s Medical Consultant, a licence will not normally be renewed until a satisfactory report is received from the Council's Medical Consultant.

D9.7 The applicant will complete in full, the application for a licence to drive hackney carriage/private hire vehicle form, duly signed as a Statutory Declaration accompanied by the applicants driving licence, medical certificate (if applicable dependant on age), any document listed in D1.1 not previously supplied and the necessary documents stated in D2.1.

D10 Application for grant or renewal of Private Hire Vehicle Operator’s Licence

D10.1 The Council will not grant an Operator’s licence to any person who is not “fit and proper” to hold such a licence. The application process requires the applicant to satisfy the Council that they are fit and proper.

D10.2 Applicants for an Operator’s licence may be an individual, more than one individual (joint applicants), partnerships, organisations, or limited or publicly limited companies.

D10.3 Where the applicant is more than one individual or is its own legal entity (for example a company, partnership, or other organisation) the requirements of this part apply to all individuals forming that entity, the partners or directors, and the term ‘applicant’ should be construed as referring to each individual, partner or director where appropriate.

D10.2 Evidence of Criminal Record

- For individual or partnership applications a subject access search (ACRO SAR1) dated within 3 months of the date of application must be provided for each individual or partner unless the applicant(s) wish to apply for an enhanced DBS disclosure.
- For company applicants a subject access search must be provided for each director. Where a large company is involved the Council may only require criminal record checks from those
directors with an operational involvement in ensuring compliance with the relevant applicable legislation.

- Where the applicant holds an existing driver's license with the Council they do not need to supply a further criminal record check as they will have been subject to an enhanced DBS check within the last 3 years - subject to consideration of any convictions, cautions or other enforcement action occurring in the intervening period.
- Applicants must provide evidence of their criminal record for any Country in which they have resided for a duration of 6 months or longer in the last 20 years.
- Where a licence is granted, the Operator must inform the Council of any change in owner, partner, director etc. and the Council will require a criminal record check of that new owner, partner, director etc.

**D10.3 Further requirements**

- Applicants must declare any bankruptcy, disqualification of directorship or prosecutions resulting from previous trading activities.
- Company applicants must declare any insolvency of the applicant, or previous companies in which the directors of the current applicant have been involved in; the disqualification of any directors, or any prosecutions or cautions against the company, or any previous company that any director has been involved with.
- Applicants must provide confirmation that their operating address either has or does not need planning permission for the proposed business.
- Where the Operator has an office which members of the public may attend or wait at, the Operator must produce an appropriate public liability insurance certificate.
- The applicant may be requested to produce a written statement or policy confirming how customer data is stored and be required to comply with any recommendations made by the Council.
- The applicant may be requested to sit a knowledge test designed for private hire operators to ensure that they understand the legal requirements relating to the operating of private hire vehicles.
- Where the applicant intends to licence a number of vehicles in its own name the Council may require the applicant to agree to a set arrangement for the testing and re-licensing of those vehicles.
- For renewal applications the criminal check can be up to 3 years old (subject to any notification of convictions or concerns received by the Council calling in to question the suitability of applicant.)
- The licence application fee. Fees will be determined annually and published separately.
D11 Applications – General Guidance

D11.1 When a criminal record disclosure is provided by an applicant it will be considered in the light of all the information provided. It is expected that applicants who intend to be considered fit and proper will ensure that the information given on their application form is correctly and truthfully provided and that ALL convictions and cautions are provided at the initial stage. A serious view will be taken of any applicant that seeks to conceal any caution or conviction in order to obtain a licence. **This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a “fit and proper person”, but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary.**

D11.2 In the event that all the application stages are successfully passed and there are no convictions, cautions, driving endorsements or relevant enforcement history to suggest otherwise, the applicant will be considered to be a “fit and proper person” and the relevant licence granted. The consideration of convictions and cautions is explained in Appendix E.

D11.3 Applications considered by the Council will result in either the determination of the applicant as a “fit and proper person”, indicated by the grant of a licence, or the application being refused. In the event of a refusal the applicant has the right of appeal to the Magistrates Court, such appeal to be lodged within 21 days of being notified of the decision.
Appendix E

Guidelines Relating to the Relevance of Convictions

FOR USE IN DETERMINING THE GRANT, REFUSAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS’ AND OPERATOR LICENCES

E1 General Policy

E1.1 Each case will be decided on its own merits.

E1.2 The overriding consideration is the safety of the public. Those applying for or holding licences granted by the Council carry out a service for their own personal gain in which they will work in close proximity with members of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage / private hire vehicles; and private hire operators are fit and proper persons. In addition vehicle proprietors must be suitable.

E1.3 Previous convictions or those occurring during the term of a licence, including, but not limited to, those relating to dishonesty, sexual offences, traffic offences, violence and drugs, indicate that a person is not a ‘fit and proper’ person.

E1.3 Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a ‘fit and proper’ person to hold a licence. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

E1.4 A person with a conviction need not be permanently barred from obtaining a licence but is expected to remain free of conviction for a duration commensurate with the seriousness of the offence in order to evidence that they are fit and proper and do not pose a danger to the public. Some discretion may be appropriate if the offence is isolated (for example minor traffic offences) and/or there are mitigating circumstances. However the overriding consideration is the protection of the public and for some offences, such as violent and sexual offences, the duration in which a person is free from conviction will be significant and in some instances, no duration will be sufficient to satisfy the Council that an individual is fit and proper. The Council will expect to refuse any application where the individual is listed on a DBS barring list for working with children or adults.
E1.5 The following examples afford a general guide on the action to be taken where an individual has been convicted of an offence.

E1.6 The Council will also take into account the number of convictions irrespective of category; the number of counts on a conviction; the sentencing Court concerned; and the sentence imposed. Reference to Magistrates / Crown Court guidelines may be considered.

E1.7 The Council may suspend or revoke, or refuse to renew, a licence or where an existing licence holder is convicted of an offence. The guidelines in this appendix apply the same to any licence holder convicted of an offence whilst licenced or when applying to renew and should be construed accordingly. For example, if an offence stated will result in the refusal of a new application it should be read that it shall also result in the refusal of a renewal application or the revocation or suspension of a licence that has been granted.

E1.8 Alcohol Related Offences

E1.8.1 With motor vehicle:

E1.8.2 The Council will take a serious view of an applicant convicted for driving or attempting to drive a vehicle with levels of alcohol in blood, breath or urine in excess of the permitted limit. A single conviction for any alcohol-related driving offence will preclude an application from being granted for a period of five years from the restoration of the DVLA driving licence.

E1.8.3 More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will be refused.

E1.8.4 If there is any suggestion that the applicant suffers clinical alcohol dependence, the Council may require a special medical examination to be undertaken. If the applicant is found to be suffering from clinical alcohol dependence, an application will not be considered until a period of at least five years has elapsed after completion of treatment of the condition. The cost of any medical examination must be paid for by the applicant/driver.

E1.8.5 The Council will take a serious view of a licensed driver convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit as this will raise serious doubts about the person’s fitness to hold a licence. In such cases, the Council will refuse to renew, or suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least five years free from convictions of this type has elapsed.
E1.8.6 *Without motor vehicle:*

E1.8.7 An isolated incident will not necessarily prevent an applicant being granted a licence. However, a number of convictions for alcohol related offences may indicate a medical problem. In such cases, the Council will require a medical examination to be undertaken. The cost of any medical examination must be paid for by the applicant/driver.

E1.9 *Drugs*

E1.9.1 The Council will take a serious view of convictions for drug related offences irrespective of the applicant type.

E1.9.2 An application will normally be refused where there is a conviction related to the supply of drugs less than five years before the date of application. After five years consideration will be given if an applicant can provide evidence that they can be considered a ‘fit and proper’ person.

E1.9.2 An application will be refused where there is a conviction related to the supply of drugs less than five years before the date of application. After five years consideration will be given if an applicant can provide evidence that they can be considered a ‘fit and proper’ person.

E1.9.3 An application where there is a conviction for possession of drugs will be refused if it is less than three years before the date of application. Convictions between three and five years will require serious consideration before a decision is made regarding the suitability of the applicant.

E1.9.4 Notwithstanding the above applications will normally be refused where an applicant has more than one conviction relating to either possession or supply of drugs whatever the time periods concerned.

E1.10 *Sexual and indecency offences*

E1.10 Hackney carriage and private hire drivers frequently carry unaccompanied and/or vulnerable passengers. The Council will therefore take a serious view of any convictions for a sexual offence. A licence will not be granted if an applicant has a conviction for a sexual offence.

E1.10.2 An application will be refused where the applicant has a conviction for one of the following sexual offences, or any similar offence, or any offence which replaces the offences (including attempted or conspiracy to commit offences listed below):

- Rape
• Assault by penetration
• Offences involving children or vulnerable adults

E1.10.3 In the case of a license holder convicted of any of the above offences the Council will immediately revoke or suspend the licence. The Council will also revoke or suspend a licence prior to such conviction where it is aware of an allegation against a driver in respect of the above offences and the Council considers the evidence sufficient to suggest that the driver is not fit and proper and/or there is a public safety risk.

E1.10.4 An application will be refused where the applicant has a conviction for one of the following offences, or any similar offence, or any offence which replaces the offences, listed below:

• Sexual assault
• Indecent assault
• Possession of indecent photographs, child pornography etc.
• Exploitation of prostitution
• Trafficking for sexual exploitation
• Indecent exposure
• Soliciting (kerb crawling)

E1.10.5 In the case of a licensed driver convicted of any of the above offences, the Council will suspend or revoke the licence.

E1.10.6 Notwithstanding the above applications will be refused where the applicant is on the Sex Offenders Register.

E1.11 Violence

E1.11.1 The Council will take a serious view of any applicant convicted of an offence involving violence. An application will be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

E1.11.2 A licence will not be granted where the applicant has a conviction for an offence such as, similar to or which replace (including attempted or conspiracy to commit) the below:

• Murder
• Manslaughter
• Manslaughter or culpable homicide while driving
• Arson with intent to endanger life
• Terrorism offences

E1.11.3 In the case of a license holder convicted of any of the above offences the Council will revoke the licence.
E1.11.4 A licence will not be granted where the applicant has a conviction for an offence, a similar offence or an offence that replaces the offences below (including attempted or conspiracy to commit such offences) and the conviction is less than 10 years prior to the date of application:

- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault on Police
- Racially aggravated offences
- Violent disorder
- Resisting arrest

E1.11.5 In the case of a licensed driver convicted of any of the above offences, the Council will suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 10 years free from convictions of this type has elapsed.

E1.11.6 A licence will not be granted where the applicant has a conviction for an offence, a similar offence or an offence that replaces the offences below (including attempted or conspiracy to commit such offences) and the conviction is less than 5 years prior to the date of application:

- Assault occasioning actual bodily harm
- Common assault
- Affray
- Criminal damage
- Harassment
- Battery or any similar offences.

E1.11.7 In the case of a licensed driver convicted of any of the above offences, the Council will suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 5 years free from convictions of this type has elapsed.

E1.11.8 A licence will not be granted where the applicant has a conviction for an offence, a similar offence or an offence that replaces the offences below (including attempted or conspiracy to commit such offences) and the conviction is less than 3 years prior to the date of application:

- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
• S.4 Public Order Act 1986 offence (fear of provocation of violence)
• S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
• Possession of a weapon
• Obstruction
• Minor criminal damage

E1.11.9 In the case of a licensed driver convicted of any of the above offences, the Council will suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 3 years free from convictions of this type has elapsed.

E1.12 Dishonesty

E1.12.1 It is essential for the public to have trust in licensed individuals and companies. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers; operators and proprietors. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. For this reason, the Council will take a serious view of any offences involving dishonesty. The Council will not consider an application until a period of at least three years free from convictions has elapsed. More than one conviction for this type of offence within the last five years will raise serious doubts about the applicant’s fitness to hold a licence. In such cases, the Council will reject the application.

E1.12.2 In the case of a license holder convicted of an offence involving dishonesty, the Council, will refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least three years free from convictions of this type has elapsed.

E1.12.3 A licence will not be granted where the applicant has a conviction for an offence, a similar offence or an offence that replaces the offences below (including attempted or conspiracy to commit such offences) and the conviction is less than 3 years prior to the date of application:

• Theft
• Burglary
• Fraud including benefit fraud
• Handling or receiving stolen goods
• Forgery
• Conspiracy to defraud
• Obtaining money or property by deception
• Other deception
E1.13 Driving Endorsements

E1.13.1 Minor Traffic Offences

Convictions for minor traffic offences will not prevent a person from being considered for a licence. If an applicant has six or fewer unspent penalty points on their driving licence for such offences then the application may be granted subject to a strong written warning. If an applicant has more than six unspent penalty points on their licence then the application will be refused and no further application will be considered until only 6 or fewer unspent points remain.

E1.13.2 Major Traffic Offences

In respect of convictions for major traffic offences where the applicant has unspent endorsements or has been disqualified from driving the application will be refused until at least five years after the most recent such convictions.

E1.13.3 In the case of a licensed driver accumulating more than six endorsement points the Council will refuse to renew, or suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 12 months free from convictions of this type has elapsed and the individual concerned has six or fewer unspent points.

E1.13.4 Notwithstanding the above, a record of endorsements (spent or otherwise) will be a relevant consideration when determining applications. The number, frequency and nature of such endorsements will be considered cumulatively and if indicative, in the opinion of the Council, that a driver either is careless, irresponsible or does not respect the rules and regulations applicable to road users the Council will consider the applicant to not be fit and proper to hold a licence.

E1.13.5 The table following shows the current DVLA offences, endorsement codes, the penalty points applicable, the length of time they remain on a driving licence and whether they are classed as major or minor traffic offences.

E1.14 Offences by licensed drivers, proprietors or operators

E1.14.1 Any conviction which results from an offence committed by any person whilst working as a hackney carriage or private hire driver, proprietor or operator (especially the offence of illegally plying for hire) is regarded as extremely serious and will lead to a licence
being suspended or revoked or an application to renew the licence being refused.

E1.14.2 More than one conviction for the above will be clear evidence that an applicant is not fit and proper to be licensed and will lead to the licence being revoked. This includes any offences under the 1847 Act, the 1976 Act or any breach of the conditions or byelaws made under the relevant legislation.

E1.14.3 Convictions of any description committed by licence holders (including drivers; operators and proprietors) during the duration of their licence must be declared to the licensing section in writing within 14 days of the conviction being imposed (7 days for Hackney Proprietors).

E1.14.4 Applicants who have had their private hire and/or hackney carriage licence revoked will not be considered to have sufficient evidence to demonstrate that they are fit and proper to hold a further licence until at least 12 months has elapsed since the date of revocation. However the Council may require a longer period of evidence as detailed elsewhere in this Policy or on the merits of the individual case depending upon the nature and reason for the revocation.

E1.14.5 Applicants who have received 12 penalty points under the Council’s Penalty Points Warning Scheme will have their licence reviewed. If their licence is not revoked it would be expected that any further offence resulting in penalty points, a driving endorsement, conviction or caution will result in revocation. Likewise, those who do not reach the 12 point threshold to have their licence reviewed but show evidence of regular offending may still have their licence suspended, revoked or an application refused.

E1.15 Cautions and Endorsable Fixed Penalties

E1.15.1 For the purpose of these guidelines cautions; endorsements and fixed penalties will be treated as though they were convictions.

E1.16.1 Any Court Order or injunction relating to anti-social behaviour, harassment, violence (including domestic violence) whether current or within three years of its final date does not prevent any person from proceeding with an application, but it will be considered, taking into account all the circumstances, the nature of the behaviour and its severity, when determining if an applicant should be granted a licence. Such factors may also be relevant when considering if a licensed driver is fit and proper.

E1.17 Table of traffic offences

Includes aiding, abetting, counselling or procuring, causing, permitting or inciting any of the offences as coded below. This table is correct at the time of the last adoption of this Policy but the DVLA may update, add or amend the codes, offences, points and duration
points remain on a DVLA licence and applicants are advised to consult the DVLA website for up to date information.

<table>
<thead>
<tr>
<th>CODE</th>
<th>OFFENCE</th>
<th>Penalty Points</th>
<th>Duration on DVLA Licence</th>
<th>Major or Minor Traffic offence</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC10</td>
<td>Failing to stop after an accident</td>
<td>5 to 10</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>AC20</td>
<td>Failing to give particulars or report an accident within 24 hours</td>
<td>5 to 10</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>AC30</td>
<td>Undefined accident offences</td>
<td>4 to 9</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>BA10</td>
<td>Driving while disqualified by order of court</td>
<td>6</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>BA30</td>
<td>Attempting to drive while disqualified by order of court</td>
<td>6</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>BA40</td>
<td>Causing death by driving while disqualified</td>
<td>3 to 11</td>
<td>4 years from date of the conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>BA60</td>
<td>Causing serious injury by driving while disqualified</td>
<td>3 to 11</td>
<td>4 years from date of the conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>CD10</td>
<td>Driving without due care and attention</td>
<td>3 to 9</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CD20</td>
<td>Driving without reasonable consideration for other road users</td>
<td>3 to 9</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CD30</td>
<td>Driving without due care and attention or without reasonable consideration for other road users</td>
<td>3 to 9</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CD40</td>
<td>Causing death through careless driving when unfit through drink</td>
<td>3 to 11</td>
<td>11 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CD50</td>
<td>Causing death by careless driving when unfit through drugs</td>
<td>3 to 11</td>
<td>11 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CD60</td>
<td>Causing death by careless driving with alcohol level above the limit</td>
<td>3 to 11</td>
<td>11 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CD70</td>
<td>Causing death by careless driving then failing to supply a specimen for alcohol analysis</td>
<td>3 to 11</td>
<td>11 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CD80</td>
<td>Causing death by careless, or inconsiderate, driving.</td>
<td>3 to 11</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CD90</td>
<td>Causing death by driving: unlicensed, disqualified or uninsured drivers</td>
<td>3 to 11</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>CU10</td>
<td>Using a vehicle with defective brakes</td>
<td>3</td>
<td>4 years from date of offence.</td>
<td>Minor</td>
</tr>
<tr>
<td>CU20</td>
<td>Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.</td>
<td>3</td>
<td>4 years from date of offence.</td>
<td>Minor</td>
</tr>
<tr>
<td>CU30</td>
<td>Using a vehicle with defective tyre(s)</td>
<td>3</td>
<td>4 years from date of offence.</td>
<td>Minor</td>
</tr>
<tr>
<td>CU40</td>
<td>Using a vehicle with defective steering</td>
<td>3</td>
<td>4 years from date of offence.</td>
<td>Minor</td>
</tr>
<tr>
<td>CU50</td>
<td>Causing or likely to cause danger by reason of load or passengers</td>
<td>3</td>
<td>4 years from date of offence.</td>
<td>Minor</td>
</tr>
<tr>
<td>CU80</td>
<td>Breach of requirements as to control of the vehicle, mobile telephone etc</td>
<td>3</td>
<td>4 years from date of offence.</td>
<td>Minor</td>
</tr>
<tr>
<td>DD10</td>
<td>Causing serious injury by dangerous driving</td>
<td>3 to 11</td>
<td>4 years from date of the conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DD40</td>
<td>Dangerous driving</td>
<td>3 to 11</td>
<td>4 years from date of the conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Range</td>
<td>Sentence Time</td>
<td>Court</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------</td>
<td>---------------</td>
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</tr>
<tr>
<td>DD60</td>
<td>Manslaughter or culpable homicide while driving a vehicle</td>
<td>3 to 11</td>
<td>4 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DD80</td>
<td>Causing death by dangerous driving</td>
<td>3 to 11</td>
<td>4 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DD90</td>
<td>Furious driving</td>
<td>3 to 9</td>
<td>4 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DR10</td>
<td>Driving or attempting to drive with alcohol level above limit</td>
<td>3 to 11</td>
<td>11 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DR20</td>
<td>Driving or attempting to drive while unfit through drink</td>
<td>3 to 11</td>
<td>11 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DR30</td>
<td>Driving or attempting to drive then failing to supply a specimen for analysis</td>
<td>3 to 11</td>
<td>11 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DR31</td>
<td>Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity</td>
<td>3 to 11</td>
<td>11 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DR61</td>
<td>Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive</td>
<td>10</td>
<td>11 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DR40</td>
<td>In charge of a vehicle while alcohol level above limit</td>
<td>10</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>DR50</td>
<td>In charge of a vehicle while unfit through drink</td>
<td>10</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>DR60</td>
<td>Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive</td>
<td>10</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>DR70</td>
<td>Failing to provide specimen for breath test</td>
<td>4</td>
<td>4 years from date of offence.</td>
<td>Major</td>
</tr>
<tr>
<td>DG10</td>
<td>Driving or attempting to drive with drug level above the specified limit</td>
<td>3 to 11</td>
<td>11 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DG60</td>
<td>Causing death by careless driving with drug level above the limit</td>
<td>3 to 11</td>
<td>11 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DR80</td>
<td>Driving or attempting to drive when unfit through drugs</td>
<td>3 to 11</td>
<td>11 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>DG40</td>
<td>In charge of a vehicle while drug level above specified limit</td>
<td>10</td>
<td>4 years from date of offence or 4 years from the date of conviction where a disqualification is imposed.</td>
<td>Major</td>
</tr>
<tr>
<td>DR90</td>
<td>In charge of a vehicle when unfit through drugs</td>
<td>10</td>
<td>4 years from date of offence or 4 years from the date of conviction where a disqualification is imposed.</td>
<td>Major</td>
</tr>
<tr>
<td>IN10</td>
<td>Using a vehicle uninsured against third party risks</td>
<td>6 to 8</td>
<td>4 years from date of offence</td>
<td>Major</td>
</tr>
<tr>
<td>LC20</td>
<td>Driving otherwise than in accordance with a licence</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Major</td>
</tr>
<tr>
<td>LC30</td>
<td>Driving after making a false declaration about fitness when applying for a licence</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Major</td>
</tr>
<tr>
<td>LC40</td>
<td>Driving a vehicle having failed to notify a disability</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Major</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Range</td>
<td>Expiry</td>
<td>Category</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------</td>
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<td>----------</td>
</tr>
<tr>
<td>LC50</td>
<td>Driving after a licence has been revoked or refused on medical grounds</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Major</td>
</tr>
<tr>
<td>MS10</td>
<td>Leaving a vehicle in a dangerous position</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>MS20</td>
<td>Unlawful pillion riding</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>MS30</td>
<td>Play street offences</td>
<td>2</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>MS50</td>
<td>Motor racing on the highway</td>
<td>3 to 11</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>MS60</td>
<td>Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Major</td>
</tr>
<tr>
<td>MS70</td>
<td>Driving with uncorrected defective eyesight</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>MS80</td>
<td>Refusing to submit to an eyesight test</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>MS90</td>
<td>Failure to give information as to identity of driver etc</td>
<td>6</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>MW10</td>
<td>Contravention of special roads regulations (excluding speed limits)</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>PC10</td>
<td>Undefined contravention of pedestrian crossing regulations</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>PC20</td>
<td>Contravention of pedestrian crossing regulations with moving vehicle</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>PC30</td>
<td>Contravention of pedestrian crossing regulations with stationary vehicle</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>SP10</td>
<td>Exceeding goods vehicle speed limits</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>SP20</td>
<td>Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>SP30</td>
<td>Exceeding statutory speed limit on a public road</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>SP40</td>
<td>Exceeding passenger vehicle speed limit</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>SP50</td>
<td>Exceeding speed limit on a motorway</td>
<td>3 to 6</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>TS10</td>
<td>Failing to comply with traffic light signals</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>TS20</td>
<td>Failing to comply with double white lines</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>TS30</td>
<td>Failing to comply with 'stop' sign</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>TS40</td>
<td>Failing to comply with direction of a constable/warden</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>TS50</td>
<td>Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>TS60</td>
<td>Failing to comply with a school crossing patrol sign</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>TS70</td>
<td>Undefined failure to comply with a traffic direction sign</td>
<td>3</td>
<td>4 years from date of offence</td>
<td>Minor</td>
</tr>
<tr>
<td>TT99</td>
<td>Disqualification under “totting up” – 12 points within 3 years.</td>
<td></td>
<td>4 years from date of conviction.</td>
<td>Major</td>
</tr>
<tr>
<td>UT50</td>
<td>Aggravated taking of a vehicle</td>
<td>3 to 11</td>
<td>4 years from date of offence</td>
<td>Major</td>
</tr>
</tbody>
</table>
Appendix F

Hackney Carriage Byelaws

The following byelaws were confirmed for Milton Keynes Borough Council effective 26th March 1975 are considered relevant to this policy. Please note that the original byelaws as published are numbered without the prefix of the letter “F”.

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Council of the Borough of Milton Keynes with respect to Hackney Carriages in the Borough of Milton Keynes.

F1 Throughout these byelaws ‘the council’ means the Council or Borough of Milton Keynes and ‘the District’ means the Borough of Milton Keynes.

F2. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage or on plates affixed thereto.

\textit{Nb to comply with the requirement the Council expects the appropriate plate to be affixed.}

(b) A proprietor or driver of a Hackney Carriage shall:

(i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

(ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

F3. The proprietor of a Hackney Carriage shall:

a) provide sufficient means by which any person in the carriage may communicate with the driver;

b) cause the roof covering to be kept water-tight;

c) provide any necessary windows and a means of opening and closing not less than one window on each side;

d) cause the seats to be properly cushioned or covered;

e) cause the floor to be provided with a proper carpet, mat or other suitable floor covering;

f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

g) provide means for securing luggage if the carriage is so constructed as to carry luggage;

h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
F4. The proprietor of a Hackney Carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:

(a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the taximeter;

(b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

(c) when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;

(d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

F5. The driver of a Hackney Carriage provided with a taximeter shall:

a) when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

b) as soon as the carriage is hired by distance and before beginning the journey bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957 and also at any time at the request or the hirer.

F6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof or with the Council seal affixed thereto except with the express approval of the Council.

F7. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:
(a) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it station the carriage immediately behind the carriage or carriages on the stand and so as to face the same direction;

(b) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

F8. A proprietor of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

F9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

F10. The proprietor or driver of a Hackney Carriage who has agreed or had been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

F11. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

F12. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

F13. If a badge had been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for hire and when hired, wear that badge in such position and manner as to be plainly visible.

F14. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
   a) convey a reasonable quantity of luggage;
   b) afford reasonable assistance in loading and unloading;
   c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

F15. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed
by the Council table, the rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a Hackney Carriage furnished with a taximeter shall be hired, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council table which it may not be possible to record on the face of the taximeter.

NB The table of fares originally contained in these byelaws has been superseded by resolutions of the Council passed in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

NB The rate of fare by distance includes a time calculation when the vehicle is stationery as part of the hiring.

F16. a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures. NB The fares fixed by byelaw includes a time calculation when the vehicle is stationery as part of the hiring.

b) The proprietor of a Hackney Carriage shall, where such carriage is hired by time, cause a statement of any tariff operated by him otherwise than for a hiring by distance in accordance with the byelaw in that behalf to be exhibited inside the carriage in clearly legible words and figures.

c) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

F17. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

F18. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:

(a) carry it as soon as possible and in any event within forty eight hours, if not sooner claimed by or on behalf of its owner to a Police Station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it;

(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its
estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

F19. Every person who shall offence against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.
Appendix GA

Code of conduct applicable to persons granted a licence to drive a hackney carriage vehicle under the under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

GA1. The licence is not transferable and shall subsist for the benefit of the licensee only. The licensee must comply with the Hackney Carriage Bye-laws adopted by the Council. The licence holder is expected to comply with the following provisions in order to evidence that they are fit and proper.

GA2. This licence must be produced on demand to any police officer or a duly authorised officer of the Council. The licence must be returned to the Council on its revocation or discontinuance or for renewal.

GA3. The Licensee must inform the Council, in writing, within 14 days of any change of address.

GA4. The licensee shall at all times when acting in accordance with this licence wear in such a position as to be plainly and distinctly visible the badge issued to him/her by the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976.

GA5. The licensee shall at all times when acting in accordance with this licence keep and maintain a record of journeys undertaken by him and such record shall:

(a) be kept in the vehicle being used by the licensee as a private hire vehicle;
(b) be maintained in the form of a bound book or suitable electronic storage medium to the satisfaction of the Council. On no account may a loose-leaf form of record be used or any page removed from the book.
(c) contain the following particulars in relation to each journey so undertaken, such particulars to be entered consecutively in the record before the commencement of the journey to which they relate and any alteration or deletion shall be made so as not to obliterate the original entry;
   (i) date and time of receipt of instructions;
   (ii) date and time of commencement of journey;
   (iii) name of hirer;
   (iv) place of commencement of journey;
   (v) place of termination of journey;
(d) be produced for inspection on demand by an authorised officer of the Council or a constable;
(e) be kept by the driver for a period of not less than six months from the date of the journey to which the record relates.
Conduct of Drivers

GA6. The driver shall only ply for hire within the controlled district of Milton Keynes.

GA7. When picking up or setting down passengers, the driver shall not cause his/her vehicle to remain stationary for a longer period of time than is reasonably necessary to enable him to carry out those operations except for where picking up or setting down at taxi rank.

GA8. The driver shall not by calling out or otherwise, entice any person to hire their vehicle and shall not make use of the services of any other person for that purpose.

GA9. The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

GA10. The driver of a licensed vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

GA11. The driver of a licensed vehicle, so constructed as to carry luggage, shall, when required by any person hiring or seeking to hire the vehicle:

- Convey a reasonable quantity or weight of luggage
- Afford reasonable assistance in loading and unloading
- 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.

GA12. The driver shall, when hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

GA13. The licence holder shall comply with the dress code, code of conduct and the Council’s penalty point’s warning scheme contained within the Council’s Policy and as may be updated by the Council from time to time with at least 28 days’ notice by the Council, which shall be, as a minimum via the Council’s website.

GA14. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.

GA15. The driver of a licensed vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle has been found by or handed to him, attempt to return it to the
rightful owner or carry it within 24 hours, if not sooner, to the nearest Police Station and leave it in the custody of the person in charge and obtain a receipt for it.

**Miscellaneous**

GA16. In the event of loss or damage to this licence the Council must be informed immediately so that a replacement licence can be issued.

GA17. The licence must not be defaced or altered in any way.

GA18. The driver must produce his DVLA driving licence to the Council within seven days of a written request for production being made.

GA19. The driver shall not carry more than the maximum number of passengers for which the vehicle is licensed.

GA20. The driver must notify the council within 14 days of any of the following:
   a) The driver’s conviction for any criminal or road traffic offence (including fixed penalty offences).
   b) Any grant of bail to the driver (conditional or unconditional) by any court or police station.
   c) Any court cases pending against the driver.
   d) Whether the driver has been cautioned or received an official warning from the police.

GA21. The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury (for example, head injury, heart attack, stroke, broken limbs, diabetes, etc.) sustained and may be required to undergo an additional medical examination or produce written confirmation from his/her own medical practitioner or hospital consultant as to his/her continued fitness.

GA22. Each driver must carry, in a licensed vehicle, a guide, hearing or other assistance dog belonging to a passenger, free of charge unless the driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.

GA23. The licence holder shall produce upon request such documentation as the Council may require in order to confirm that the licence holder has the legal right to remain, reside and work in the United Kingdom or any other document that the Council may reasonably require in accordance with its Policy to ascertain if the licence holder remains a fit and proper person.
GA24. The Driver shall ensure that he undertakes a medical examination to the standard required by the Council in its Policy at such frequency and at such times as the Council may stipulate in its Policy.

GA25. The licence holder shall provide his licence to the proprietor of any hackney carriage for which he is employed to drive and such proprietor to retain said licence in accordance with Section 48 and Section 49 of the Town and Police Clauses Act. Further copies of the paper licence will not be issued to a driver without confirmation that the document is no longer held by the Proprietor of any hackney carriage.

GA26. When driving a licensed vehicle in accordance with this licence the licence holder shall ensure that the licensed vehicle plates are affixed securely to the vehicle and displayed in such manner as may be specified by the Council.

GA27. Where the licence holder is required to produce documents to the Council or report matters to the Council these should be sent/reported to the relevant office of the Council.

GA28. This licence is granted subject to the provisions of the Act of Parliament mentioned above, which must be observed by the licence holder at all times.

GA29. Where the licence holder believes that a child (person aged 18 or less) may be at risk of being sexually, physically or emotionally exploited they must report their concerns immediately to Crimestoppers on 0800555111 or 01908 253169 or email children@milton-keynes.gov.uk. Should a licence holder fail to report a concern then they will be investigated and may have their licence revoked or suspended.
Appendix GB

Licence Conditions applicable to persons granted a licence to drive a private hire vehicle under the under Local Government (Miscellaneous Provisions) Act 1976.

GB1. The licence is not transferable and shall subsist for the benefit of the licensee only.

GB2. This licence must be produced on demand to any police officer or a duly authorised officer of the Council. The licence must be returned to the Council on its revocation or discontinuance or for renewal.

GB3. The Licensee must inform the Council, in writing, within 14 days of any change of address.

GB4. The licensee shall at all times when acting in accordance with this licence wear in such a position as to be plainly and distinctly visible the badge issued to him/her by the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976.

GB5. The licensee shall at all times when acting in accordance with this licence keep and maintain a record of journeys undertaken by him and such record shall:

(a) be kept in the vehicle being used by the licensee as a private hire vehicle;
(b) be maintained in the form of a bound book or suitable electronic storage medium to the satisfaction of the Council. On no account may a loose-leaf form of record be used or any page removed from the book.
(c) contain the following particulars in relation to each journey so undertaken, such particulars to be entered consecutively in the record before the commencement of the journey to which they relate and any alteration or deletion shall be made so as not to obliterate the original entry;
   (i) date and time of receipt of instructions;
   (ii) date and time of commencement of journey;
   (iii) name of hirer;
   (iv) place of commencement of journey;
   (v) place of termination of journey;
(d) be produced for inspection on demand by an authorised officer of the Council or a constable;
(e) be kept by the driver for a period of not less than six months from the date of the journey to which the record relates.
Conduct of Drivers

GB6. The driver shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on his behalf previously pre booked the journey through the business premises of a private hire operator.

GB7. When picking up or setting down passengers, the driver shall not cause his/her vehicle to remain stationary for a longer period of time than is reasonably necessary to enable him to carry out those operations.

GB8. The driver shall not by calling out or otherwise, entice any person to hire their vehicle and shall not make use of the services of any other person for that purpose.

GB9. The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

GB10. The driver of a licensed vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

GB11. The driver of a licensed vehicle, so constructed as to carry luggage, shall, when required by any person hiring or seeking to hire the vehicle:
   - Convey a reasonable quantity or weight of luggage
   - Afford reasonable assistance in loading and unloading
   - 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.

GB12. The driver shall, when hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

GB13. The licence holder shall comply with the dress code, code of conduct and the Council’s penalty point’s warning scheme contained within the Council’s Policy and as may be updated by the Council from time to time with at least 28 days’ notice by the Council, which shall be, as a minimum, via the Councils website.

GB14. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
GB15. The driver of a licensed vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle has been found by or handed to him, attempt to return it to the rightful owner or carry it within 24 hours, if not sooner, to the nearest Police Station and leave it in the custody of the person in charge and obtain a receipt for it.

**Miscellaneous**

GB16. In the event of loss or damage to this licence the Council must be informed immediately so that a replacement licence can be issued.

GB17. The licence must not be defaced or altered in any way.

GB18. The driver must produce his DVLA driving licence to the Council within seven days of a written request for production being made.

GB19. The driver shall not carry more than the maximum number of passengers for which the vehicle is licensed.

GB20. The driver must notify the council within 14 days of any of the following:
   a) The driver’s conviction for any criminal or road traffic offence (including fixed penalty offences).
   b) Any grant of bail to the driver (conditional or unconditional) by any court or police station.
   c) Any court cases pending against the driver.
   d) Whether the driver has been cautioned or received an official warning from the police.

GB21. The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury (for example, head injury, heart attack, stroke, broken limbs, diabetes, etc.) sustained and may be required to undergo an additional medical examination or produce written confirmation from his/her own medical practitioner or hospital consultant as to his/her continued fitness.

GB22. Each driver must carry, in a licensed vehicle, a guide, hearing or other assistance dog belonging to a passenger, free of charge unless the driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.

GB23. The licence holder shall produce upon request such documentation as the Council may require in order to confirm that the licence holder has the legal right to remain, reside and work in the United Kingdom or any other document that the Council may reasonably require in accordance with its Policy to ascertain if the licence holder remains a fit and proper person.
GB24. The Driver shall ensure that he undertakes a medical examination to the standard required by the Council in its Policy at such frequency and at such times as the Council may stipulate in its Policy.

GB25. The licence holder shall provide his licence to the Private Hire Operator from whom he intends to take bookings and permit said Operator to retain that licence and take a copy of the licence holder’s badge for the operator’s records. Should the driver decide to cease to take private hire bookings form the Operator or terminate the employment or subcontract arrangement the driver shall be permitted to obtain the paper licence from the Operator and must notify the Council within 2 working days of such occurrence. Further copies of the paper licence will not be issued to a driver without confirmation that the document is no longer held by an Operator.

GB26. When driving a licensed vehicle in accordance with this licence the licence holder shall ensure that the licensed vehicle plates are affixed securely to the vehicle and displayed in such manner as may be specified by the Council.

GB27. Where the licence holder is required to produce documents to the Council or report matters to the Council these should be sent/reported to the relevant office of the Council.

GB28. This licence is granted subject to the provisions of the Act of Parliament mentioned above, which must be observed by the licence holder at all times.

GB29. Where the licence holder believes that a child (person aged 18 or less) may be at risk of being sexually, physically or emotionally exploited they must report their concerns immediately to Crimestoppers on 0800555111 or 01908 253169 or email children@milton-keynes.gov.uk. Should a licence holder fail to report a concern then they will be investigated and may have their licence revoked or suspended.

Unless otherwise specified, the licence does not authorise the person named to drive a vehicle plying for hire as a hackney carriage and any person aggrieved by any conditions attached to a drivers licence may appeal to the Magistrates Court within 21 days from the date on which notification is given.
Appendix GC

Licence Conditions applicable to persons granted a combined licence to drive both a private hire vehicle and a hackney carriage vehicle under the under Local Government (Miscellaneous Provisions) Act 1976.

GC1. The licence is not transferable and shall subsist for the benefit of the licensee only.

GC2. This licence must be produced on demand to any police officer or a duly authorised officer of the Council. The licence must be returned to the Council on its revocation or discontinuance or for renewal.

GC3. The Licensee must inform the Council, in writing, within 14 days of any change of address.

GC4. The licensee shall at all times when acting in accordance with this licence wear in such a position as to be plainly and distinctly visible the badge issued to him/her by the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976.

GC5. The licensee shall at all times when acting in accordance with this licence keep and maintain a record of journeys undertaken by him and such record shall:
   
   (a) be kept in the vehicle being used by the licensee as a private hire vehicle;
   
   (b) be maintained in the form of a bound book or suitable electronic storage medium to the satisfaction of the Council. On no account may a loose-leaf form of record be used or any page removed from the book.
   
   (c) contain the following particulars in relation to each journey so undertaken, such particulars to be entered consecutively in the record before the commencement of the journey to which they relate and any alteration or deletion shall be made so as not to obliterate the original entry;
       (i) date and time of receipt of instructions;
       (ii) date and time of commencement of journey;
       (iii) name of hirer;
       (iv) place of commencement of journey;
       (v) place of termination of journey;
   
   (d) be produced for inspection on demand by an authorised officer of the Council or a constable;
   
   (e) be kept by the driver for a period of not less than six months from the date of the journey to which the record relates.

Conduct of Drivers

GC6. The driver shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on his behalf
previously pre booked the journey through the business premises of a private hire operator.

**GC7.** When picking up or setting down passengers, the driver shall not cause his/her vehicle to remain stationary for a longer period of time than is reasonably necessary to enable him to carry out those operations.

**GC8.** The driver shall not by calling out or otherwise, entice any person to hire their vehicle and shall not make use of the services of any other person for that purpose.

**GC9.** The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

**GC10.** The driver of a licensed vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

**GC11.** The driver of a licensed vehicle, so constructed as to carry luggage, shall, when required by any person hiring or seeking to hire the vehicle:

- Convey a reasonable quantity or weight of luggage
- Afford reasonable assistance in loading and unloading
- 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.

**GC12.** The driver shall, when hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

**GC13.** The licence holder shall comply with the dress code, code of conduct and the Council’s penalty point’s warning scheme contained within the Council’s Policy and as may be updated by the Council from to time with at least 28 days’ notice by the Council, which shall be, as a minimum via the Council’s website.

**GC14.** The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.

**GC15.** The driver of a licensed vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle has been found by or handed to him, attempt to return it to the rightful owner or carry it within 24 hours, if not sooner, to the nearest
Police Station and leave it in the custody of the person in charge and obtain a receipt for it.

**Miscellaneous**

**GC16.** In the event of loss or damage to this licence the Council must be informed immediately so that a replacement licence can be issued.

**GC17.** The licence must not be defaced or altered in any way.

**GC18.** The driver must produce his DVLA driving licence to the Council within seven days of a written request for production being made.

**GC19.** The driver shall not carry more than the maximum number of passengers for which the vehicle is licensed.

**GC20.** The driver must notify the council within 14 days of any of the following:

- a) The driver’s conviction for any criminal or road traffic offence (including fixed penalty offences).
- b) Any grant of bail to the driver (conditional or unconditional) by any court or police station.
- c) Any court cases pending against the driver.
- d) Whether the driver has been cautioned or received an official warning from the police.

**GC21.** The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury (for example, head injury, heart attack, stroke, broken limbs, diabetes, etc.) sustained and may be required to undergo an additional medical examination or produce written confirmation from his/her own medical practitioner or hospital consultant as to his/her continued fitness.

**GC22.** Each driver must carry, in a licensed vehicle, a guide, hearing or other assistance dog belonging to a passenger, free of charge unless the driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.

**GC23.** The licence holder shall produce upon request such documentation as the Council may require in order to confirm that the licence holder has the legal right to remain, reside and work in the United Kingdom or any other document that the Council may reasonably require in accordance with its Policy to ascertain if the licence holder remains a fit and proper person.
GC24. The Driver shall ensure that he undertakes a medical examination to the standard required by the Council in its Policy at such frequency and at such times as the Council may stipulate in its Policy.

GC25. The licence holder shall provide his licence to the Private Hire Operator from whom he intends to take bookings and permit said Operator to retain that licence and take a copy of the licence holders badge for the operator’s records. Should the driver decide to cease to take private hire bookings form the Operator or terminate the employment or subcontract arrangement the driver shall be permitted to obtain the paper licence from the Operator and must notify the Council within 2 working days of such occurrence. Further copies of the paper licence will not be issued to a driver without confirmation that the document is no longer held by an Operator.

GC26. When driving a licensed vehicle in accordance with this licence the licence holder shall ensure that the licensed vehicle plates are affixed securely to the vehicle and displayed in such manner as may be specified by the Council.

GC27. Where the licence holder is required to produce documents to the Council or report matters to the Council these should be sent/reported to the relevant office of the Council.

GC28. This licence is granted subject to the provisions of the Act of Parliament mentioned above, which must be observed by the licence holder at all times.

GC29. Where the licence holder believes that a child (person aged 18 or less) may be at risk of being sexually, physically or emotionally exploited they must report their concerns immediately to Crimestoppers on 0800555111 or 01908 253169 or email children@milton-keynes.gov.uk. Should a licence holder fail to report a concern then they will be investigated and may have their licence revoked or suspended.

Unless otherwise specified, the licence does not authorise the person named to drive a vehicle plying for hire as a hackney carriage and any person aggrieved by any conditions attached to a drivers licence may appeal to the Magistrates Court within 21 days from the date on which notification is given.
Appendix H

Code of Conduct for Licensed Drivers / Operators

The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. Licence holders shall promote the professionalism of the hackney carriage and private hire trade by:

a) Complying with this Code of Conduct.
b) Complying with all the conditions of their licence, byelaws and the Council’s Taxi Licensing Policy.
c) Behaving in a civil, orderly and responsible manner at all times, including being polite, helpful and fair to passengers and whilst waiting for hire on a rank.
d) Paying attention to personal hygiene and dress so as to present a professional image to the public (See Dress Code).
e) Not eating or drinking in the vehicle in the presence of customers.
f) Keep their vehicles clean and suitable for Hire at all times.
g) Respecting authorised Officers during the normal course of their duties.
h) Maintain their vehicles in a safe and satisfactory condition at all times.
i) Not consume alcohol at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
j) No driver shall drive whilst under the influence of drugs (legal or illegal) which may effect their awareness and capability.
k) Comply with legislation regarding the length of working hours.
l) Drive with care and due consideration for other road users and pedestrians.
m) Not use a hand held mobile phone whilst driving.
n) Obey all Traffic Regulation Orders and directions at all times.
o) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle.
p) Not to smoke or permit someone else to smoke in the vehicle at any time, including electronic cigarettes.
q) Attend punctually when undertaking pre-booked hires.
r) Assist, where necessary, passengers into and out of vehicles. (Unless granted exemption by the Council under the Equality Act 2010)
s) Provide passengers reasonable assistance with luggage.
t) Not sound the horn or other audible warning instrument on the vehicle, other than in accordance with the Highway Code, and not between the hours of 11pm- 7.30am to attract the attention of passengers.
u) Keep the volume of music media players, VHF radios and/or other audio/visual devices to a minimum and to not cause disturbance to residents at lay up or pick up points.
v) Switch off the engine if required to wait.
w) Take whatever additional action is necessary to avoid disturbance to residents in the locality.
x) In respect of Hackney Carriages, rank in an orderly manner and proceed along the rank in order and promptly close up spaces so that other carriages can join the rank.

y) Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

z) Reporting a situation where they believe a child (person aged 18 or less) may be at risk of being sexually, physically oremotionally exploited immediately to Crimestoppers on 0800555111 or 01908 253169 or email children@milton-keynes.gov.uk. Should a licence holder fail to report a concern then they will be investigated and may have their licence revoked or suspended.
Appendix I

Dress Code

I1.1 Milton Keynes Council is committed to encouraging the professional image of the taxi trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to:

- Raise and maintain the profile of the licensed trade
- Promote confidence amongst members of public to ensure passengers feel comfortable when using licensed vehicles
- Promote public reassurance by ensuring that licensed drivers are satisfactorily presented

I1.2 Acceptable Standards of Dress:

- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be of sufficient length to enable them to be tucked into trousers or shorts
- Shirts or blouses can be worn with a tie or open-necked
- Trousers may be either full length or shorts if tailored
- Smart jeans type trousers are permitted

I1.3 Unacceptable standards of dress within this Code:

- Bare chests
- Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Beach type footwear (e.g. Flip flops and mules)
- Hooded garments (‘hoodies or face coverings’) worn with hoods up whilst driving
APPENDIX J

Private Hire Operator’s Licence Conditions


J1 This licence is not transferable and shall subsist for the benefit of the licensee only. Upon the licensee ceasing to trade or carry on the business of a private hire vehicle operator or on its revocation or discontinuance or for renewal this licence must be returned to the relevant office of the Council.

J2 This licence is granted subject to the provisions of the Act of Parliament mentioned above, which must be observed by the licence holder at all times.

J3 The operator shall keep a permanent record of every booking of a private hire vehicle invited and accepted by him, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by upon the request of an authorised Council Officer. The record entries must be made before the commencement of each journey and shall include:

- The time and date of the booking
- The time; date and location of pickup point
- Details of the destination
- The name and contact details of the hirer
- The registration number of the vehicle and driver allocated for the journey

J4 All records kept by the operator pursuant to Condition 3 and 6 above shall be preserved for a period of not less than twelve months following the date of the relevant entry.

J5 Record keeping

(i) The operator shall keep written or electronic records of the particulars of all private hire vehicles operated under the terms of this licence and shall include details of the proprietors, registration number and any radio call sign used. Records of complaints received about drivers shall be maintained for no less than three years.

(ii) The Operator shall retain the original Private Hire Driver paper licences of persons employed or sub-contracted by them. On receipt of an original Private Hire Driver licence the Operator must record as a minimum and, report electronically to the Council prior to the commencement or employment of the individual the following information:

- THE DRIVERS’ START DATE
- DRIVERS FULL NAME AND ADDRESS, MOBILE TELEPHONE NUMBER AND EMAIL ADDRESS
- THE TYPE AND NUMBER OF THE DRIVERS LICENCE BADGE NUMBER HELD
- FINISH DATE (WHEN KNOWN)

(iii) The operator will not employ or use any driver, employee or other person to whom they sub-contract to, without first obtaining a copy of the licence.

(iv) The Operator shall not employ, sub-contract to or otherwise use for the purpose of driving a private hire vehicle despatched under the terms of this licence, any person who is also employed, sub-contracted to, or used for purpose of driving a private hire vehicle by another Operator licensed under the above Act.

(v) The Operator shall notify the Council in writing of any driver licensed by the Council who the Operator is aware is employed, sub-contracted to, or otherwise used for the purpose of driving a private hire vehicle, by another Operator.

(vi) The Operator shall keep detailed records of any booking that is sub-contracted to another private hire operator, including the licence details of the other private hire operator and the vehicle and driver despatched by the other private hire operator.

J6 The Licensee shall maintain a dangerous incident log book recording all data on violence, threat or abuse shown to employees and drivers operating on their circuit. The information contained in this book shall be passed to Milton Keynes Council if requested without delay. The logbook shall contain the name of the person entering the complaint, together with the date the complaint is entered into the book. The name of the employee/driver who was involved in the incident; the date, time and location of the incident with a description thereof. If the matter has been reported to Thames Valley police, the unique reference number and or crime complaint number allocated will also need to be recorded. The information must be contained in such a way that it is easily accessible by any authorised officer of the Council or to any Police Officer at any reasonable time.

J7 This licence authorises the holder to operate private hire vehicles/drivers that are licensed only by Milton Keynes Council from the premises referred to in that behalf in the application for this licence. Any change in the operating address or the address of the licensee (if different) must be reported in writing to the Council within fourteen days thereof.

J8 The operator shall ensure that at all times the vehicle including its seating, flooring and fittings are kept in a clean and tidy condition and if in the reasonable opinion of the Council's Licensing Officer a lack of
cleanliness and/or tidiness is such as to render its use by the public undesirable he shall notify the proprietor thereof whereupon the proprietor shall not use or cause or permit the use of the vehicle as a private hire vehicle until such time as the Licensing Officer has re-inspected the vehicle and confirmed it is clean and tidy.

J9 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of any private hire vehicle operated by him on or adjacent to the rear bumper, or in such other position as may be authorised by the Council.

J10 The operator shall ensure that the licence is maintained in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced. The operator may display on the outside of the vehicle the following:

- Private hire car sign (which may be issued by the Council) on the windscreen
- Vehicle Licence plate
- Any other thing required to be displayed by law

J11 The operator may display restricted first party advertising subject to the following restrictions:

- The advertising material shall be restricted to the metal surface of the drivers and front passengers' doors. If advertising material is to be displayed, it must include the words “Advance Booking Only” or “Private Hire Advance Booking Only”.
- It can include the proprietor’s company name, logo, website, email address or telephone number.
- The advertising material shall be non-reflective.
- Nothing shall be advertised which might reasonably cause offence to members of the public

J12 The operator shall not display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material.

J13 The operator shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on his behalf previously requested the hiring by telephone, letter, email, text, personal call to the office or business premises of the proprietor or by some other electronic communication means designed for the purpose if inviting and accepting bookings.

J14 The operator shall not by calling out or otherwise, entice any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.

J15 The operator shall comply with the Code of Conduct and ensure that all drivers of private hire vehicles operated by him comply with this code.
J16 The operator shall notify the Council forthwith of any intended change in use of a licensed vehicle, of any relevant change of particulars supplied at the time of application, any variation in the methods used for accepting bookings than those disclosed at the time of application, any change in ownership (including addition and removal of directors, partners or other individuals previously listed on an application as involved in the operation) or the office or number of vehicles stated on this licence.

J17 This licence must be kept in the possession of the operator and must not be passed to any unauthorised person. It must be produced when requested by any authorised officer of the Council or any police officer.

J18 In the event of loss or damage to this licence the Taxi Licensing Section must be informed immediately so that a replacement licence can be issued a charge for replacement may apply.

J19 This licence must not be altered or defaced in any way.

J20 Since 2001 private hire vehicles must carry guide, hearing or other assistance dogs belonging to passengers, free of charge, unless a driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.

J21 All pre-booked private hire vehicles shall provide an SMS confirmation service confirming registration number, make and colour of the vehicle if required to do so by the Local Authority.

J23 Where the operator is providing school transport they shall keep a record of those escorts accompanying bookings.
Appendix K

Penalty Point Warning System and other Disciplinary Action

K1.1 The Council’s main objective when licensing individuals is to protect the public and therefore, to ensure that only “fit and proper” individuals are hackney carriage or private hire vehicle drivers, proprietors or operators. The majority of offences created by the legislation applicable to licence holders require the Council to either prosecute or suspend or revoke a licence. There is no way of dealing with minor offences which, when taken alone, do not automatically evidence that an individual is not fit and proper and justifies the suspension or revocation. It is often not in the public interest for the Council to prosecute for minor or technical offences. However, by issuing a warning and proportionate penalty points the Council is able to remind licence holders of their duties and identify frequent minor breaches which in their totality may indicate that a licence holder is not fit and proper.

K1.2 The penalty point warning system is an administrative tool used by the Council and identifies a number of breaches of conditions, byelaws and/or statutory provisions which may be committed by a driver, proprietor or operator and attributes a point value to be invoked should a breach be proven to have been committed by a licence holder. The implementation of points will take place following an appropriate investigation of offences, which could be a simple observation of an offence by an authorised Officer, based on clear documentary evidence, receipt of formal proceedings (including those conducted elsewhere by another agency e.g. the police), or the receipt of witness statements.

K1.3 The Penalty Point Warning Scheme is to be used by Officers of the Council to identify minor breaches of behaviour and their frequency. Members of the Regulatory Committee or its sub-committee when determining applications for the revocation, suspension, renewal or grant of a licence cannot impose a warning or penalty points as on these occasions they sit to determine if an applicant is “fit and proper” to be licensed.

K2 The details of how the scheme operates

K2.1 Penalty points will be applied by authorised officers of the Council following an investigation of the relevant breaches of the Council’s conditions and requirements and / or relevant statutory provisions for vehicles; drivers and operators.

K2.2 A formal warning with proportionate penalty points will be confirmed in writing to the licence holder.
K2.3 The number of penalty points issued will be in accordance with the tariff reproduced below (see K4).

K2.4 The Council retains the discretion to issue warnings and subsequent penalty points to drivers, proprietors and operators for a joint contravention if the circumstances warrant it i.e. the breach is one where it is considered joint responsibility is held. Any discretion will be exercised in accordance with the Council’s Enforcement Policy.

K2.5 The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to their employer or operator.

K2.6 Penalty points issued under this scheme will be considered to be “live” for a relevant period from the date the points are issued. The points will be deemed spent at the end of the relevant period. The accumulation of a specified number of points within the relevant period will lead to further disciplinary action. The specified number of points and the relevant period for each licence type is detailed below.

<table>
<thead>
<tr>
<th>Licence holder</th>
<th>Specified Points</th>
<th>Relevant Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hackney Carriage Driver</td>
<td>12</td>
<td>12 months</td>
</tr>
<tr>
<td>Hackney Carriage Proprietor</td>
<td>12</td>
<td>12 months</td>
</tr>
<tr>
<td>Private Hire Driver</td>
<td>12</td>
<td>12 months</td>
</tr>
<tr>
<td>Private Hire Proprietor</td>
<td>12</td>
<td>12 months</td>
</tr>
<tr>
<td>Private Hire Operator</td>
<td>12</td>
<td>12 months</td>
</tr>
</tbody>
</table>

K3 Reaching the specified point’s threshold within a relevant period

K3.1 On the accumulation of 12 or more penalty points in a 12-month period a licence holder will be required to attend before a Regulatory Sub-Committee to determine an appropriate disciplinary sanction.

K3.2 The Committee will take into account previous cautions, suspensions or prosecutions when considering the disciplinary sanction to impose.

K4 Disciplinary Sanctions

K4.1 The Committee can decide to take the following action:
   1) No further action
   2) Suspension of the drivers licence for a specified period.
   3) Revocation of the drivers licence.
   4) An informal sanction below.

K4.4 Where the Council requires the licence holder to evidence that they are fit and proper by showing that they understand the Council’s requirements of them the Committee may:
1) Request that the licence holder re-take’s the Council’s induction or a part of it, at the licence holder’s own cost.
2) Takes the Council’s Knowledge Test at the licence holder’s own cost.
3) Take the DSA’s advanced driving test at the licence holder’s own cost.
4) Take such other recognised training course that the Committee may specify.

The above sanctions could be imposed with either a strict, but appropriate time limit, or where the Committee are concerned that the applicant is not fit and proper but wish to give him the opportunity to demonstrate that he is, they may suspend the licence until such time as one of the above steps are completed satisfactorily.

K3.5 Penalty points will continue to be live following a disciplinary hearing and a sanction imposed where they are still within the relevant period. If the licence holder receives further penalty points and once again reaches or exceeds the specified points total within a relevant period the same process as above will take place. However, it would be expected on such an occasion that the Committee would be strongly minded to revoke the licence.

K3.6 There is no appeals mechanism against the imposition of penalty points. Licence holders who disagree with the imposition of points against them are asked to record their objection in writing. This will then be noted and presented to the regulatory sub-committee should the applicant reach the specified points total and face a disciplinary hearing.

K3.7 Any driver or vehicle proprietor or operator who has their licence suspended or revoked at a disciplinary hearing has the right of appeal to the Magistrates’ Court against the suspension or revocation. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.

K4 Penalty Point Tariff

Abbreviations: PH = Private Hire, HC = Hackney Carriage

K4.1 The penalty points tariff is displayed in the table below and applies to drivers, proprietors and operators. The first column details the administration code of the offence, the second column details the offence, the third column details the source of the offence and the final column details the points that will be awarded.

K4.2 The source of the offence is listed as either “A” – where the offence stems from a legislative provision under the 1847 Act, the 1976 Act or any other legislation, “B” – where the offence stems from the Hackney Carriage bye-laws, “C” – where the offence stems from a condition of a
licence, “D” – where the offence stems from a breach of the code of conduct applicable to all drivers.

<table>
<thead>
<tr>
<th>No.</th>
<th>Offence</th>
<th>Source</th>
<th>Points awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>False declaration on application/renewal of licence.</td>
<td>A</td>
<td>10*</td>
</tr>
<tr>
<td>D2</td>
<td>Obstruction of an authorised officer.</td>
<td>A</td>
<td>6</td>
</tr>
<tr>
<td>D3</td>
<td>Behaving in a rude, abusive, offensive or obstructive manner or other conduct failing to be civil and orderly, whether to customers, authorised officers, Council staff, or members of the public.</td>
<td>C</td>
<td>4</td>
</tr>
<tr>
<td>D4</td>
<td>Failure to notify the Council of any conviction, caution, motoring offence, civil or other enforcement action or any pending action of the same, within 14 days</td>
<td>C</td>
<td>6</td>
</tr>
<tr>
<td>D5</td>
<td>Failure to display licence holders driver badge in such position as to be plainly visible to customers.</td>
<td>A, C</td>
<td>4</td>
</tr>
<tr>
<td>D6</td>
<td>Failure to notify the Council of change of address within 7 days for a private hire driver and 14 days for a hackney carriage driver and for every further 7 days that elapses without notification to the Council.</td>
<td>C, B</td>
<td>3</td>
</tr>
<tr>
<td>D7</td>
<td>Smoking and/or failing to prevent smoking in licensed vehicle contrary to Health Act 2005. Reduced to 3 points if a fixed penalty notice has been served.</td>
<td>A</td>
<td>6</td>
</tr>
<tr>
<td>D8</td>
<td>Smoking and/or failing to prevent the smoking of an electronic cigarette in a licensed vehicle.</td>
<td>A</td>
<td>3</td>
</tr>
<tr>
<td>D9</td>
<td>Failure to display required no smoking Signs under the Health Act 2005.</td>
<td>A</td>
<td>3</td>
</tr>
<tr>
<td>D10</td>
<td>Failure to comply with the Code of Conduct</td>
<td>D</td>
<td>3</td>
</tr>
<tr>
<td>D11</td>
<td>Failure to maintain a reasonably clean and respectable appearance when conveying members of the public in a licensed vehicle or otherwise working in a capacity as a licensed driver.</td>
<td>D</td>
<td>3</td>
</tr>
<tr>
<td>D12</td>
<td>Drinking or eating without the express consent of the hirer.</td>
<td>D</td>
<td>3</td>
</tr>
<tr>
<td>D13</td>
<td>Failure to give reasonable assistance to a passenger to or from any place at which the driver may pick up or drop off.</td>
<td>D</td>
<td>3</td>
</tr>
<tr>
<td>D14</td>
<td>Failure to check a vehicle used by the driver for the carriage of passengers for lost property after each fare.</td>
<td>C,B</td>
<td>3</td>
</tr>
<tr>
<td>D15</td>
<td>Refusing to carry a guide dog or assistance dog without a licensed driver's exemption certificate.</td>
<td>A, C</td>
<td>10*</td>
</tr>
<tr>
<td>D16</td>
<td>Failure to provide up to date documents as requested by the Council such as driving licence, passport, medical, work permit etc.</td>
<td>C</td>
<td>4</td>
</tr>
<tr>
<td>D17</td>
<td>Failure to ensure and display a vehicle licence plate in authorised manner.</td>
<td>A, C</td>
<td>4</td>
</tr>
<tr>
<td>D18</td>
<td>Failure to convey or assist with carrying luggage.</td>
<td>C</td>
<td>3</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Offenders</td>
<td>Points</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------</td>
<td>--------</td>
</tr>
<tr>
<td>D19</td>
<td>Failure to deliver lost property to police.</td>
<td>C, B</td>
<td>3</td>
</tr>
<tr>
<td>D20</td>
<td>Failure to display tariff card in the vehicle.</td>
<td>B, C</td>
<td>3</td>
</tr>
<tr>
<td>D21</td>
<td>Interfering with a taximeter.</td>
<td>A, B,</td>
<td>4</td>
</tr>
<tr>
<td>D22</td>
<td>Failure to display vehicle licence plate in authorised manner.</td>
<td>C</td>
<td>3</td>
</tr>
<tr>
<td>D23</td>
<td>Failure to return vehicle licence plate at request of authorised officer following expiry, revocation or suspension of licence.</td>
<td>A, C</td>
<td>6</td>
</tr>
<tr>
<td>D24</td>
<td>Using unlicensed vehicle or using a vehicle without insurance.</td>
<td>A, C</td>
<td>10*</td>
</tr>
<tr>
<td>D25</td>
<td>Carrying more passengers than permitted by vehicle licence.</td>
<td>A, C</td>
<td>8</td>
</tr>
<tr>
<td>D26</td>
<td>Refusal to carry passengers without reasonable excuse.</td>
<td>B, C</td>
<td>6</td>
</tr>
<tr>
<td>D27</td>
<td>Failure to notify the Council of serious injury or illness.</td>
<td>C</td>
<td>10*</td>
</tr>
<tr>
<td>D28</td>
<td>Failure to keep proper records as required by conditions of licence.</td>
<td>C</td>
<td>6</td>
</tr>
<tr>
<td>D29</td>
<td>Refusing to take a fare without good reason.</td>
<td>B, C</td>
<td>6</td>
</tr>
<tr>
<td>D30</td>
<td>Charging or attempting to charge more than the agreed or legal fare.</td>
<td>B, C</td>
<td>6</td>
</tr>
<tr>
<td>D31</td>
<td>Permitting a vehicle other than a Hackney Carriage to wait on a Hackney Carriage stand.</td>
<td>A, B</td>
<td>6</td>
</tr>
<tr>
<td>D32</td>
<td>When driving a Hackney Carriage charging or attempting to charge more than the metered fare (whether for private hire or not).</td>
<td>A, B</td>
<td>6</td>
</tr>
<tr>
<td>D33</td>
<td>Failure to comply with any other licence condition imposed on the drivers licence not specifically detailed in this scheme.</td>
<td>C</td>
<td>2</td>
</tr>
<tr>
<td>D34</td>
<td>Failure to comply with any other legislative provision, or bye-law not detailed in this scheme.</td>
<td>A, B</td>
<td>3</td>
</tr>
<tr>
<td>D35</td>
<td>Plying for hire in a private hire vehicle.</td>
<td>A</td>
<td>10*</td>
</tr>
<tr>
<td>D36</td>
<td>Failure to report a Safeguarding Concern</td>
<td>A</td>
<td>10*</td>
</tr>
<tr>
<td>D37</td>
<td>Failure to notify change of employment/sub-contract status to Operator</td>
<td>A</td>
<td>6</td>
</tr>
<tr>
<td>D38</td>
<td>Working for an Operator without producing original paper licence</td>
<td>A, B</td>
<td>6</td>
</tr>
</tbody>
</table>

**PROPRIETORS**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Offenders</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1</td>
<td>Failure to notify transfer of vehicle licence interest within 14 days.</td>
<td>A</td>
<td>4</td>
</tr>
<tr>
<td>P2</td>
<td>Proprietor of licensed vehicle failing to report accident damage to vehicle within 72 hours.</td>
<td>C</td>
<td>4</td>
</tr>
<tr>
<td>P3</td>
<td>Failure to produce insurance documents at request of authorised officer.</td>
<td>A, C</td>
<td>4</td>
</tr>
<tr>
<td>P4</td>
<td>Unauthorised advertising on vehicle.</td>
<td>C</td>
<td>6</td>
</tr>
<tr>
<td>P5</td>
<td>Permitting a hackney carriage to be driven with a defective taxi meter.</td>
<td>A, B</td>
<td>6</td>
</tr>
<tr>
<td>P6</td>
<td>Vehicle not well maintained, kept clean or comfortable</td>
<td>A, C</td>
<td>6</td>
</tr>
<tr>
<td>P7</td>
<td>Failure to present vehicle for mechanical inspection upon request.</td>
<td>C</td>
<td>4</td>
</tr>
<tr>
<td>P8</td>
<td>Failure to present vehicle for mechanical inspection following booking.</td>
<td>C</td>
<td>4</td>
</tr>
<tr>
<td>P9</td>
<td>Permitting a vehicle to be used without a current compliance certificate in place.</td>
<td>A, C</td>
<td>10*</td>
</tr>
<tr>
<td>P10</td>
<td>Permitting a vehicle to be used that is unfit for use as a Hackney Carriage or Private Hire vehicle.</td>
<td>A,C</td>
<td>4</td>
</tr>
<tr>
<td>P11</td>
<td>Employing or permitting a vehicle to be driven by a person not holding a drivers licence with the Council.</td>
<td>A</td>
<td>10*</td>
</tr>
<tr>
<td>P12</td>
<td>Using a vehicle subject to a suspension or prohibition order issued by an authorised Officer, or by the police.</td>
<td>A</td>
<td>10*</td>
</tr>
<tr>
<td>P13</td>
<td>Failure to comply with requirement to undertake works to vehicle within set period of time.</td>
<td>C</td>
<td>6</td>
</tr>
<tr>
<td>P14</td>
<td>False declaration on application/renewal of licence.</td>
<td>A</td>
<td>10*</td>
</tr>
<tr>
<td>P15</td>
<td>Obstruction of an authorised officer.</td>
<td>A,C</td>
<td>6</td>
</tr>
<tr>
<td>P16</td>
<td>Behaving in a rude, abusive, offensive or obstructive manner or other conduct failing to be civil and orderly, whether to customers, authorised officers, Council staff, or members of the public.</td>
<td>C, D</td>
<td>4</td>
</tr>
<tr>
<td>P17</td>
<td>Failure to notify the Council of change of address within 7 days and for every 7 days that elapses following a Change in the licensed drivers address for which the driver fails to notify the Council.</td>
<td>C</td>
<td>3</td>
</tr>
<tr>
<td>P18</td>
<td>No Fire Extinguisher</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>P19</td>
<td>No First Aid Kit</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

**OPERATOR**

| O1  | Operating a Vehicle not licensed as a private hire vehicle. | A | 10* |
| O2  | Operating a vehicle driven by a person who does not hold a private hire drivers licence. | A | 10* |
| O3  | Failure to provide records to the Council within 7 days of request. | C | 5 |
| O4  | Failure to hold correct and orderly records of all licensed drivers driving vehicles operated by the Operator. | C | 7 |
| O5  | Failure to keep records in the manner specified by Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 and as specified by the Conditions of licence. | A,C | 5 |
| O6  | Obstruction of or failing to comply with the requirements of an authorised officer. | A |
| O7  | Operating a vehicle that is not in suitable mechanical condition to be used as a licensed vehicle where evidenced by a mechanical enforcement checks conducted by the Council. | A,C | 3 |
| O8  | Refusing or otherwise failing without good reason to provide a vehicle to carry a passenger with an assistance dog. | A,C | 6 |
| O9  | Refusing or failing to provide a wheelchair accessible vehicle to a customer without good reason. | A,C | 6 |
| O10 | Failure to notify the Council of any caution or conviction or | C | 6 |
fixed penalty notice imposed, received or accepted by the operator or if the operator is a company, by a director of the company.

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>O11</td>
<td>False declaration on application/renewal of licence.</td>
<td>A</td>
</tr>
<tr>
<td>O12</td>
<td>Obstruction of an authorised officer.</td>
<td>A, D</td>
</tr>
<tr>
<td>O13</td>
<td>Behaving in a rude, abusive, offensive or obstructive manner or other conduct failing to be civil and orderly, whether to customers, authorised officers, Council staff, or members of the public.</td>
<td>C, D</td>
</tr>
<tr>
<td>O14</td>
<td>Failure to notify the Council of change of address within 7 days and for every 7 days that elapses following a Change in the licensed drivers address for which the driver fails to notify the Council.</td>
<td>C</td>
</tr>
<tr>
<td>O15</td>
<td>Failure to notify Council of new drivers (employed &amp; sub-contracted)</td>
<td></td>
</tr>
<tr>
<td>O16</td>
<td>Failure to notify Council of drivers who have left employment/sub-contract arrangement</td>
<td></td>
</tr>
</tbody>
</table>

Offences/Points marked with an * indicate a serious offence and another disciplinary sanction is likely. Points will only be imposed if, following an investigation, the circumstances do not justify a higher penalty of prosecution or suspension or revocation of a licence.
Appendix L

List of Hackney Carriage Ranks within Borough of Milton Keynes

Station Square, Central Milton Keynes

Midsummer Boulevard (Jury’s Inn) Central Milton Keynes

Midsummer Boulevard (outside the Point) Central Milton Keynes

City Square (o/s M&S), Saxon Gate, Central Milton Keynes

Avebury Boulevard, Central Milton Keynes
   - Xscape building

Theatre District, Lower 12th Street, Central Milton Keynes

Bletchley Station, Bletchley

Queensway, Bletchley

Coach Way, Brook Furlong
Appendix M

List of matters on a vehicle compliance test

**Interior Checks**
- Seats and Seat belts, seat security
- Warning Lamps
- Switches (position lamp, headlamp)
- Driver controls Inc. Indicator, hazard switches
- View to front, wipes & washer
- Brake pedal, servo operation
- Handbrake, steering wheel & column
- Doors, mirrors, horn
- Electric Windows / low tint / no mirrored glass

**Exterior Checks**
- Front/rear registration plate (class V N/A)
- Front lamps, including indicators
- Headlamps and headlamp aim
- Mirrors, front & rear shock absorbers
- Rear lights, rear fogs, number plate lamps
- Number plate, stop lamps
- Fuel tank cap
- Indicators, hazards
- Doors; bonnet & boot lid
- Wiper blades
- General condition of vehicle / no stickers

**Under Bonnet**
- Vehicle structure
- Braking systems
- Exhaust systems
- Fuel system
- Steering and suspension
- Power steering components

**Under Vehicle Inspection**
- Steering Inc. power steering
- Drive shaft (if applicable)
- Suspension, shock absorbers
- Front and rear wheel bearings
- Wheel and tyres
Brake system and Mechanical components
Exhaust system
Fuel tank and fuel system
General vehicle condition

Emissions

Braking system performance

**Licensing Conditions**
Vehicle appearance condition interior/exterior
No Smoking sign (1)
Taxi Roof sign illuminated (Hackney Carriage)
Taxi Meter (Hackney Carriage only)
**Taxi Licencing**

Synergy Park
Chesney Wold
Bleak Hall
Milton Keynes
MK6 1LY

**T:** 01908 252860
**E:** taxi.licensing@milton-keynes.gov.uk

---

**Taxi Enforcement**

Civic Offices
1 Saxon Gate East
Central Milton Keynes
MK9 3EF

**T:** 01908 253599
**E:** taxienforcement@milton-keynes.gov.uk