

Hackney Carriage & Private Hire Licensing Policy 2021

Date	Version	Author	Body	Comments
26.06.2013	1.0	E Fisher	Regulatory Committee	Draft approved for consultation
08.09.2014	2.0	E Fisher	Executive	Adopted
09.12.2014	3.2	E Fisher	Executive	Adopted
08.07.2015	3.3	A Ward	Regulatory Committee	Approved – Recommendation to Cabinet to adopt
01.09.2015	3.4	A Ward	Executive	Adopted
30.11.2015	3.5	A Ward	Executive	Adopted at Cabinet 30 November 2015.
7. 12.2016	3.6	A ward	Regulatory Committee	Draft 7 December 2016
17.3.2017	3.7	A Ward	Regulatory Committee	Approved March 2017 - Recommendation to Cabinet to adopt
4.4.2017	3.8	A Ward	Executive	Adopted - April 4 2017
6.9.2017	3.9	A Ward	Regulatory Committee	Operator Conditions – approved Regulatory Committee.
10.7.2018	4.0	A Ward	Executive	Adopted 10 July 2018
17.12.18	5	A Ward/J Agar	Regulatory Committee	Taxi Licensing Conditions and Procedures adopted by RC
5.3.19	5	J. Agar	Executive	Taxi Policy adopted by Cabinet
13.3.19	6	J Agar	Regulatory Committee	Revised Conditions/procedures Approved
4.6.19	6	J Agar	Executive	Hackney Carriage vehicle advertising; safeguarding changes; minor policy changes
11.3.20	7	J Agar	Regulatory Committee	Hackney Carriages - Cashless Payments
29.5.20	7	J Agar	Executive (Delegated)	Vehicle Age Policy
28.10.20	8	J Agar	Regulatory Committee	DfT Recommendations & Vehicle Testing
22.12.20	8	J Agar	Executive (DD)	DfT Recommendations & Vehicle Testing
01.09.21	9	J Agar	Executive (Delegated)	MOT Expiry Date

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Introduction to Hackney Carriage and Private Hire (Taxi) Licensing Policy



In July 2020 I was appointed as the new Cabinet member for Taxi Licensing replacing Cllr Jenny Marklew-Wilson. I would like to thank Cllr Marklew-Wilson for her work on Taxi Licensing policy over the last 12 months and wish her all the best in her new portfolios.

2020 has been an extremely challenging year for the taxi and private hire trade in Milton Keynes in dealing with the Covid-19 pandemic. As a result of this national crisis the Council provided support and guidance to drivers and also reviewed the Taxi Licensing policy to achieve the right balance between protecting the public and supporting our trade through a very difficult period.

During 2020, as part of the Council's Covid-19 prevention strategy, licence holders were contacted by officers and provided with additional support and guidance. This support included two re-useable (washable) face masks and two rear-door external stickers. The stickers provided visual advice to drivers and customers on hand washing, opening windows, using anti-viral wipes, sitting in the back seat, and wearing face coverings. Drivers responded positively to this advice and enforcement officers continue to provide additional stickers and face coverings on request.

In late March 2020, due to the need to protect licence holders and staff from Covid-19, the Council suspended in-house vehicle testing on all licensed vehicles and accepted annual MOT certificate(s). Due to the success of this change the Council decided to permanently outsource vehicle testing (via MOT garages) to support local businesses and to also provide an annual saving of £122 per vehicle licence holder. In order to maintain our high level of public safety we are recruiting additional enforcement staff to ensure that all vehicles are compliant with Council policy.

In June 2020 the former Cabinet Member for Taxi Licensing, in consultation with the Chair/Vice Chairs of the Regulatory Committee, removed the 6 year vehicle age limit for new licence applications. This was done to allow former MK vehicle licence holders to return to MKC if they had to leave the licensed trade for reasons caused by the pandemic. As long as these vehicles were less than 10 years old they could now be re-licensed. Vehicles from other local authorities could be licensed up to 10 years old but only if they are a hybrid (low emission) vehicle.

In July 2020 the Department for Transport released its long awaited report on Statutory Taxi and Private Hire Vehicle Standards. The report contained 41 recommendations to improve public safety, safeguard children and vulnerable adults, and help create national

standards across the industry. The Council accepted all DfT recommendations which will further strengthen the Council's commitment to safeguarding and public safety.

As the Cabinet Member for Taxi Licensing I would like to thank the Regulatory Committee for the important role that it has played during the Covid-19 pandemic. The Regulatory Committee has provided important advice to myself on taxi licensing matters and created appropriate licensing conditions to legally enforce Council policy. The work of the Regulatory Committee and officers has been extremely important during a very challenging 2020.

Councillor Lauren Townsend, Cabinet Member for Taxi Licensing Policy

1. Summary

- 1.1. This document sets out the Council's policy on the licensing of hackney carriage and private hire vehicles, drivers and private hire operators. This policy is not a comprehensive statement of law and applicants should consider obtaining their own legal advice. This overarching policy is set by the Council's Executive Cabinet. This policy shall be kept under review and revised at least every 5 years or earlier should a significant issue arise.
- 1.2 Procedures, application pre-requisites, licence conditions, guidance and schemes falling within the requirements of this policy are set by the Regulatory Committee in a document entitled Taxi Licensing Conditions and Procedures.

2. Definitions

- 2.1 A list of the definitions used in this policy and its associated procedures can be found at the end of this document.

3. Policy Objective

3.1 Public Safety and Public Safeguarding

- 3.2 The aim of the licensing regime is to protect the public. For this reason the aim and objective of this policy is Public Safety and Safeguarding. This includes minimising crime and disorder and the fear of crime.
- 3.3 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 that drivers and operators are fit and proper to undertake the role. All policies adopted by the Council will be with the overarching objective of Public Safety and Safeguarding in mind.

4. Powers

4.1 Power to grant licences

- 4.1.1 The responsibility for granting licences falls to the Council pursuant to the powers conferred by The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended). This responsibility is delegated to the Regulatory Committee and council officers.
- 4.1.2 The setting and adoption of this policy has been reserved by the Cabinet to set the overall framework to guide the Council in its decision making.

4.1.3 The Council expects that all applicants for a licence and those holding a licence have read and understood this policy. Failure to take reasonable steps to read this document indicates that an individual may not be responsible and suited to holding a licence. The Council is not liable for any loss as a result of the failure by an individual to consult this policy, its procedures or conditions or to have asked for guidance in writing from a council officer.

4.2 Regulatory Framework

4.2.1 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. Nothing in this policy will prevent an applicant or licence holder from requesting that the Council consider the individual merits of their case and give reasonable consideration to departing from policy. Such requests may either be in writing to, or made orally before, the Regulatory Committee, a Regulatory Sub-Committee, or Officers as deemed appropriate in the circumstances of the case. When considering these types of matters the Council will ensure that there is a clear separation between the decision-maker and investigator/advisor.

4.2.2 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.

4.2.3 Should a council officer have any concern that the Taxi Licensing policy is not being applied correctly by the Council then they can raise their concern with the Taxi Licensing Lead or Head of Service/Director/Councillor. Should a licensing officer believe that speaking up would be disloyal to their colleagues or to the Council they should consult the Council's Whistleblowing Policy and call 01908 252525 or 02031172520 or email: whistle@protect-advice.org.uk

4.2.4 Councillors and officers who determine whether a licence should be granted, refused, suspended or revoked will be given sufficient training in the areas of licensing law, bye-laws, conditions, policy guidance, Committee procedure, public safety, data protection, natural justice, Safeguarding, child sexual exploitation, county lines, disability, equality and diversity. The training will be provided in-house (by Legal & Democratic Services/Taxi Licensing) and external (Institute of Licensing, Local Government Association etc).

4.2.5 Should the Council make any changes to its Taxi Policy and Procedure documents it will review licences currently issued and take appropriate action where required. Where the Council creates a new condition(s) it will only be applied to a licence when it is granted (or renewed). In regard to changes made to the driver convictions policy, the Council will consider each case on its own merits and where

it decides to deviate from policy it will record exceptional, clear and compelling reasons for doing so.

- 4.2.6 The Council will consult on any proposed changes to its Taxi Policy and Procedure documents that may have a significant impact on passengers and the taxi/private hire trade. In addition to trade representatives and the general public, other possible consultees will include disabled groups (Disability Action Group), Chamber of Commerce, Women's groups, local traders, Pubwatch, Transport providers and the Local Safeguarding Board/MASH. Where appropriate the Council will engage with these groups to identify any concerns and issues that might arise from a proposed change.

4.3 Suitability of Licensed Individuals

- 4.3.1 Where a licence is granted to an individual the Council will apply its policy in regard to the Suitability of Licensed Individuals. This will apply to Drivers, Operators and Vehicle Proprietors to the extent permitted by legislation and relevant Council procedure. Where a licence has been applied for by a company, partnership or other organisation this policy will be applied to the individuals with control over that entity (i.e. Directors, Partners etc.)

4.4 The Licensing Regime

- 4.4.1 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)

- 4.4.2 The overall aim in granting licences is to protect the public. In doing so separate legislative requirements, standards and conditions apply to each licence type to achieve that aim. A journey not carried out in accordance with the correct licences is not only illegal but likely to invalidate the insurance held by the driver, vehicle proprietor and operator. This can have serious consequences should an accident occur.

4.5 Distinction between Hackney Carriages and Private Hire Vehicles

- 4.5.1 Hackney Carriage vehicles are available for immediate public hire from being hailed ('flagged down') in a public street or hired from a taxi rank. Private hire vehicles must be pre-booked in advance with, and despatched by, a licensed private hire operator and are not permitted to wait on a rank or be booked directly with the driver.
- 4.5.2 The Council recognises this key difference between hackney carriages and private hire vehicles. Should the driver of a private hire vehicle accept a fare not pre-booked through an operator that driver commits a criminal offence and invalidates their insurance. This puts members of the public at risk. The Council

expects that all drivers understand and take reasonable steps to ensure that they do not break this law. Failure to do so demonstrates that an applicant is not ‘fit and proper’.

5. Delegations and Responsibilities

5.1 Role of the Executive

5.1.1 The adoption of this policy has been reserved by the Executive Cabinet of MKC and may be revised from time to time either by the Cabinet or as a delegated decision by the relevant Cabinet Member. In regard to non-delegated decisions officers (Head of Service) can make minor or legislative changes to the policy however this must be in consultation with the responsible Cabinet member who will consult the Chair and Vice-Chairs of the Regulatory Committee.

5.1.2 The Executive is responsible for the review and adoption of limits on the number of hackney carriage vehicles that will be licensed.

5.2 The Role of the Regulatory Committee

5.2.1 Standard Conditions, associated documents and application methods including any pre-requisites, application procedures, guidance and schemes falling within the authorisation of this policy will be adopted by the Regulatory Committee via the Taxi Licensing Conditions and Procedures document.

5.2.2 The Regulatory Committee may specify or set a framework of guidelines for situations where it expects applications for, or reviews of, licences to be referred to a Regulatory Sub-Committee and any standard procedure to be followed by its Sub-Committee when determining individual cases.

5.2.4 The Regulatory Committee is responsible for recommending to Cabinet & Full Council any proposed changes to the Hackney Carriage Byelaws.

5.3 Determination of individual cases

5.3.1 The determination of the grant, refusal, suspension or revocation of a licence will be made in the first instance by officers in accordance with relevant legislation and by applying this policy.

5.3.2 A Regulatory Sub-Committee may determine the grant, refusal, suspension or revocation of a licence following a referral by officers.

5.3.3 The imposition of any condition, in addition to the standard conditions set by the Regulatory Committee, may be imposed by officers or a Regulatory Sub Committee if considered reasonably necessary when applying the relevant legislative test.

5.3.4 Decisions on relevant enforcement action will be made by officers. The relevant Head of Service will approve prosecution files to proceed to legal services for final determination.

6. Fares and Fees

6.1 Fares

6.1.1 The tariff of fares for MKC licensed Hackney Carriages are set by the Executive. Hackney Carriages licensed by the Council must display the table of fares.

6.1.2 The Council does not control the fares set by private hire operators.

6.2 Fees

6.2.1 The Council is required to charge for the administration and enforcement of the licence regime and fees will be payable for the grant and renewal of licences and associated permissions. Fees will be set by the Executive (Section 70) and Regulatory Committee (section 53) in accordance with its internal delegations and advertised as required by the 1976 Act.

6.2.2 At the direction of the Regulatory Committee the Taxi Licensing Service will publish each year in an Annual Report a schedule of its income and costs to aid transparency and allow proper scrutiny of the fees charged by the Council.

6.2.3 Except where restricted by the applicable legislation, the Council will not refund application or licence fees where an individual has chosen not to continue with an application or to hold a licence. However, the Council does have discretion and will consider a refund application on a case by case basis taking into account individual circumstances, time remaining on the licence, and a £50 administration fee.

7. Taxi Ranks

7.1 Appointed Ranks

7.1.1 A number of ranks for hackney carriages have been designated within the Milton Keynes area and these ranks should be clearly, properly and appropriately signed.

7.1.2 The Council will have an ongoing review of its Hackney Carriage ranks in line with its overall transport strategies.

8. Complaints

8.1 The Taxi Licensing Service can only deal with breaches of legislation it is empowered to enforce; licence conditions; and the conduct of drivers, vehicle proprietors and Operators that falls within the “fit and proper” test. Complaints

about customer service should be made to the operator or in the case of a hackney carriage journey, the driver. If customers are still unhappy with service then taxi enforcement can investigate but with limited powers.

- 8.2 Members of the public who wish to make complaints or comments about a licensed driver, vehicle or operator should do so in writing to the Council's Taxi Licensing Service - taxienforcement@milton-keynes.gov.uk
- 8.3 Licence holders, applicants or members of the public that wish to complain about the Council's Taxi Service or the conduct of Officers must follow the Council's corporate complaints procedure on the Council's website www.milton-keynes.gov.uk
- 8.4 Complaints made against specific individual licence holders will be recorded and should any specific trends be identified by officers (such as plying for hire, over-charging, or refusal of a guide dog) then proportionate targeted enforcement action will be taken.

8.4 Appealing Council Policy and Decisions

- 8.4.1 When a Council decision is made an applicant or licence holder will be given a written notice setting out any right of appeal that may exist. Interest parties have three months to challenge Council policy and procedure and this can be done via a Judicial Review application to the High Court. After that the routes of appeal are permitted against specific decisions (refuse, revoke, suspend, challenge a condition) and the applicant/licence holder has 21 days to appeal from the date in which they are notified of the decision. If an interested party wants to challenge the Council's policy and procedure after three months they would need to ask the Council to amend the policy (and set out reasons why they think it should be amended) and if the Council refused then they (interested party) would have three months to make a Judicial Review application challenging the Council's decision.

9. Disciplinary, Compliance and Enforcement Measures

9.1 Enforcement Policy (General)

- 9.1.1 Council imposed conditions will not be effective unless they are correctly enforced. Therefore the Council will endeavour to investigate all complaints fairly and impartially and take the relevant and necessary action in accordance with fairness and the objectives of this policy.
- 9.1.2 The Council will undertake enforcement operations for compliance purposes and based on intelligence received.
- 9.1.3 The Council will share information 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 the necessary delegations are in place.

- 9.1.4 The Council will enter into joint enforcement agreements (with delegated powers) with those neighbouring authorities whose vehicles & drivers work in the Milton Keynes area on a regular basis. Delegated powers may include vehicle testing (section 50), booking record requests from Operators (section 55), vehicle suspension (sections 60/68) and obstruction (Section 73). Should MKC vehicles/drivers work regularly in other areas then these powers will be delegated by MKC to those Councils.

9.2 Investigations

- 9.2.1 The conduct of investigations falls outside this policy. When conducting enforcement action officers operate under separate applicable legislation, government guidance for regulators and the Council's enforcement policy.
- 9.2.2 Decisions on the appropriate action to be taken will not normally be made until the Council has (insofar as may be possible) completed a full investigation and collated all relevant evidence. In rare cases where serious allegations are made about the suitability of an individual, the Council may be required to take action without waiting for a full investigation because of the overriding objective of public safety.

9.3 Enforcement Actions

- 9.3.1 It is not possible to have a fixed policy on what action the Council will take in any particular situation as each matter must be considered on its own merits. A licence holder who has committed a criminal offence will likely be prosecuted by the Council if it is in the public interest to do so. A licence holder who is convicted of an offence that has put public safety at risk should expect the Council to take action that will likely remove their licence (suspension, revocation or refusal to renew). The Council is not limited to taking only one action. For instance, an offender could be prosecuted and then have their licence suspended or revoked.
- 9.3.2 Minor offences which do not put the public at risk or do not call into question the fitness of a licence holder will be dealt with administratively via the Council's penalty point warning procedure and education schemes. The frequency or nature of minor offences may be such that the penalty point warning procedure and education scheme is not considered appropriate and another sanction is necessary, such as the suspension or revocation of licence. This is further covered in the Suitability of Licensed Individuals section of this policy.

9.4 Licence Review

- 9.4.1 Upon the conclusion of an investigation that substantiates a complaint, the Council will review the licence held to determine if any action should be taken in respect to that licence or individual.
- 9.4.2 The Council may issue a warning; impose penalty points; impose a licence condition; require remedial training; suspend; revoke or refuse to renew a licence.

9.5 Penalty Point Warning and Education Scheme

- 9.5.1 A penalty point warning and education scheme is designed to assist the trade in remaining compliant with regulatory requirements. These processes will be adopted and revised from time to time by the Regulatory Committee. These schemes will act as an “early warning” system to drivers, vehicle proprietors, and operators who fail to meet the requirements of their licence.

9.6 Police Disclosure, Information Sharing & DBS Disclosure

- 9.6.1 Common Law Police Disclosure is a process whereby the police provide information to Milton Keynes Council about a licence holders arrest or charge. In order for this process to be effective licensing officers must maintain close links with police (via their Taxi Licensing Co-ordinator or equivalent) so to ensure that only information is passed where there is a clear public protection risk to do so. The Council should also disclose all driver suspension, refusal and revocation notices to police.
- 9.6.2 Should information provided by police result in action taken by the Council then this should be fed-back to the police as early as possible.
- 9.6.3 In regard to an individual who is thought to present a risk of harm to a child or vulnerable adult then a copy of their refuse or revocation notice should be sent to the police and the Disclosure & Barring Service.

10. Equality and Safeguarding

10.1 Disabilities

- 10.1.1 MKC’s transport objective is to have an accessible public transport system where people with disabilities have the same opportunities to travel as other members of society. Whilst the overriding objective of this policy is public safety and safeguarding, the Council expects that drivers and operators of licensed vehicles ensure that they provide a service to all members of society without discrimination.

- 10.1.2 The Equality Act 2010 places duties on licensed drivers to provide assistance to people in wheelchairs and/or who have an Assistance/Service Dog. Drivers and operators of licensed vehicles should not make any extra charge or refuse to carry passengers in these circumstances. The Council expects that when a driver or operator is aware that a passenger has a disability that they take reasonable measures or make reasonable adjustments to accommodate that passenger.
- 10.1.3 Under the Equality Act 2010 the Council has the ability to adopt policies that further the opportunities of people with disabilities to travel by imposing further standards on licence holders. 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 if satisfied that it is appropriate to do so on statutory grounds. The Regulatory Committee may adopt or publish such criteria or procedure to ensure medical certificates are granted appropriately.
- 10.1.4 The Council encourages all private hire operators to include Wheelchair Accessible Vehicles (WAVs) amongst their fleet. Operators should advertise that these vehicles are available and 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.
- 10.1.5 The Council will monitor the provision of WAVs and other services provided to persons with a disability in Milton Keynes and shall, if deemed insufficient, consider imposing further requirements on operators, drivers and proprietors to ensure this.
- 10.1.6 Those who apply for a licence will not be refused or discriminated against by reason of a disability provided that the individual is fit and proper to carry out the expected duties of a licence holder.

10.2 Other Protected Characteristics

- 10.2.1 The Council does not tolerate any discrimination either against a licence holder by a member of the public or Council representative; or by a licence holder against a member of the public or Council representative.
- 10.2.2 Where a complaint is made that a licence holder has discriminated against a person due to a protected characteristic under the Equality Act 2010, the Taxi Licensing Service will investigate. Discrimination against protected characteristics should also be reported to the police. A licence holder found to have discriminated against someone will have their licence reviewed.
- 10.2.3 The Council cannot take action against a member of the public who discriminates against a licence holder. The licence holder can report this to the police and can also seek independent legal advice in regard to civil action.

10.3 Child Sexual Exploitation (CSE) and Safeguarding

- 10.3.1 Licensed vehicles and other forms of public transport are used by children and vulnerable people on a daily basis. Whilst licensed drivers, proprietors and Operators provide a service for financial gain, they do so on the basis that MKC has considered them to be suitable to provide these services. Licence holders have a duty of care to these passengers and the Council expects them to uphold that duty and sufficiently safeguard those in society who are vulnerable and at increased risk.
- 10.3.2 The Council has adopted Safeguarding policies that apply to all employees. Whilst licensed drivers are not employees of the Council, they are granted a licence by the Council and therefore represent Milton Keynes. The Safeguarding policies adopted by the Council will apply to licensed drivers and they will be expected to undertake training in this subject as a condition of their licence.
- 10.3.3 The Regulatory Committee may adopt a separate safeguarding Code of Conduct for drivers if it believes that this is necessary in order to achieve the overall aims of this policy.
- 10.3.4 Should a licence holder fail to report a concern or be found negligent in their safeguarding duties they will have their licence reviewed.

10.4 County Lines Exploitation

- 10.4.1 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated phone lines or other 'deal line'. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines. Girls and boys are groomed and exploited with the use of coercion, intimidation, violence and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.
- 10.4.2 Safeguarding awareness training should include ways in which all licence holders can help identify county lines exploitation. Warning signs will include children and young people:
- travelling in taxis or private hire vehicles alone
 - travelling at unusual hours (during school time, early in the morning or late at night)
 - being unfamiliar with the local area or do not have a local accent
 - paying for journeys in cash or prep-paid

- 10.4.3 Licence holders should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact police otherwise they should:
- use local safeguarding process (via MKC)
 - call Crime Stoppers on 0800 555 111

10.5 Multi-agency Safeguarding Hub (MASH)

10.5.1 Multi-agency Safeguarding Hubs (MASH) are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASH's operate on three common principles: information sharing, joint decision making and coordinated intervention. In order to minimise the risk to children and vulnerable adults the Council will facilitate the objectives of MASH when licensing individuals. MKC's Multi-agency Safeguarding Hub can be contacted on 01908 253169 or 01908 253170 or MKTogether@milton-keynes.gov.uk

11. Vehicles

11.1 Limitation on Numbers

11.1.1 The Council cannot restrict the number of private hire vehicles licensed as set out in Section 48 of the 1976 Act.

11.1.2 Section 37 of the 1847 Act, as amended by Section 16 of the Transport Act 1985, does permit the Council to refuse to licence a Hackney Carriage for the purpose of limiting numbers if the Council is satisfied that there is no significant unmet demand for the services of hackney carriages. The current limit on Hackney Carriage vehicle licences is 137 and was set by the Council in 2018 following an independent survey.

11.1.3 Where a limit on the number of Hackney Carriage vehicles is imposed, those licences will be granted on the provision that the vehicle will be used predominantly as a public hire vehicle within Milton Keynes. If Hackney Carriage vehicles licensed by MKC are found to be working predominately in other district areas then those licenses will be reviewed.

11.2 Vehicle Specifications and Conditions

11.2.1 When licensing a hackney carriage or private hire vehicle the Council must consider first and foremost the need for public safety. Once a vehicle is licensed its proprietor or driver has the ability to operate that vehicle in rural, urban and motorway environments.

11.2.2 Licensed vehicles must be capable of performing in all such environments and provide convenience and comfort to all types of passengers when doing so. Relevant factors include type of vehicle, safety, size, suitability, engine size,

capacity, appearance, condition, mechanical configuration, luggage space and seating.

11.2.3 Section 47 of the 1976 Act permits the Council to require a hackney carriage to be of such design and appearance as it wishes to specify and impose such conditions as it considers reasonably necessary. Section 48 of the 1976 Act requires the Council to be satisfied that a private hire vehicle is suitable in type, size and design and impose such conditions as it considers reasonably necessary.

11.2.4 To ensure that licensed vehicles are safe for the public to use and suitable for all types of journeys, the Council will adopt minimum vehicle specifications and conditions. These will be set by the Regulatory Committee who will also set the reasonable and necessary conditions that will be imposed on the proprietor of a licensed vehicle.

11.3 Vehicle Age

11.3.1 Licensed vehicles undertake considerably more miles than an average domestic vehicle. This means that licensed vehicles will age and deteriorate more rapidly than domestic vehicles and will need replacing on a more regular basis. Also older vehicles experience structural fatigue over time which impacts on vehicle safety.

11.3.2 The Council will have an age policy in respect to its licensed vehicles and these limits will be set by the Regulatory Committee. The Council recognises that it may be required to consider urgent requests to depart from its age policy due to economic or industrial circumstances. These requests can be considered by the relevant Cabinet member in consultation with the Chair & Vice Chairs of the Regulatory Committee.

11.5 Vehicle Testing

11.5.1 Before a licence is granted the Council must be satisfied with the mechanical and safety suitability of a vehicle. All vehicles must undergo an annual MOT test from a DVLA approved local firm. The MOT test must be conducted within 30 days of any new application or renewal. On receipt of the MOT certificate (and advisory information) the vehicle will be further inspected by a council officer to ensure compliance with the Council's policy and vehicle conditions. Should the officer require any further works to be completed on the vehicle then the vehicle proprietor must comply with this request. Should, during the life of the vehicle licence, council officers have any concern over the vehicle's fitness then officers can suspend the vehicle licence and instruct the vehicle proprietor to correct the breach at the vehicle proprietor's expense.

11.5.2 A brand new first registered vehicle that has done less than 500 miles will not require an MOT at the time of first licence. However, it will need to be inspected by a council officer prior to being licensed to ensure that it complies with the Council's policy and conditions. Should the officer require any further works to

be completed on the vehicle then the vehicle proprietor must comply with this request. All hackney carriage and private hire vehicles will then require an MOT after 12 months of licence.

11.6 Signage; Advertising and Livery

11.6.1 Members of the public may confuse private hire vehicles with hackney carriages and it is important that the public are able to easily distinguish each type of vehicle in order to ensure that they are safe and insured when travelling. In order to assist with this Hackney Carriages use roof signs with the words 'Taxi' displayed.

11.6.2 Hackney carriages and private hire vehicles are required by law to display a licence plate (or an internal disc for certain private hire vehicles that are exempt) on the rear of a vehicle. It is also common for private hire vehicles to display door signs, however, in some instances Hackney Carriages may wish to display some form of door signage.

11.6.3 Private Hire Vehicles must display signage that indicates:

- The vehicle is a licensed private hire vehicle
- The name of the Operator
- The vehicle must be pre-booked

PHVs can display information that highlights that it is an environmentally friendly vehicle. However, this information cannot form a commercial advertisement.

11.6.4 Subject to application the Council will permit the display of third-party advertising on Hackney Carriage vehicles only. However, advertising will not be permitted on a hackney carriage vehicle if:

- its content or its material will have a negative impact upon public safety
- it prevents the appropriate identification of the vehicle
- it causes offence or is otherwise unsuitable for display

HCVs can display information that highlights that it is environmentally friendly vehicle.

11.6.5 The Regulatory Committee shall set the criteria for:

- Advertising content and placement on a hackney carriage vehicle
- The advertising application and approval process
- Advertising conditions attached to a HCV licence
- Advertising fees

11.7 Plate Exemption

- 11.7.1 The intention of the legislation is that a licensed plate must be displayed on a vehicle so that the public can identify it. There are occasions when the display of such identification may undermine customer safety or create commercial implications for the operating business.
- 11.7.2 The legislation allows the Council, upon application, to exempt a vehicle from displaying its licence plate and door signs. It is not intended that all private hire vehicles have access to this exemption but only those operating a service where the display of a licence plate either endangers public safety or restricts a legitimate business need.
- 11.7.3 An exemption will only be granted where the proprietor 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
- 11.7.4 The primary consideration of the Council must be whether or not there is a public safety risk. An application procedure and the items required to satisfy the Council of the above will be set by the Regulatory Committee.
- 11.7.5 The Council may make arrangements with operators who specialise in despatching 'plate exempt' vehicles to aid the regulation and efficient approval of exemptions.

11.8 Data Protection & Closed-Circuit Television (CCTV)

- 11.8.1 The Council will encourage drivers, proprietors and operators to install legally compliant CCTV in their vehicles to ensure the safety of drivers and passengers by:
- Deterring and preventing the occurrence of crime
 - Reducing the fear of crime
 - Assisting police in investigating incidents of crime
 - Assisting insurance companies to investigate vehicle accidents
- 11.8.2 Proprietors of licensed vehicles are responsible for ensuring that CCTV systems installed in their vehicles are compliant with all relevant applicable legislation. In respect to data protection, vehicle proprietors should contact the Information Commissioners' Office for advice on how information should be managed and stored. Any Proprietor, Driver or Operator found to be in breach of CCTV or Data Protection legislation will have their licence reviewed.
- 11.8.3 To assist the trade and protect the public, the Regulatory Committee or officers may condition vehicles licensed by MKC to have CCTV cameras installed. In

these circumstances, where there is an express condition that the vehicle/driver must have CCTV, the Council will be the controller of all data captured & stored.

- 11.8.4 Council officers will monitor local crime levels and regularly consult with passenger groups, the taxi & private hire trade, and police on whether the Council should make it mandatory that all licensed MKC vehicles have CCTV. The Council will need strong justification to condition all vehicle licenses to have CCTV as concerns will be raised about the proportionality and intrusion of such an approach and the additional cost to each vehicle proprietor.

11.9 Environmentally Friendly Vehicles

- 11.9.1 The Council will encourage proprietors, operators and drivers to use low emission vehicles and to take advantage of the unique infrastructure of Milton Keynes and its innovative approach to transport. Where there is no public safety risk, the Council shall give special consideration to an environmentally friendly vehicle if it does not meet the Council's criteria set by the Regulatory Committee.
- 11.9.2 The Council aspires to have a full fleet of electric Private Hire and Hackney Carriage vehicles by 2030. The Council's Executive will adopt an Electric Vehicle Strategy to achieve this and the Regulatory Committee will be responsible for amending vehicle specifications to permit this.

11.10 Speciality Vehicles

- 11.10.1 Speciality vehicles such as stretched limousines, vintage or themed vehicles, may be licensed by the Council if the vehicle complies with standard specifications and conditions. Each application will be considered on its individual merits with consideration given to the safety and suitability of the vehicle; the purpose of its use; and the frequency and duration of its use.
- 11.10.2 A vehicle with space for more than 8 passengers can be licensed as a private hire vehicle as long as it is only licensed to carry up to 8 passengers and the operator/driver and public (via licence plate/door signs) are clearly aware that the vehicle cannot carry more than 8 passengers.

11.11 Evidencing Criminal record - Disclosure and Barring Service (DBS)

- 11.11.1 A vehicle proprietor (applicant) that is not already licensed as a driver with the Council will provide a basic DBS disclosure to enable consideration of their criminal record and whether they are a suitable person to be licensed.
- 11.11.2 A vehicle proprietor's criminal record will be checked every 12 months if they are not already licensed as a driver with the Council. The Council may, at its discretion, require an additional basic DBS disclosure to be supplied at any time where it has a reasonable belief that this is necessary to determine the suitability of the vehicle proprietor to be licensed.

- 11.11.3 Should the Council decide to refuse, suspend or revoke a vehicle proprietor licence based on DBS information it can only do so from a basic check. The Council cannot refuse, suspend or revoke a vehicle proprietor licence based on information from an enhanced DBS check.
- 11.11.4 Where a vehicle proprietor (applicant) has not lived in the UK continuously for 10 or more years or has spent more than 3 months living outside of the UK in the preceding 10 years, they must satisfy the Council that they have not been convicted of any offence outside the UK. A vehicle proprietor (applicant) will be required to provide an equivalent to the DBS disclosure from their relevant Embassy, Consulate or Police Authority for any and each country in which they have lived.

12. Private Hire Operators

- 12.1 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 can only be despatched to a customer by a licensed private hire operator.
- 12.1 Applications for operator licences can be made by an individual, partnership, company or other body in accordance with the application procedure adopted by the Regulatory Committee.

12.2 Fit and Proper

- 12.2.1 The Council must be satisfied that an applicant or licence holder is “fit and proper.” Whilst the licensed operator is not the person driving the vehicle and therefore not an immediate physical risk to passengers, they are responsible for despatching the vehicle and its driver and have access to information or data that a customer expects to be used appropriately. For this reason it is imperative that those licensed as operators are fit and proper and meet the standards expressed in the Suitability of Licensed Individuals section of this policy.
- 12.2.3 The Council will not grant a private hire operator licence to an individual who is not fit and proper to be a licensed driver.
- 12.2.4 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.
- 12.2.5 An Operator licensed by MKC can only use drivers and vehicles that are licensed by MKC.

12.3 Insurance

- 12.3.1 Operator premises that are open to the public (e.g. taxi waiting rooms) must be covered by appropriate public liability insurance.

12.4 Operator Address and Telephone Numbers

- 12.4.1 An MKC operator should have a premises within the district and this address will be specified on the licence granted. Records required to be kept by the Operator will be expected to be retained at this address. 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.
- 12.4.2 The Council will not normally grant a licence to an operator whose premises are located outside the district. This is to ensure that proper regulation and enforcement measures can be taken by the Council. The legislation does not restrict where an Operator is based and a licence may be granted to an operator whose premises are outside of the district (ie in neighbouring districts). In such instances that operator must satisfy the Council that they will be providing the facilities for individuals within Milton Keynes to book Milton Keynes licensed private hire vehicles. In addition, the operator's base should be within a reasonable distance of Milton Keynes (i.e. neighbouring districts) or other reasonable measures are in place to permit adequate enforcement.
- 12.4.3 It is the responsibility of an operator to ensure that appropriate planning consent exists for the operational address to be used for their business purposes.

12.5 Sub-contracting

- 12.5.1 Section 55A of the 1976 Act, inserted by the Deregulation Act 2015, permits Operators licensed by the Council to sub-contract a private hire bookings to another operator licensed by the Council or to a licensed private hire operator licensed by another local authority. Regardless of which operator fulfils a booking, the operator must despatch a vehicle licensed by, and driven by a driver licensed by, the same Council as licences that operator.
- 12.5.2 Operators that accept a booking remain legally responsible for that booking even if they sub-contract that booking to another Operator and should record the booking as being accepted and transferred to that other operator.

12.6 Cross Border Hiring

- 12.6.1 In relation to private hire vehicles, the 1976 Act permits members of the public to book a private hire vehicle through any licensed private hire operator regardless of 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.
- 12.6.2 The Council encourages its private hire operators and their vehicles to be of the highest standard and provide an exemplary service to the residents of Milton Keynes. Appropriate regulation of private hire vehicles benefits the public served

by an Operator and this regulation is aided where Operators are fully committed to using Milton Keynes licensed vehicles. Operators should, when sub-contracting to an Operator licensed in another district, make this clear to the Customer.

12.7 Evidencing Criminal record - Disclosure and Barring Service (DBS)

- 12.7.1 An Operator (applicant) that is not already licensed as a driver will be required to provide a basic DBS disclosure to enable consideration of their criminal record.
- 12.7.2 A licence holder's criminal record will be checked every 12 months. The Council may, at its discretion, require an additional DBS disclosure to be supplied at any time where it has a reasonable belief that this is necessary in order to determine if a driver is fit and proper.
- 12.7.3 Should the Council decide to refuse, suspend or revoke an Operator licence based on DBS information it can only do so from a basic check. The Council cannot refuse, suspend or revoke an Operator licence based on information from an enhanced DBS check.
- 12.7.4 Where an Operator (applicant) has not lived in the UK continuously for 10 or more years or has spent more than 3 months living outside of the UK in the preceding 10 years, they must satisfy the Council that they have not been convicted of any offence outside the UK. An Operator (applicant) will be required to provide an equivalent to the DBS disclosure from their relevant Embassy, Consulate or Police Authority for any and each country in which they have lived.
- 12.7.5 Private Hire operators must advise the Council of any changes in directors or partners. All directors and partners must provide a basic disclosure every 12 months from DBS to demonstrate they are fit & proper.

12.8 Staff Register, Ex-offender Policy & DBS Checks for Operators

- 12.8.1 Private Hire Operators must keep a register of all staff (employed & contracted) that will take bookings or dispatch vehicles/drivers on its behalf.
- 12.8.2 Private Hire Operators must have a policy on employing ex-offenders who will undertake the role of booking or dispatching vehicles/drivers. The policy will outline which convictions are not suitable for those employees/contractors who book/dispatch drivers to collect children or vulnerable adults that are unaccompanied in a vehicle.
- 12.8.3 The Operator must have sight of a Basic DBS disclosure for all staff noted on the register. Should a member of staff have convictions the Operator must ensure that the employee is compatible with their policy on employing ex-offenders.

13. Hackney Carriage and Private Hire Drivers

13.1 General

13.1.1 Licences to drive hackney carriage and private hire vehicles are granted under the 1847 & 1976 Acts. A licence can only be granted to someone who has been authorised to drive a motor vehicle for at least 12 months and is “fit and proper”.

13.1.2 When determining if someone should be granted a licence the Council will not take into account someone’s desire or need to work; their financial status; family commitments; or obligations. These are not matters that relate to whether an individual is fit and proper.

13.2 Fit and Proper Test

13.2.1 The Council has a legal duty to ensure that any person to whom they grant a taxi or private hire driver licence to is a fit & proper person to be licensed. When considering whether an applicant or licence holder is fit and proper the Regulatory Committee or council officer should ask themselves the following question:

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

13.2.2 All decisions on the suitability of an applicant or licence holder should be made on the balance of probability. This means that an applicant or licence holder should not be given the benefit of the doubt. If the Regulatory Committee or officer is only 50/50 as to whether the applicant or licence holder is fit & proper then they should not hold a licence. So, in answer to the question posed above if, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. This threshold is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore take into consideration conduct that has not resulted in a criminal conviction.

13.2.3 There is no legal definition of “fit and proper” or a fixed legislative process. It is for the Council to determine how it wishes to be satisfied that a driver is fit and proper. The Council will consider 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. The following sections apply equally to private hire and hackney carriage drivers unless otherwise specified. Applications will be considered on their own individual merits.

13.3 Age, Experience and Qualifications

13.3.1 Subject to an applicant having held a licence to drive a motor vehicle for at least 12 months, there is no minimum or maximum age limit for drivers. The Council’s policy and application procedure will require an applicant to evidence that they

are physically fit enough and suitable in terms of knowledge, experience and skill to assume the role.

13.4 Application Procedure

13.4.1 The application process will be set by the Regulatory Committee to provide an applicant with the opportunity to satisfy the Council that he or she is a fit and proper person.

13.5 Evidencing Criminal record - Disclosure and Barring Service (DBS)

13.5.1 An applicant for a driver licence will be required to provide an enhanced DBS disclosure via the Update Service to enable consideration of their criminal record.

13.5.2 A licence holder's criminal record will be checked every 6 months via the Update Service. The Council may, at its discretion, require an additional DBS disclosure to be supplied at any time where it has a reasonable belief that this is necessary in order to determine if a driver is fit and proper.

13.6 Evidencing Criminal Record – foreign offences

13.6.1 Where an applicant has not lived in the UK continuously for 10 or more years or has spent more than 6 continuous months living outside of the UK in the preceding 10 years, they must satisfy the Council that they have not been convicted of any offences outside of the UK.

13.6.2 An applicant will be required to provide an equivalent to the DBS disclosure from their relevant Embassy, Consulate or Policing Authority for any and each country in which they have lived.

13.7 Convictions, Cautions, Allegations and Complaints

13.7.1 The Rehabilitation of Offences Act 1976 does not apply to those applying to be licensed as a driver of a hackney carriage or private hire vehicle. Where an applicant (or licensed driver) has been convicted of an offence the Council must consider it and assess if an individual is fit and proper.

13.7.2 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. Conversely if an applicant has remained conviction free for a certain period of time this does not automatically qualify them as fit and proper.

13.8 Medical Fitness

13.8.1 The Council must be satisfied at all times that a driver is physically and mentally able to carry out their duties. An applicant must undertake and provide evidence that he or she meets the DVLA Group 2 Medical standard. The applicant is

responsible for arranging, paying and submitting to the Council the relevant evidence that the applicant meets the Group 2 standards. Any medical examination must be conducted by an appropriate, competent and qualified medical practitioner.

- 13.8.2 Licence holders must be re-examined to the Group 2 standards at the age of 45 and every 5 years thereafter 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.
- 13.8.3 At all times the Council will reserve the right to request an individual to provide a further Group 2 medical or other medical information or undertake any medical test in order to be satisfied that a person is medically suitable to be licensed.
- 13.8.4 Notwithstanding that an individual may pass a Group 2 medical, further information may be present which prevents the Council from being satisfied that an individual is medically suitable. The Council may therefore still refuse an application or require an applicant or licence holder to undergo and pay for a further medical examination, at an appropriate medical facility, conducted by either the applicant's GP or other qualified medical practitioner with access to the applicant's full medical records. Any extra cost must be met by the applicant or driver.
- 13.8.5 The Council may grant a licence on the condition that a licence holder provides a more frequent Group 2 medical assessment and/or notes from his/her GP as to his/her suitability to be licensed.
- 13.8.6 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 or their suitability to be a licensed driver. The Council expects licensed drivers not to put the safety of other people at risk and continue to drive following any deterioration in their health until approved by both a medical assessment and the Council. The Council would not consider any person to be fit and proper if they drive a licensed vehicle whilst aware of any health problem that could endanger the lives of their passengers.
- 13.8.7 Failure to provide a satisfactory medical certificate in the circumstances outlined in this policy will lead to the refusal, suspension or revocation of a driver licence.

13.9 Driving standards and qualifications

- 13.9.1 Licensed drivers will spend the majority of their working time in a licensed vehicle with passengers on a public road. An applicant's driving record, knowledge and driving ability is therefore relevant to the determination as to whether they are fit and proper. 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.

13.9.2. The Council will carry out a check of an individual's DVLA record when considering if a driver is fit and proper. 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 can consider any endorsements shown on the applicant's driver licence.

13.9.3 Licensed drivers will be required to provide a shared driving licence code during the course of a licence. This will be when the Council believes a licence holder has been convicted of an offence and not declared it; an offence has been declared and the Council need to confirm it; or as part of periodical compliance check of licensed drivers.

13.9.4 Driving Endorsements

13.9.5 The Council must be satisfied of a driver's ability to convey members of the public safely. As such the Council will consider any driving endorsements, driving related convictions or disqualifications revealed on either an applicant's DBS or driving licence.

13.9.6 Relevant Taxi/PH Driving Test

13.9.7 All new applicants must pass an approved Council Taxi/PH driving course/test before a licence is granted in order to satisfy the Council that they are of a suitable driving standard.

13.9.8 If, upon the renewal of a licence, an existing licensed driver has or has had more than 3 DVLA penalty points in the last 6 years s/he will be required to pass an approved Taxi driving course/test within 6 months on his/her renewal.

13.9.9 Any driver that reaches 6 live DVLA points during the course of holding an MKC driver licence will be required to pass an approved driving test/course by a specified date and will be suspended if they do not do so.

13.10 Driver Assessment Training

13.10.1 In order to satisfy the Council that they are fit and proper an applicant must demonstrate that they understand the basic requirements of hackney carriage and private hire licensing. The Council will therefore implement a relevant assessment of suitability to enable an applicant to confirm that they have the requisite knowledge to be licensed. This procedure will enable the Council to be satisfied that any person licensed understands the key legislation applicable to them; basic vehicle and driver safety requirements; an understanding of the local area; and relevant knowledge of Equality and Safeguarding.

13.10.2 Driver assessment training will be conducted by a council officer (either in person or via Teams/Zoom). The assessment will be conducted verbally in order to check an applicants' ability to speak English and there will also be a written exercise (e.g. completion of a fare receipt) to assess writing skills.

13.11 Further Training

13.11.1 Given the changing nature of the role of taxi drivers and operators, an applicant or existing licence holder may be required to carry out such training as the Council thinks necessary to be satisfied that that individual is fit and proper. Such training may be required of an individual in relation to specific circumstances or be required of the Taxi trade as a whole. Officers will have the power to direct an individual to carry out relevant training in line with the guidelines set out in the Suitability of Licensed Individuals section of this policy. The Regulatory Committee may also adopt any training requirements applicable to licence holders in order to achieve the objectives of this policy.

13.12 Short Term Licence (renewals)

13.13.1 Where an applicant has applied to renew a licence the law provides that they can continue to work even if the Council has not determined their renewal application (Section 74 LG(MP) Act 1976). The law however requires the driver to visibly display their badge and there is a risk to public safety if a driver is displaying a badge which has expired. The Council's policy is that a driver must at all times display a correct badge/authorisation (email) which has a valid date and reassures the public that the driver has been recently checked.

13.13.2 Where a licensed driver badge has expired the Council can issue the driver a short term badge/authorisation (email) for him/her to display. Before doing this the Council will carry out an interim assessment to ensure that it remains satisfied that the individual is fit and proper based upon information known to the Council and any declaration that the driver may have stated on their application to renew.

13.13.3 The Council would normally expect to have determined an application to renew a licence 2 months before that licence expires. However, in some instance's delays can occur. Where an applicant has applied 2 months prior to the expiry of the licence the Council will issue a short term licence following its interim assessment and make no charge to the applicant.

13.13.4 Where the applicant has left his/her application later than the 2 months prior to his/her licence expiring the applicant may have to pay for the interim assessment to be carried out and the cost of the provision of the materials (i.e. badge).

13.14 Conditions of Licence

13.14.1 Licence holders will have conditions placed on their licence to require them to keep the Council updated with all the documents that are required to determine that they are fit and proper.

13.14.2 Should a licence holder fail to provide updated documents to the Council in accordance with their licensing conditions then their licence will be reviewed.

13.15 Code of Conduct

13.15.1 In addition to licence conditions, the Council will also have a Code of Conduct to enhance the professional image of the hackney carriage and private hire trade and to promote the concept that drivers of licensed vehicles are vocational drivers carrying out a reputable profession.

13.15.2 The Code of Conduct for drivers and operators will be set by the Regulatory Committee and non-compliance with it will be addressed as part of enforcement action.

13.16 Review of driver Licence

13.16.1 Once a licence has been granted a driver must remain fit and proper and his/her licence may be suspended or revoked at any time after the grant of a licence where the Council has reasonable cause.

13.16.2 Once licensed a driver may decide that they no longer wish to remain licensed and may surrender their licence to the Council. 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.

14. Application Procedure

14.1 Applications for all licences must be made in writing and follow the specified application procedure set by the Regulatory Committee and council officers. The applicant remains responsible for ensuring that their application is completed correctly and is carried out in accordance with relevant procedure.

14.2 Only when a completed application form and all correct supporting documents have been provided will the Council consider and determine an application. The Council has the power under Section 57 of the 1976 Act to request any information it deems necessary to determine an application.

14.3 Licence Duration

14.4 The Council will grant licences for the maximum period specified by law except where appropriate to grant a licence for a lesser period.

14.5 Private hire operator licences will be granted for a maximum of five years or for a lesser period where appropriate or requested by the applicant.

14.6 Driver licences will be granted for the maximum legislative period of 3 years except where restricted by the Immigration Act 2016.

14.7 Vehicle licences will be granted for the maximum legislative period of 12 months.

14.8 Grant and Renewal of Licences

14.9 It is the responsibility of a licence holder to ensure that they renew their licence. The Council is not obligated to remind licence holders that their licence is due to expire.

14.10 A licence holder who allows their licence to lapse and continues to work commits an offence. The Council is not obligated to notify an individual that their licence has expired or remind them not to work unlawfully without it.

14.11 Expiry dates will be clearly noted on licence documents and the procedure to renew will be clearly available to licence holders.

14.12 Applications to renew an operator licence 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.

14.13 Applications to renew a vehicle licence should be made one calendar month before the expiry of the licence.

14.14 Applications to renew a driver licence should be made two calendar months prior to expiry.

14.15 If an application is received too close to its expiry date, or is incomplete, there may be insufficient time to process the application before the existing licence expires and a new one is granted. The Council will not be liable for any loss that occurs due to an individual's failure to renew a licence in good time.

14.16 A renewal application made after the expiry of the licence will be treated as a new application and must comply with the requirements of the Council's policy for new applicants.

14.17 The considerations in this policy for the determination of a new application apply equally to those of a renewal application except where the law, this policy, or any procedure clearly distinguishes otherwise.

14.18 Conditions

14.19 Standard conditions adopted by the Regulatory Committee will be imposed on all licences granted and will be contained in the Taxi Licensing Conditions and Procedures document. A Regulatory Sub-Committee or officers may impose further conditions if considered reasonably necessary on the individual merits of an application or review of a licence.

15. Determining Applications

- 15.1 It is expected that applicants who intend to be considered fit and proper will ensure that the information given on their application form is correct and truthful. The application form should document all convictions, cautions, fixed penalty notices, police warnings and all other relevant information.
- 15.2 The Council will take a serious view of an applicant who seeks to conceal any conviction, caution, fixed penalty notice, police warning in order to obtain a licence. To knowingly conceal this information is a criminal offence and will lead to licence refusal and possible criminal proceedings. Any information relating to criminal background will be kept only for as long as is reasonably necessary.
- 15.3 Information disclosed will be kept in strict confidence and retained no longer than is reasonably necessary to determine an application. Where a licence is granted this information will be kept for no longer than is necessary after that licence has lapsed in accordance with data protection legislation and the Council's retention policy.
- 15.4 An applicant may be required to attend an interview with council officers before a licence is granted or to appear before a Regulatory Sub-Committee. Any applicant who fails to attend a requested meeting of the Council (officer or committee) without reasonable excuse will have their application determined in their absence. This may result in the application being considered withdrawn or refused.
- 15.5 If an application for a driver or operator licence is refused the Council will not consider a further application until a reasonable time period has elapsed. This will ordinarily be at least 12 months.
- 15.6 The Council can publish on a data base the details of any individual who has had a licence granted, refused, suspended or revoked. Database NR3 is a national register for taxi and private hire vehicle licenses and is administered by the National Anti-Fraud Network. The Council will publish licence holder details, including revocations, suspensions and refusals, on the NR3 database.
- 15.7 Applicants and current licence holders must disclose that they hold or have previously held a licence with another Local Authority (or TfL). Applicants must disclose if they have had an application for a licence refused, or a licence revoked; or been suspended by any other licensing authority (or TfL).

16. Suitability of Licensed Individuals

Guidelines relating to the relevance of criminal convictions, cautions, driving offences, regulatory breaches, allegations and anything similar are to be applied by the Regulatory Committee and officers when determining the grant, refusal, suspension or revocation of licences.

16.1 General

- 16.1.1 Each case will be decided on its individual merits.
- 16.1.2 The overriding consideration is public safety and safeguarding.
- 16.1.3 This policy outlines how the Council will assess whether an applicant or a licence holder is fit and proper. In making this determination the convictions of the applicant or licence holder will be considered. The policy applies the same to convictions received outside of the UK.
- 16.1.4 Previous convictions or those occurring during the term of a licence indicate that a person is not 'fit and proper'.
- 16.1.5 The Council recognises that there are differences between those individuals who act as drivers; those individuals or companies who operate private hire vehicles; and those individuals or companies who are vehicle proprietors.
- 16.1.6 A person who has been convicted of a criminal offence will not necessarily be prevented from ever obtaining a licence. However, they are expected to remain free of conviction for a duration commensurate with the seriousness of the offence(s) in order to evidence to the satisfaction of the Council that they are fit and proper and do not pose a danger to the public.
- 16.1.7 Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is 'fit and proper' to hold a licence. The overriding consideration is the protection of the public and for some offences the duration in which a person will be expected to be free from conviction is significant.
- 16.1.8 The Council will not grant a licence to someone who has been convicted of a serious violent or sexual offence. The Council will refuse any application where the individual is listed on a DBS barring list for working with children or adults or on the sex offenders' register.
- 16.1.9 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 also be considered.
- 16.1.10 The Council will investigate and review the licence of any person convicted of an offence and may suspend or revoke, or refuse to renew a licence, in such instances.
- 16.1.11 The Council will 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.

16.1.12 The offences listed in this policy are not exhaustive and any offence stated in this part should be read as including all offences similar to it, any offence that replaces it, the attempt or conspiracy to commit it, or the aiding, abetting and procuring of it.

16.1.13 The Council takes a serious view of all criminal offences. However, convictions for driving (major), dishonesty, violence (including domestic violence) or sexual offences will be considered extremely serious and likely to result in refusal or revocation of licence.

16.1.14 For the purpose of this policy simple cautions, endorsements and fixed penalty notices will be treated as though they are convictions and the timescales in this policy apply equally to each. The Council recognises that these measures are utilised for low level offences where it is not in the public interest to prosecute, however, a person must admit to an offence in order to be cautioned or to accept a fixed penalty notice.

16.2 Crimes resulting in death

16.2.1 Where an applicant or licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause death or serious injury of another person they **will not** be licenced. Offences include:

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

16.3 Exploitation

16.3.1 Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with, abuse or exploitation in the use or treatment of another individual, irrespective of whether the victim or victims were adults or children, **will not** be licensed. This includes slavery; child sexual abuse; exploitation; grooming; and psychological, emotional and financial abuse.

16.4 Offences involving violence against the person

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

Offences include:

- Grievous bodily harm
- Malicious wounding
- Robbery

- Riot
- Assault on Police
- Violent disorder
- Resisting arrest
- Any offence(s) that is racially aggravated
- Assault occasioning actual bodily harm
- Common assault
- Affray
- Harassment
- Battery
- 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)
- Obstruction

16.5 Possession of a Weapon

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

16.6. Sexual Offences

16.6.1 Where an applicant or licence holder has a conviction for any offence involving or connected with illegal sexual activity, a licence **will not** be granted. Offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Indecent exposure
- Soliciting or loitering for the purpose of prostitution

16.6.2 The Council will revoke the licence of any licence holder convicted of any of the above offences.

16.6.3 An applicant currently on the Sex Offenders Register or any Barred list **will not** be granted a licence.

16.7 Dishonesty

16.7.1 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least **7 years** have lapsed since the completion of any sentence. Offences include:

- Theft
- Burglary
- Fraud including benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

16.8 Criminal Damage

16.8.1 The Council will not grant a licence to any person who has, in the **3 years** prior to an application, been convicted of criminal damage.

16.9 Drugs

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

16.9.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least **5 years** have lapsed since the completion of any sentence imposed.

16.9.3 Applicants convicted of a drug offence will need to undergo drug testing, at their own expense, to demonstrate that they are not using controlled drugs.

16.9.4 An applicant convicted of more than one offence for the supply of drugs will not be licensed.

16.9.6 When considering the number of years an applicant will be expected to be clear of a conviction, the Council may take into account the classification of the drug.

16.10 Discrimination

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

16.11 Motoring Convictions

- 16.11.1 Hackney Carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- 16.11.2 Any motoring conviction while a licensed driver demonstrates that the licence holder may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a licence providing the authority considers that the licence holder remains a fit and proper person to retain a licence.
- 16.11.3 Given the nature of the work carried out by licensed drivers, MK residents and the Council expect that they have a suitably high level of driving standard.
- 16.11.4 The Council acknowledges that the DVLA distinguishes between minor and major traffic offences and this distinction should be considered when applying this policy. The table at the end of this policy lists all present DVLA driving offences, whether they are major or minor. When this table is updated by the DVLA council officers will have delegated power to amend this part of the policy in consultation with the relevant Cabinet member.
- 16.11.5 References to penalty points and endorsements in this section of the policy mean those imposed by the DVLA on a driving licence issued by the DVLA.

Major Traffic Offences

- 16.11.6 A licence will not be granted to a person who has been disqualified from driving following a conviction for a major traffic offence until at least five years have elapsed after the reinstatement of the applicants' driving licence and without further offence.
- 16.11.7 An applicant with 6 penalty points or more will not be granted a licence if one of the current endorsements relates to a major traffic offence.
- 16.11.8 A licence holder will have their licence revoked if they have 7 or more DVLA points and one of those endorsements is a major traffic offence.

Minor Traffic Offences

- 16.11.9 An applicant with six or fewer unspent penalty points on their driving licence for minor traffic offences is not precluded from being granted a licence.
- 16.11.10 An applicant with 6 penalty points or a history of driving endorsements will, if licensed, be given a clear warning about their duties.

16.11.11 An applicant with 7 or more points on their licence will not be granted a licence.

16.11.12 An applicant that has been disqualified from driving under the DVLA totting up procedure (having received 12 DVLA points within 3 years) will not be granted a licence unless:

- A They have had have their DVLA driving licence reinstated for at least 12 months; and
- B Have received no further driving endorsements since their DVLA licence was reinstated;
- B Or, if that individual has received further driving endorsements since a DVLA licence has been reinstated, a further 12 months must elapse before a licence may be granted.

16.11.13 A licensed driver accumulating 6 DVLA penalty points may have a renewed licence granted with a warning provided that they have undertaken, or have been conditioned to undertake, an approved taxi driving test/course.

16.11.14 A licensed driver accumulating 7 or more DVLA penalty points but fewer than 10 for minor traffic offences will have their licence reviewed as follows:

- A A licensed driver with 7 or more DVLA penalty points who has taken an approved taxi driving test/course, prior to the most recent endorsement and within the last 3 years and completed the Council's Driver Assessment training (at their own cost) will have their licence revoked unless exceptional circumstances exist.
- B A licensed driver with 7 or more DVLA penalty points who has not taken an approved driving test/course within the last 3 years will be required to pass an approved driving test/course and the Council's Driver Assessment training (at their own cost). Should the licence holder fail to complete these tasks by a certain date they will be suspended until completed.

16.11.15 A licensed driver with 10 or more DVLA penalty points will have their licence revoked and no further application considered until 6 points or fewer remain.

History of offending

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

16.12 Drink driving/driving under the influence of drugs

16.12.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least **7 years** have lapsed

since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, an applicant will undergo drug testing at their own expense to demonstrate that they are not using controlled drugs.

16.12.3 More than one conviction for an offence as described above is an unacceptable risk to the public and an application will be refused.

16.12.4 The Council will refuse to renew, or will suspend or revoke, the licence of any licensed driver convicted of an offence described above.

General alcohol related offence

16.12.2 The Council will not consider the influence of alcohol as a mitigating factor when applying the criteria of this policy.

16.12.3 An applicant convicted of an offence that is not considered elsewhere in this policy and involves alcohol as a cause will not be considered fit and proper for a period of at least 12 months from the date of conviction.

16.13 Using a hand-held device whilst driving

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

16.14 Licensing and Regulatory Offences

16.14.1 The Council will not grant a licence to an applicant convicted of a Licensing Offence (i.e. an offence under the 1847 Act, the 1976 Act, bye-laws, or associated legislation) until the applicant is at least 1 year clear of the conviction.

16.14.2 The Council will not grant a licence to an applicant convicted of an offence under any regulatory regime (i.e. licensing, planning, food safety etc.) until the applicant is at least 1 year clear of the conviction.

16.14.3 The Council will review the licence of any licence holder convicted of a licensing offence.

16.14.4 A licence holder convicted of a licensing offence by the Council may have their licence revoked. The Council may choose not to revoke a licence if the licence holder:

- a) has not previously committed an offence;
- b) has no other relevant convictions;
- c) has no Council imposed penalty points for similar offences to that which s/he was convicted of;
- d) admitted the offence and assisted officers with their investigation;
- e) satisfactorily passed the Council's Driver Assessment Suitability procedure.

- 16.14.5 An applicant with more than one conviction for a licensing offence, within a 3 year period, will have their licence revoked. Licensing offences committed over a longer period will be reviewed.
- 16.14.6 Any person who has had their licence revoked will not be considered to hold a further licence until at least 12 months has elapsed since the date of revocation. This policy will therefore apply to any subsequent application made after that time.
- 16.14.7 Where a licence has been revoked due to a conviction, the timescales as indicated in this policy will apply.
- 16.14.8 Applicants who receive 12 penalty points under the Council's Penalty Points Warning Scheme will have their licence reviewed. If their licence is not revoked at that time it would be expected that any further breach resulting in penalty points, driving endorsement, conviction or caution would result in revocation. Those who do not reach the 12 point threshold to have their licence reviewed under that scheme but show evidence of regular offending may still have their licence reviewed and possibly suspended or revoked.

16.14.9 Conduct

- 16.14.10 Some breaches of policy or licence conditions may be committed by a licence holder which are not criminal in nature but are still relevant as to whether the Council is satisfied that an individual is fit and proper.
- 16.14.11 Examples of this may be inappropriate conversations with passengers; inconsiderate parking; discriminatory, aggressive, discourteous, offensive or unprofessional behaviour toward members of the public, council officers or other members of the licensed trade.
- 16.14.12 Substantiated complaints of this nature or a pattern of complaints will indicate that a licence holder is either; not fit and proper or in need of education and training. In these instances the Council will review a licence.

16.15 Court Injunctions

- 16.15.1 An applicant subject to a current court order or injunction will not be granted a licence.
- 16.15.2 The Council will expect an applicant to be at least 1 year clear of a court order or injunction and at least 3 years for any court order or injunction related to anti-social behaviour, harassment, violence or dishonesty before a licence is granted.

16.16 Allegations

- 16.16.1 The Council recognises that where criminal allegations (such as assault, plying for hire) are made a licence holder is legally innocent until the allegation is proven guilty beyond reasonable doubt. In regard to administrative allegations

(such as conduct, condition breaches) a licence holder is also legally innocent until the allegation is substantiated on a balance of probabilities basis.

- 16.16.2 If an allegation is made about a licensed driver the Council will investigate and review that licence.
- 16.16.3 Where an allegation made about a licensed driver is being investigated by the Police or another agency and there is no immediate public safety risk, the Council will wait until the conclusion of that investigation.
- 16.16.4 Where an allegation made about a licensed driver is being investigated by the Police or another agency and the Council considers that, if true, the licensed driver would pose a danger to the public the Council will review the licence.
- 16.16.5 When making a decision based on an allegation the Council will consider the seriousness of the offence alleged, whether the licence holder has been charged, whether the licence holder notified the Council of the offence, and the licence holder's previous criminal history.
- 16.16.6 In determining whether a licence holder shall retain his/her licence after an allegation is substantiated, the Council shall base its decision on a balance of probabilities basis taking into account the nature of the offence and whether the driver's actions poses a danger to the public.

16.17 Immediate Public Safety Risk

- 16.17.1 Where it is in the interest of public safety to do so, the Council may suspend or revoke a licence with immediate effect. Repeated licensing offences such as plying for hire, overcharging, dangerous driving and gross misconduct would warrant revocation with immediate effect.
- 16.17.2 The Council considers any conviction for, or allegation of, a sexual or violent offence, as stipulated in this policy, to be extremely serious and a danger to the public. These conviction(s) would warrant a revocation or suspension of a licence with immediate effect.
- 16.17.3 Due to the need to act in a timely manner (within 24-72 hours) the Taxi Licensing Lead (or Head of Service/Director) will determine, following an investigation and a meeting/discussion with the licence holder, whether a licence holder needs to be suspended or revoked with immediate effect. Should legal advice be required to assist in the decision-making process then this will be provided by Legal Services.

16.18 Review of Licences

- 16.18.1 The review of a licence will occur once the Council is aware of a conviction, allegation or complaint that has, where appropriate, been substantiated following an investigation.

16.18.2 In respect to criminal convictions, driving endorsements and allegations the Council will follow this policy.

16.18.1 In all other instances, such as issues of conduct, the Council shall do one or more of the following:

- A If satisfied that the individual remains fit and proper to be licensed provide either a warning or advice, or apply the Penalty Points Warning and Education Scheme;
- B If not satisfied that an individual is fit and proper due to lack of “knowledge” require him/her to complete the Driver Assessment Suitability (DAS) procedure at his/her own expense to evidence that s/he is fit and proper and either suspend the individual until s/he takes the DAS or if s/he fails to comply.

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.

CODE	OFFENCE	Penalty Points	Duration on DVLA Licence	Major or Minor Traffic offence
AC10	Failing to stop after an accident	5 to 10	4 years from date of offence.	Major
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10	4 years from date of offence.	Major
AC30	Undefined accident offences	4 to 9	4 years from date of offence.	Major
BA10	Driving while disqualified by order of court	6	4 years from date of offence.	Major
BA30	Attempting to drive while disqualified by order of court.	6	4 years from date of offence.	Major
BA40	Causing death by driving while disqualified	3 to 11	4 years from date of the conviction.	Major
BA60	Causing serious injury by driving while Disqualified	3 to 11	4 years from date of the conviction.	Major
CD10	Driving without due care and attention	3 to 9	4 years from date of offence.	Major
CD20	Driving without reasonable consideration for other road users	3 to 9	4 years from date of offence.	Major
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9	4 years from date of offence.	Major
CD40	Causing death through careless driving when unfit through drink	3 to 11	11 years from date of offence.	Major
CD50	Causing death by careless driving when unfit through drugs	3 to 11	11 years from date of offence.	Major
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11	11 years from date of offence.	Major
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11	11 years from date of offence.	Major
CD80	Causing death by careless, or	3 to 11	4 years from date of offence.	Major

	inconsiderate, driving.			
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11	4 years from date of offence.	Major
CU10	Using a vehicle with defective brakes	3	4 years from date of offence.	Minor
CU20	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.	3	4 years from date of offence.	Minor
CU30	Using a vehicle with defective tyre(s)	3	4 years from date of offence.	Minor
CU40	Using a vehicle with defective steering	3	4 years from date of offence.	Minor
CU50	Causing or likely to cause danger by reason of load or passengers	3	4 years from date of offence.	Minor
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc	3	4 years from date of offence.	Minor
DD10	Causing serious injury by dangerous Driving	3 to 11	4 years from date of the conviction.	Major
DD40	Dangerous driving	3 to 11	4 years from date of the conviction.	Major
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11	4 years from date of the conviction.	Major
DD80	Causing death by dangerous driving	3 to 11	4 years from date of the conviction.	Major
DD90	Furious driving	3 to 9	4 years from date of the conviction.	Major
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11	11 years from date of Conviction.	Major
DR20	Driving or attempting to drive while unfit through drink	3 to 11	11 years from date of conviction.	Major
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11	11 years from date of conviction.	Major
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11	11 years from date of conviction.	Major
DR61	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	10	11 years from date of conviction.	Major
DR40	In charge of a vehicle while alcohol level above limit	10	4 years from date of offence.	Major
DR50	In charge of a vehicle while unfit through Drink	10	4 years from date of offence.	Major
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10	4 years from date of offence.	Major
DR70	Failing to provide specimen for breath Test	4	4 years from date of offence.	Major
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11	11 years from date of conviction.	Major
DG60	Causing death by careless driving with drug level above the limit	3 to 11	11 years from date of conviction.	Major
DR80	Driving or attempting to drive when unfit through drugs	3 to 11	11 years from date of conviction.	Major
DG40	In charge of a vehicle while drug level above specified limit	10	4 years from date of offence or 4 years from the	Major

			date of conviction where a disqualification is imposed.	
DR90	In charge of a vehicle when unfit through Drugs	10	4 years from date of offence or 4 years from the date of conviction where a disqualification is imposed.	Major
IN10	Using a vehicle uninsured against third party risks	6 to 8	4 years from date of offence	Major
LC20	Driving otherwise than in accordance with a licence	3 to 6	4 years from date of offence	Major
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6	4 years from date of offence	Major
LC40	Driving a vehicle having failed to notify a Disability	3 to 6	4 years from date of offence	Major
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6	4 years from date of offence	Major
MS10	Leaving a vehicle in a dangerous Position	3	4 years from date of offence	Minor
MS20	Unlawful pillion riding	3	4 years from date of offence	Minor
MS30	Play street offences	2	4 years from date of offence	Minor
MS50	Motor racing on the highway	3 to 11	4 years from date of offence	Major
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3	4 years from date of offence	Major
MS70	Driving with uncorrected defective Eyesight	3	4 years from date of offence	Minor
MS80	Refusing to submit to an eyesight test	3	4 years from date of offence	Minor
MS90	Failure to give information as to identity of driver etc	6	4 years from date of offence	Minor
MW10	Contravention of special roads regulations (excluding speed limits)	3	4 years from date of offence	Minor
PC10	Undefined contravention of pedestrian crossing regulations	3	4 years from date of offence	Minor
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	4 years from date of offence	Minor
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	4 years from date of offence	Minor
SP10	Exceeding goods vehicle speed limits	3 to 6	4 years from date of offence	Minor
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6	4 years from date of offence	Minor
SP30	Exceeding statutory speed limit on a public road	3 to 6	4 years from date of offence	Minor
SP40	Exceeding passenger vehicle speed limit	3 to 6	4 years from date of offence	Minor
SP50	Exceeding speed limit on a motorway	3 to 6	4 years from date of offence	Minor
TS10	Failing to comply with traffic light signals	3	4 years from date of offence	Minor
TS20	Failing to comply with double white lines	3	4 years from date of offence	Minor
TS30	Failing to comply with 'stop' sign	3	4 years from date of offence	Minor
TS40	Failing to comply with direction of a constable/warden	3	4 years from date of offence	Minor
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	4 years from date of offence	Minor
TS60	Failing to comply with a school crossing patrol sign	3	4 years from date of offence	Minor
TS70	Undefined failure to comply with a traffic	3	4 years from date of offence	Minor

	direction sign			
TT99	Disqualification under “totting up” – 12 points within 3 years.		4 years from date of conviction.	Major
UT50	Aggravated taking of a vehicle	3 to 11	4 years from date of offence	Major

18. Definitions

Where used within this policy or any associated procedures set by the Regulatory Committee the following words will have the meanings attributed to them in this part.

“The Council”	MKC.
“The Authority”	MKC.
“Licensed Vehicle”	A hackney carriage and/or a private hire vehicle.
“Vehicle”	Unless the context indicates otherwise means a “licensed vehicle”.
“Private hire vehicle”	A vehicle licensed under the 1976 Act to carry a 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 1976 Act who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake.
“Hackney Carriage”	A vehicle used to stand or ply for hire licensed by the Council.
“Operate”	To, in the course of business, make provision for the invitation or acceptance of bookings for a private hire vehicle.
“The DfT”	The Department for Transport, including previous names under which that Department has been known.
“The DfT Guidance”	The Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010.
“The Committee”.	The Regulatory Committee or Regulatory Sub-Committee of the Council.
“The Executive”	The Cabinet of MKC
“Driver”	An individual licensed by, or applying to be licensed by MKC to drive a Private Hire Vehicle or a Hackney Carriage
“Taxi”	Often used generically by members of the public and the trade to describe both hackney carriages and private hire vehicles. Legislation issued later than 1976 Act 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”	Driver and Vehicle Licensing Agency and any previous or subsequent names by which it may be known.
“Seatbelt”	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”	This Policy as adopted by the Cabinet.
“Procedures”	Processes set by the Regulatory Committee to be followed in obtaining a licence.
“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”	Conditions applied to a licence granted.
“WAV”	A wheelchair accessible vehicle.
“The primary licensing legislation”	Means the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
“The 1976 Act”	Means the Local Government (Miscellaneous Provisions) Act 1976.
“The 1847 Act”	Means the Town and Police Clauses Act 1847.
“Controlled District”	Means an authority that has adopted the provisions of the 1976 Act.
“Date of first registration”	In respect of a vehicle means the date shown as the date of first registration on the vehicles log book issued by the DVLA.
“Relevant Taxi Driving Test”	A test of an individual’s ability to drive a taxi as conducted and assessed by a qualified driving instructor employed by the Council or such organisation as may be approved by the Council for that purpose

Taxi Licencing Service

Milton Keynes Council

E: taxi@milton-keynes.gov.uk

Hackney Carriage and Private Hire Licensing Procedures & Conditions 2021

**Terms of Approval, Licence conditions and application
procedures for hackney carriage and private hire licenses**

www.milton-keynes.gov.uk/taxi

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Please note that there is currently no section I.

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Introduction to the Hackney Carriage and Private Hire (Taxi) Licensing Procedures and Conditions document



I am now into my second year as the Chair of the Regulatory Committee and was formerly the Cabinet Member for Taxi Licensing for 4 years. During my time involved with the taxi licensing trade there is no doubt that 2020 has been the most challenging time for them. The Covid-19 pandemic has seen a reduction of their incomes by up to 55% with some drivers having to leave the trade to find alternative work. As a result the Regulatory Committee reviewed its licensing procedures and conditions in 2020 to ensure that we are doing everything possible to support our licensed trade and keep the public safe.

The aspirations expressed in the Taxi policy (at the beginning of this document) should reassure residents and visitors that the Council takes their safety very seriously. It is the role of the Regulatory Committee to achieve those aspirations and ensure that those granted licences meet the overarching objective of the policy. The Hackney Carriage and Private Hire (Taxi) Licensing Procedures and Conditions document sets out how the Regulatory Committee will achieve this.

In 2020, due to the impact of the Covid-19 pandemic, the Regulatory Committee advised that Cabinet consider outsourcing vehicle testing (via MOT garages) to support local businesses and provide an annual saving of £122 per vehicle licence holder. To support this change the Committee also agreed to recruit an additional enforcement officer to ensure all vehicles are compliant with Council policy. The Regulatory Committee also approved the Department for Transport's report on Statutory Taxi and Private Hire Vehicle Standards. The report contained recommendation to improve public safety, safeguard children and vulnerable adults, and help create national standards across the industry.

I am grateful to Members of the Regulatory Committee, Cabinet and officers for their continued support in reviewing both policy and procedure during a very difficult year. Hopefully these changes will support our local trade and make travel by hackney carriage and private hire vehicles in Milton Keynes the safest in the country.

Councillor Mick Legg, Chair of the Regulatory Committee.

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A. Licensed Vehicle Specifications

Introductions –Initial Terms of Approval

- A1.1 This document sets out the minimum physical and design specifications that the Council expects vehicles presented to be licensed for hire or reward to meet. Vehicles which do not comply with these minimum standards will not be licensed. Once licensed vehicles are conditioned to continue to meet these specifications.
- A1.2 Vehicles licensed prior to the original commencement of certain aspects of Council policy may be exempt from some requirements provided that the licence granted to the proprietor concerned never lapses.

Conditional Licensed vehicle specifications

Vehicle Safety Certification and approvals

- A2.1 All vehicles licensed by the Council must be certified by the Vehicle Certification Agency (VCA) and be of M1 classification (i.e. have 4 wheels, seat no more than 8 passengers and be built to carry passengers). The Vehicle should ordinarily have EC Whole Vehicle Type Approval (ECWTA) which 98% of all vehicles meet. If a vehicle does not have ECWTA it should have Individual Vehicle Authorisation (IVA).
- A2.2 Vehicles without ECWTA or IVA will generally not be licensed. Certain specialist vehicles may be licensed if they have UK National Small Series Type Approval (NSSTA).
- A2.3 Vehicles must be of the manufacturers' original specification, construction and design unless a proprietor can evidence that any modifications made have been carried out to the relevant legal safety standards. Any modification made to a vehicle before it is licensed must be done in accordance with a program approved by the original vehicle manufacturer and the proprietor must have documentary proof. The relevant IVA certificate must be submitted with the application. Modifications cannot be made to a vehicle whilst it is licensed without the approval of the Council.
- A2.4 It is the responsibility of the proprietor of a vehicle to ensure it meets the above and produce the relevant documentary evidence if requested by the Council.

Standard Vehicle Requirements

- A2.5 All vehicles must:
- 1) Seat at least 4 and no more than 8 passengers
 - 2) Have at least 4 doors
 - 3) Have a seatbelt for each passenger seat.
 - 4) Not to be left-hand drive.
 - 5) Have an engine capacity output equivalent to at least 1600 cc.
 - 6) Not be convertible.

- 7) Have reasonable luggage space sufficient for the maximum number of passengers that the vehicle is licensed for and physically separated from the passenger seating.
- 8) Be within the requirements of the Council's Licensed Vehicle Age Policy.

Doors

A2.6 All doors must be capable of being opened from the inside. The rear passenger compartment must have an openable door on either side of the vehicle.

Seating

A2.7 The Council will ensure that:

1. The seats are suitable for the convenience and comfort of passengers for all types of journey.
2. Each seat must be suitable for regular and consistent use by all types of passengers.
3. The seating arrangements allow for unobstructed egress from the vehicle in the event of a collision or fire.

A2.8 The passenger carrying capacity that a vehicle will be licensed for will not necessarily be that indicated on the DVLA V5 logbook.

A2.9 The number of passengers that a vehicle will be licensed to seat will never be more than that stipulated on the DVLA V5 logbook.

A2.10 The seating arrangement within a vehicle must:

1. Be able to seat a minimum of 4 passengers in comfort.
2. Have a minimum width of 405 millimetres (16 inches per person) per seat.
3. All seats must be fitted with fully operational seat belts.
4. Have a minimum of 300mm 'leg room' in front of a seat
5. Have a minimum height of 864 mm between the seat and the roof.
6. Have sufficient foot well depth and width to accommodate adult passengers in safety and comfort.
7. Be suitable to be used permanently by all types of passenger (i.e. not occasional use seats for children)

Engine Capacity

A2.11 Vehicles must have an engine power capacity equivalent to 1.6 CC (cubic centimetres). This includes vehicles badged by the manufacturer as "1.6" models. The Council may be satisfied that the engine of a vehicle is equivalent to this by reference to other forms of measurement, such as HP (horsepower) or KW (kilowatts). Vehicles that have been "chipped" to perform equivalent to 1.6 CC may be licensed even if the engine itself is badged as being less than 1.6 CC.

A2.12 Hybrid, electric or other environmentally friendly vehicles can be of any engine size provided that the Council is satisfied that it is otherwise safe and suitable to be licensed.

Continued Maintenance of the Vehicle and appearance

- A2.13 Whilst licensed the Vehicle must comply 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 1986 which currently apply.
- A2.14 All paintwork must be professionally finished and the vehicle free from dents and damage to either bodywork or fittings.
- A2.15 Bare metal, primer paint, visible rust and perforations are not permitted.
- A2.16 The interior of the vehicle must always be in a clean and tidy state and fit for the purpose of conveying passengers in reasonable comfort.
- A2.17 The seat covering must be clean and in a good state of repair.
- A2.18 Carpets, upholstery and cloth trim must 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.
- A2.19 All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
- A2.20 All doors, locks and windows are to be in full working order and in good condition.
- A2.21 All interior lights and fascia illumination are to be in full working order and in good condition.
- A2.22 Boot space/luggage areas must be kept clean and vehicle equipment properly stowed.
- A2.23 Dashboard warning lights must be in working order. If any warning light is lit the vehicle shall not be permitted to be used as a licensed vehicle.

Tyre Safety

- A2.24 The vehicle must have a minimum tread depth of 2mm across the central three quarters width of the tyre and meet the DVSA required standard of 1.6 mm in all other parts of the tyres.
- A2.25 Tyres, or parts of a tyre, must be in a safe and suitable condition at all times and with no damage that would be deemed an MOT failure or would present a public safety risk of further deterioration (for example cuts and bulges, foreign bodies in a tyre such as screws; nails etc.)
- A2.26 Second hand, part worn; tyres must not be fitted to the vehicle.
- A2.27 Vehicles must carry a suitable spare tyre if the vehicle was designed and manufactured to carry one and the means to change that tyre. Space saver tyres

are acceptable if part of the original design and manufacture of the vehicle but must be kept and maintained in accordance with that manufacturer's specification.

A2.28 If a vehicle has not been designed to carry a spare wheel an appropriate inflation device must be kept in the vehicle at all times unless appropriate run flat tyres are fitted to all the wheels of the vehicle.

A2.29 Due to limits on speed and distance imposed by manufacturers on space saver tyres, passengers must not be carried when using a space saver wheel other than to strictly complete a hire commenced prior to the space saver needing to be fitted, provided that it is safe to do so, and alternative transport cannot be arranged.

Windows and Tints

A2.30 All windows must be kept free of dirt, grime and marks.

A2.31 Nothing shall be placed on the windows of a licensed vehicle that will obscure the view into or out from any passenger seats other than items required by relevant legislation or licensing conditions.

A2.32 Adhesive window tints of any shade are not accepted for any licensed vehicle.

A2.33 The Road Vehicles (Construction and Use) Regulations 1986 (as amended) requires there to be a set level of visual light transmission (VLT) through the windscreen and front side windows of a vehicle. This is set as 75% for the front windscreen and 70% for each and any front side window.

A2.34 All Side and rear windows will not have a visual light transmission restriction provided that the side and rear windows were installed by the vehicle's manufacturer and are certified by the vehicle manufacturer.

Miscellaneous

A2.35 A safety screen is permitted to be installed provided it is done so to the satisfaction of the Council.

A2.36 Roof racks, roof mounted luggage boxes and similar items are not permitted under the terms of the vehicle licence.

A2.37 Tow Bars are not permitted and must be removed except for where the tow bar forms an integral part of the design of the vehicle rendering its removal unsafe. In such instances the proprietor will be advised of the relevant steps necessary to comply with this condition and ensure that the tow bar cannot be used.

Electric/Hybrid Vehicles

A2.38 Vehicles that are electric or hybrid vehicles must be PAT tested and evidence of this provided to the Council.

Age limits on vehicles to be first licensed

- A3.1 The Council has a maximum age limit for a vehicle to be first licensed (6) and a maximum age limit after which a vehicle will not be licensed (10).
- A3.2 The age of a vehicle will be calculated by reference to the date of its first registration as indicated on its logbook. Where a vehicle has not been registered in the same year that it was manufactured, or has been imported, the Council will calculate its age from its year of manufacturer by using its Vehicle Identity Number.

Minimum age for a licensed vehicle

- A3.3 From 1 June 2020:
- If a vehicle has been previously licenced by MKC from 1 March 2020 then it may be re-licensed if it is under 10 years of age. Existing Hackney Carriage/Private hire vehicles licence holders can licence a new vehicle up to 10 years old.
 - A vehicle not previously licensed by MKC can be licensed only if it is a Hybrid (low emission) vehicle and is less than 10 years old.
 - In all other circumstances the Council will not grant a new licence in respect of a vehicle that is over six (6) years of age.

All vehicles must comply with the Council's vehicle specifications prior to being licensed.

Maximum age for a licensed vehicle

- A3.4 From 1 January 2018 the maximum age for a licensed vehicle will be ten (10) years.

Exemption to Age Policy Limits

- A3.5 From 1 January 2018 all vehicles that are over the age of 10 years will not be licensed under the Council's standard renewal procedures. However, if a vehicle proprietor believes that exceptional circumstances exist for their vehicle to be licenced beyond the age policy limit of 10 years then they can make an application for that vehicle to be exempt from the age policy.
- A3.6 Where an application is made for a vehicle over the age of 10 years the Council will determine whether exceptional circumstances exist to depart from its policy.
- A3.7 Where an application is made for a vehicle over the age of 10 years the Council will determine whether exceptional circumstances exist to depart from policy. Therefore, immediately following an MOT and Council compliance check, officers will then conduct a further Council examination to determine whether there are exceptional circumstances to licence the vehicle after 10 years.
- A3.8 Officers will also check the history of the vehicle, its previous tests and any enforcement action previously taken in respect of it. The vehicle proprietor must meet the full cost of these tests and the application and these costs will not be reimbursed should the Council decide that the vehicle cannot be exempted and is

not be licensed. Should it be determined that the vehicle can be exempted then it will be licensed for a further period of 12 months only. It is highly unlikely that a second vehicle exemption will be granted for the same vehicle.

- A3.9 New licence applications for vehicles over 6 years (but no more than 7) can also apply for an age policy exemption.

Wheelchair Accessible Vehicles

- A4.1 WAVS must be manufactured or adapted to carry at least one wheelchair passenger whilst the passenger is seated in the wheelchair.
- A4.2 Loading of the wheelchair may be from the side or from the rear.
- A4.3 There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn and sufficient space for a wheelchair to travel facing forward or rearward.
- A4.4 The vehicle must have appropriate wheelchair tie down and occupant restraint system (WTORS) fitted to it in order to secure the wheelchair and ensure the safety of the passenger.
- A4.5 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- A4.6 Wheelchair internal anchorage and WTORS must be of the manufacturer's design and construction and secured in such a position so as not to obstruct any emergency exit.
- A4.7 Wheelchair internal anchorage and WTORS 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 that it complies with The Road Vehicles (Construction and Use Regulations) 1986 (as amended).
- A4.8 Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- A4.9 Ramps and lifts must be securely stored in the vehicle before it may move.
- A4.10 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.
- A4.11 The proprietor of a WAV must ensure that the vehicle is only driven by a person who has passed a relevant taxi driving test (that includes the wheelchair exercise)

or other recognised assessment of a driver's ability to load and unload a wheelchair safely. Confirmation of this must be given to the Council.

HACKNEY CARRIAGES

A5.1 Hackney Carriages must be:

- a) manufactured for purpose of being a hackney carriage.
- b) wheelchair accessible and able to load a wheelchair from the side or from the rear.
- c) painted black.
- d) display only such signage as approved by the Council policy
- d) fitted with an approved roof sign which:
 - (i) Indicates that the vehicle is a taxi
 - (ii) Is illuminated when the vehicle is plying for hire.
 - (iii) Is not illuminated when the taximeter is in operation.
 - (iv) Is either integral to the body work of the vehicle or of such size (at least 20 inches in width) that it clearly indicates to members of the public that the vehicle is a hackney carriage.

Taximeters

A5.2 Hackney Carriages must be fitted with a sealed calendar controlled taximeter approved by the Council and that meter shall:

- Be maintained in a sound working condition at all times.
- Display the correct time.
- Be calibrated to the Council's Hackney Carriage Table of Fares.

A5.3 The proprietor shall obtain, keep, maintain and produce upon request such certificate of calibration evidencing that the meter has been correctly calibrated to the Council's Hackney Carriage Table of Fares.

A5.4 If a taxi meter fitted to the vehicle is repaired, adjusted or if, for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle, or if alterations are made to the vehicles transmission gearing ratio, the taxi meter must be re-calibrated and subsequently re-sealed.

Exemptions.

A5.5 Some individual licence holders have been granted Hackney Carriage licences and given protected rights and exempt from some of the above conditions.

A5.6 Individuals with protected rights may licence a Hackney Carriages that:

- Is not Wheelchair Accessible
- Is a colour other than black
- Has advertising.
- Has a hackney meter that is not calendar controlled

A5.7 **Payments**

Hackney Carriage vehicles must be fitted with a cashless payment facility and display advertising of this service.

Private Hire Vehicles

- A6.1 In addition to the above vehicles licensed for private hire must:
- 1) Not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
 - 2) Not display any type of roof sign.
 - 3) Display signage on the exterior of the vehicle indicating that it is a private hire vehicle that must be pre-booked in advance through a licensed operator. The words “ADVANCE BOOKING ONLY” or a similar statement must be included as a minimum.
 - 4) Private hire signage advising a customer that a vehicle is not insured unless pre-booked, that a customer cannot book the vehicle with the driver and that a driver commits a criminal offence if they take a passenger without pre-booking is encouraged.
 - 5) A door sign may include the name of a Milton Keynes licensed Operator responsible for despatching that vehicle and may include the logo, website, email address and the Milton Keynes telephone number of that Operator.

B. Vehicle Licence Application and Testing Procedures

Applications for new/ renewals of a vehicle licence and Applications for Transfers etc.

- B1.1 Applications (including renewals) for private hire or hackney carriage vehicles must be made and paid through the Council’s dedicated online service and the applicant must upload copies of the following documents:
- a. The Vehicle Registration Document
 - b. Motor Insurance certificate
 - c. MOT Certificate (completed within 30 days of application)
 - d. Calibration Certificate (if hackney carriage)
 - e. Basic DBS check (if not already licensed as a driver)
- B1.2 If the above cannot be provided, or the Council does not have the means of otherwise verifying the documentation, a licence cannot be granted. Copies of the original documents will be retained.
- B1.3 The Vehicle Registration Document issued by the DVLA is required to confirm that the vehicle belongs to the applicant(s). Other proof of ownership may be accepted where the vehicle has just been purchased, such as a new keeper supplement or bill of sale. In rare circumstances the Council may allow an applicant to licence a vehicle they do not own provided that they produce a letter of consent signed by the owner of the vehicle.
- B1.4 The applicant must provide evidence that a policy of insurance (or a temporary insurance cover note) is held in respect of the vehicle to cover, as a minimum, third party risks. The insurance must cover the vehicle for the number of passengers to be conveyed in the vehicle, the named driver(s) of the vehicle, the carriage of the number of wheelchairs for which the vehicle is adapted and

the correct licence category (pre-booked only hire (for Private Hire vehicles) or public hire (for Hackney Carriage vehicles only)).

- B1.5 The applicant must confirm that his vehicle is correctly taxed or has been registered as exempt from tax.
- B1.6 Applicants for a hackney carriage vehicle licence must provide evidence that the installed taxi-meter has been calibrated by a qualified/approved person(s) in accordance with the table of fares set by the Council.
- B1.7 Where a complete application has been made to the Council, the fee has been paid, the vehicle meets the Council's requirements and has satisfactorily passed its vehicle compliance test the Council will grant a licence to the vehicle.
- B1.8 The licence granted to the vehicle will be for a maximum duration of 12 months. The Council expects to grant vehicle licences for the full 12 month period but may, at its discretion, grant a licence for a shorter duration.

Vehicle Testing

- B2.1 Before a licence is granted the Council must be satisfied with the mechanical and safety suitability of a vehicle. All vehicles must undergo an annual MOT test from a DVLA approved local firm. The MOT test must be conducted within 30 days of any new application or renewal. On receipt of the MOT certificate (and advisory information) the vehicle will be further inspected by a council officer to ensure compliance with the Council's policy and vehicle conditions. Should the officer require any further works to be completed on the vehicle then the vehicle proprietor must comply with this request. Should, during the life of the vehicle licence, council officers have any concern over the vehicle's fitness then officers can suspend the vehicle licence and instruct the vehicle proprietor to correct the breach at the vehicle proprietor's expense.
- B2.2 A brand new first registered vehicle that has done less than 500 miles will not require an MOT at the time of first licence. However, it will need to be inspected by a council officer prior to being licensed to ensure that it complies with the Council's policy and conditions. Should the officer require any further works to be completed on the vehicle then the vehicle proprietor must comply with this request. All hackney carriage and private hire vehicles will then require an MOT after 12 months of licence.

Change of licensed vehicle

- B3.1 The law does not provide a mechanism for a proprietor to change his or her vehicle. The proprietor of a licensed vehicle may change his or her vehicle if they surrender the existing plate to the Council and then apply to licence the new vehicle with the relevant application form and the documents set out in B1.2 (above). The applicant will need to pay the relevant fee for the new licence.

- B3.2 In the case of a hackney carriage where the individual licence holder has protected rights (i.e. 100 plate) the replacement vehicle must be of a similar type benefiting from the same protected characteristics unless the replacement vehicle meets the criteria for a new hackney carriage.
- B3.3 A vehicle can only be substituted to replace an already existing licensed vehicle (i.e. the vehicle licence has not lapsed).

Temporary Hire Vehicles

- B3.4 On occasion it is necessary for the proprietor of a vehicle to use a hire car. This is usually when the proprietor's own vehicle is currently unable to be used either due to damage or needing repair.
- B3.5 Hire vehicles are permitted to be licensed provided that they meet the requirements of Appendix A of this policy. Such vehicles are usually supplied by a "hire company".
- B3.6 The hire company is required to apply for the licence and will be the licence holder responsible for compliance with the legislation and the Council's conditions. It will be the Hire Company's responsibility to ensure that the driver of the vehicle complies with those conditions.
- B3.7 Vehicles intended to replace a private hire vehicle can be licensed in the same way as any other private hire vehicle following the procedure set out above.
- B3.8 Vehicles intended to replace a hackney carriage on a temporary basis must follow a stricter procedure whilst the Council has set a limit on the number of hackney carriages it will licence.
- B3.9 This strict procedure requires the licence plate of the hackney carriage being replaced (the original vehicle) to be presented to the Council to be suspended or revoked prior to any new licence being granted. This will ensure that the Council does not licence more hackney carriages than that set by the demand limit.
- B3.10 The original vehicle licence plate will only be returned to the proprietor when the temporary licence plate is returned to the Council.
- B3.11 A temporary licence will be granted for 12 months and the hire company entitled to surrender the licence plate back to the Council when the vehicle has ceased to be used. Once a temporary hire vehicle is licensed by Milton Keynes it cannot be licensed by any other authority. Hire companies are therefore requested to return the plate to the Council and request its revocation after it is no longer to be used if it is intended to licence that vehicle with another Council.
- B3.12 Hire companies are expected to manage their affairs appropriately to ensure that at all times they inform the Council of where their hire vehicle is and who

is driving it. Any failure by a hire company to comply with the Council's expectations may result in the Council considering that they are not suitable to be the proprietor of a licence.

Application to transfer ownership of a licensed vehicle (Change of owner)

- B4.1 The proprietor of a licensed vehicle must notify the Council in writing within 14 days of any transfer in the ownership of that vehicle to another person. The proprietor(s) named on a licence remain legally responsible for the vehicle's compliance with the 1976 Act, 1847 Act, bye-laws and licence conditions.
- B4.2 The licence will be conditioned to lapse 14 days after the interest in the vehicle is transferred.
- B4.3 If the vehicle has been transferred to another person who wishes to continue to use the vehicle as a licensed vehicle an application to transfer the licence must be made within 14 days of the change in ownership and before the new proprietor takes possession of, and uses the vehicle, for licensed purposes.
- B4.4 In order to transfer the licence into the name of a new proprietor an application should be submitted to the Council and payment of the relevant fee made.
- B4.5 The new proprietor of a vehicle should ensure that they are aware of the full history of the vehicle they are taking ownership of. For instance, the fact that the vehicle is licensed only indicates that it was suitable at the time its last application was processed. The previous proprietor may have been given a variety of advice, suspensions or notifications by the Council and the fact that it holds a licence does not mean that the vehicle will be licensed again.
- B4.6 It is important that the new owner of the vehicle applies for a transfer of the licence so that he or she can use the vehicle legally, provide to the Council updated documents such as insurance, logbook, MOT's and receive reminders of when to apply to renew the licence.
- B4.7 To transfer the licence the applicant must pay the relevant fee and complete, in full, the necessary application form accompanied by proof of ownership, insurance and proof that road tax has been obtained.

The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage or private hire vehicle licence together with the licence plate for the vehicle.

Speciality vehicles

- B5.1 A proprietor may apply to the Council for a private hire licence in respect of a vehicle that is intended to be used as either a speciality vehicle or for discreet corporate work.
- B5.2 The Council may depart from the requirements of Appendix A where the vehicle is a speciality vehicle, such as a limousine.
- B5.3 The applicant will need to satisfy the Council that the customers intending to use the speciality vehicle are able to book that specific vehicle in advance.
- B5.4 The applicant will also be required to agree to the following conditions:
- a. No passengers will be conveyed in the front compartment of the vehicle.
 - b. The proprietor will not permit any alcohol to be sold or supplied, or regulated entertainment to be provided, without the appropriate licences being held and will ensure compliance with the relevant age restrictions and classifications in place.
 - c. The proprietor will risk assess the activities carried out in the vehicle and ensure that any glassware in the vehicle is either shatterproof glass or plastic,
 - d. The proprietor will comply with any reasonable direction of the Council including displaying and maintaining any notices in a conspicuous position.

Plate Exempt

- B5.5 An applicant may apply for a vehicle to be exempt from displaying its plate but the applicant 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.
- B5.6 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.
- B5.7 If a licence is granted the Council will require the licence holder to provide evidence that they continue to meet the grounds of the Council policy upon request and at each renewal.
- B5.8 The licence holder will be required to maintain the licence plate and a copy of the paper licence and exemption certificate that identifies the vehicle as a private hire vehicle in the car at all times.
- B5.9 A proprietor using a vehicle granted "plate exempt" status for circuit work will have the plate exemption benefit revoked.

C. Conditions to be attached to private hire and hackney carriage vehicles

Vehicle standard and specification

- C1.1 This licence is granted to the proprietor of the licensed vehicle on the assumption that the proprietor has read, understands and will ensure compliance with the Council's Vehicle Specification and Schedule of Conditions in Appendix A of the Council's Statement of Hackney Carriage and Private Hire (Taxi) Licensing Policy and the conditions set out below.
- C1.2 The proprietor of the vehicle shall ensure that at all times the vehicle is 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.

Maintenance of this licence

- C2.1 The proprietor of the vehicle must ensure that at all times the licence held in respect of the vehicle and the details recorded on the face of the licence are accurate and up to date at all times.
- C2.2 Any changes to the following details recorded on the face of the licence must be reported to the Council:
- a) Change of named driver
 - b) Change in name or address of the proprietor or driver
 - c) Change of insurance details
 - d) Change of vehicle registration number
 - e) Change of vehicle colour
- C2.3 In the event of the loss or damage to this licence the Council must be informed immediately so that a replacement can be issued.
- C2.4 Where an updated licence is to be produced following its loss, damage or change in details the proprietor shall pay the relevant administrative charge of the Council.

Transfer of licence

- C3.1 The licence holder must notify the Council within 14 days of any transfer in his or her interest in the vehicle.
- C3.2 This vehicle licence is transferable only upon the application of a new proprietor who has acquired the interest in the vehicle and can produce the relevant documentary evidence.

Named drivers

- C4.1 The proprietor shall ensure that the vehicle is only driven by the driver(s) notified to the Council and as named on this licence.

- C4.2 Where the proprietor wishes for the vehicle to be driven by a person not named on the licence he shall make an application to so notify the Council and request the licence details to be amended within 7 days of such notification being made.
- C4.3 The proprietor shall remain responsible for any breach of these licence conditions committed by any driver of the vehicle.

Change of Address

- C5.1 The proprietor of a private hire vehicle must inform the Council of any change of address or ownership in writing no more than 14 days after such change occurs.
- C5.2 The proprietor of a Hackney carriage must inform the Council of any change of address or ownership in writing no more than 7 days after such change occurs.

Change of vehicle details

- C6.1 If there is any change to the registration number of the vehicle, its colour or other detail displayed on the face of this licence or its licence plate the proprietor must notify the Council within 48 hours and will be liable for the cost of a replacement licence and plate.

External Licence Plate

- C7.1 The proprietor of the vehicle must ensure that the licence plate provided and allocated to them by the Council shall be 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, by screws or bolts or some other form of permanent fixture.
- C7.2 The proprietor shall inform the Council immediately should the licence plate be lost, broken, destroyed or defaced and if a replacement is required pay the relevant fee.
- C7.3 The Proprietor shall not cause or permit the vehicle to be used without the plate affixed to the vehicle in the manner outlined above or be operated with the said plate in such condition that any figure or identifying feature is illegible.

Interior Markings

- C8.1 The proprietor shall cause to have the interior licence displayed inside the vehicle in such a position so as to be visible at all times to persons conveyed in the vehicle and in such manner as may be directed by the Council
- C8.2 The proprietor shall not permit any signs of a religious or political nature or which is likely to cause offence.

Number of Passengers

- C9.1 The proprietor of the vehicle shall ensure that the driver of the vehicle, whether the proprietor or not, 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.

Criminal Cautions and Convictions

- C10.1 The holder of a vehicle proprietor licence (or in the case of a company or partnership, or any of the directors or partners) must notify the council within 48 hours of any of the following:
- a. A conviction for any criminal or road traffic offence (including fixed penalty offences)
 - b. Any grant of bail (conditional or unconditional) by any court or police station
 - c. Any court cases pending against them including Court Orders injunctions, community protection notices, County Court Judgments and High Court Judgements
 - d. Whether they have been arrested, cautioned or received an official warning from the police
- C10.2 The Licence holder will support the Council's safeguarding duties and report to the Council immediately upon becoming aware of an allegation or accusation made against them involving any offence in the Council's policy or if the licence holder is a party in public law to any childcare proceedings.

Insurance

- C11.1 The proprietor shall ensure that the vehicle has a valid policy of insurance complying with the relevant national legislative requirements insuring the vehicle and its named drivers for the carriage of passengers for hire and reward for, in the case of a private hire vehicle, private hire and in the case of a hackney carriage vehicle, public hire.
- C11.2 The Certificate of insurance will be produced upon request by an authorised officer of the Council, or by a Police Officer or within 72 hours of any change to the insurance of the vehicle.
- C11.3 Where the proprietor receives notification that any insurance certificate held has been cancelled, is due to be cancelled, or where the insurance certificate held by the proprietor has expired, the proprietor shall ensure that the vehicle is not used for licensed purposes until a new insurance certificate has been obtained and it has been provided to the Council.

Dual Licensing

- C12.1 The proprietor shall not permit or cause the vehicle to be licensed with any authority other than Milton Keynes Council whilst holding the above licence.
- C12.2 Should the proprietor permit or cause the vehicle to be licensed with any authority other than Milton Keynes Council whilst holding a licence granted by Milton Keynes Council in respect of the vehicle the Council shall revoke, suspend or refuse to renew this licence.

Safe storage of luggage

- C13.1 All luggage stored within the vehicle shall be done so safely and risk assessed to prevent any danger or injury to passengers. Where the driver of the vehicle is not

the proprietor the proprietor is responsible for ensuring that the driver complies with this condition.

C13.2 Luggage in the boot must not be stacked higher than the height of the rear passenger seats unless the vehicle is designed or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

C13.3 Luggage must not be stored in such way as to prevent the driver from operating vehicle safely and in compliance with the relevant national legislation.

Smoking is not permitted in the vehicle

C14.1 The Proprietor shall ensure that the requirements of the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 are complied with which set out that the following persons have legal duties to cause any person who is smoking in a smoke free vehicle to stop smoking:

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

Maintenance, Appearance and Condition of the Vehicle

C15.1 No change can be made to the vehicle, its windows after a licence is granted without the formal approval of the Council. Any change to the windows must be notified to the Council.

Fire Extinguisher & First Aid Kit

C16.1 The vehicle must 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.

Accidents and Vehicle Damage

C17.1 The Proprietor must inform the Council as soon as reasonably practicable and, in any case within 72 hours, of any damage to the vehicle affecting the safety, performance or appearance of the vehicle.

Proprietor's responsibility towards drivers

C18.1 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.

Payments

C19.1 No Milton Keynes hackney carriage vehicle shall be used to carry passengers on a hire and reward basis unless the means to process credit, debit and pre-loaded payment card transactions (cashless) is carried on board and provided as a service.

C19.2 All hackney carriage vehicles must display signage on the passenger and driver doors or windows stating that they can provide cashless payment services.

- C20 Licence holders must provide a valid MOT certificate within 30 days of renewal. Licence holders must comply with officer requests to comply with any advisory notices. Failure to comply with officer requests may lead to vehicle licence suspension.

D. Driver & Operator Licence Procedures

Application requirements

- D1.1 The standard that the Council expects applicants to meet in order for a licence to be granted is set out in its policy and provides that an applicant must:
- a) Be suitable in terms of age and experience
 - b) Have held a driving licence for more than 12 months
 - c) Have a suitable driving standard
 - d) Be medically fit to carry out a licensed driver's duties
 - e) Be of suitable character as evidenced by their criminal record history
- D1.2 The Council will check and assess the following:
- a) Criminal record (including an overseas check);
 - b) Driving record;
 - c) Driving standard;
 - d) Medical history;
 - e) Identity and Right to work entitlement;
 - f) Suitability of the applicant in his or her understanding of their duty as a licensed driver.
- D1.3 This document sets out the process to enable an applicant to satisfy the Council of the above in order to demonstrate that they are fit and proper to hold a licence.
- D1.4 An applicant is responsible for ensuring that they can satisfy the Council of the requirements of this procedure before submitting an application.

Applying for a licence

- D2.1 An application must be made to the Council via its online service system and the relevant payment made at the time of submission. If the online service is not in operation the application can be made in person.
- D2.2 Despite the use of an online form an applicant will on at least one occasion during their application process be seen in person by the Council for an appropriate identity check to take place and to assess their suitability to be licensed.
- D2.3 The applicant will submit their application on the Council's prescribed form and shall:
- a) Confirm their name, current address and 5 year address history;
 - b) Provide their driving licence entitlement;
 - c) Submit a passport photograph;

- d) Confirm their national insurance number;
 - e) Upload copies of their identity documents and entitlements;
 - f) Provide details of any licence they have previously held and if such a licence has been refused, suspended or revoked or any disciplinary action taken;
 - g) Confirm their criminal record and driving history;
 - h) Agree to notify the Council of any convictions, cautions, endorsements, allegations, official police warnings, charges or grants of bail after the submission of the application and until the application is determined.
- D2.4 Once the application has been submitted the applicant will be directed to obtain (if they do not already hold) the following:
- a) DBS enhanced disclosure (Drivers)
 - b) DBS basic disclosure (Operators & vehicle proprietors)
 - c) DVLA shared driving licence code
 - d) Group 2 Medical
 - e) Relevant Driving Test
 - f) Certificate of conduct (if applicable)
- D2.5 The applicant may upload any of the documents listed in D2.4 that they already hold provided that they comply with the further requirements of this appendix. Original documents must be produced to the Council before a licence will be granted.
- D2.6 The applicant will be required to book and attend the Council's Driver Assessment Training. Original identity documents must be produced by the applicant at this stage. The applicant must attend the DAS no later than 3 months after the submission of their application. Failure to do so will result in either the withdrawal of their application or a requirement to repeat some stages of the application process.
- D2.7 All required documents must be submitted and Driver Assessment passed before an application will formally be accepted as complete and able to be determined by the Council.
- D2.8 Administrative assistance via appointment will be made available to enable an applicant to apply for a licence. The Council shall levy an additional charge for this. An applicant will remain responsible for the information given and arranging for relevant documentation to be obtained and provided.
- D2.9 If an applicant fails to complete the application process within 6 months of the submission of their application, the application will be considered incomplete and withdrawn. Extensions to this period may be allowed if the Council is satisfied that an applicant intends to, and can, complete the process within a reasonable future timescale. The applicant may be required to complete some stages of the application process again.

Driving Licence

- D3.1 The applicant will be required to produce their original DVLA licence during the application process. 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 and allows the Council to check the applicant's endorsement history. Subject to any future legislative changes due to the withdrawal of the United Kingdom from the European Union, EU driving licences will not need to be converted if an applicant has other sufficient documents to confirm identity and another method to enable the Council to check their driving licence history (this may require extra payment from the applicant).
- 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.

Enhanced DBS Disclosure

- D4.1 An applicant must obtain an enhanced criminal record disclosure from the Disclosure and Barring service (DBS) via the Update Service. The cost of the DBS must be met by the applicant and is payable to the relevant registered body undertaking the check.
- D4.2 An application for an enhanced DBS check will not need to be made if the applicant has registered and maintained a subscription to the DBS update service following a previous enhanced check.
- D4.3 The DBS will post the disclosure to the applicant's home address and the applicant must ensure that this document is provided to the Council within 1 month of its issue date. If a DBS is not provided within this timescale the Council will require a new DBS to be obtained.
- D4.4 The Council may require another DBS disclosure to be applied for at any time during the application process if it is considered necessary or if the disclosure is more than 3 months old by the time the Council comes to determine an application. Once a driver is licensed they will be subject to a DBS check via the Update Service every 6 months.

Overseas criminal record or Certificate of Conduct

- D5.1 Where an applicant has, since the age of 18, resided in a Country outside of the UK during the 10 years prior to his or her application, a criminal record certificate, equivalent to a DBS check, must be provided from that Country (or Countries).
- D5.2 The responsibility for obtaining the above certificate rests with the applicant. The applicant will be directed to the Home Office website for the relevant application procedure or required to contact the relevant embassy of the Country in which the applicant resided. The applicant is responsible for obtaining and supplying the necessary documentation and paying any fee that is required to obtain the certificate.
- D5.3 An applicant may be permitted to submit a statutory declaration instead of a Certificate of Conduct provided that the Council is satisfied that either:
- 1) The Country from which the certificate is sought is one from which the Home Office currently confirm is unable to provide such certificates **AND/OR** all reasonable attempts have been made by the applicant to obtain the certificate; **OR**
 - 2) The applicant, for reasons of which he or she has been granted asylum in the UK, cannot return to, or contact, his or her home Country for a criminal record disclosure or certificate of conduct.

Reasonable Attempts to obtain

- D5.6 In order to satisfy the Council that all reasonable attempts have been made the applicant must:
- 1) Where there is a home office procedure**
 - a) Follow and complete the set procedure;
 - b) Follow the timescales set out in that procedure;
 - c) Follow any “appeal” or “escalation” criteria set out in that procedure or contact the relevant body to request an escalation;
 - d) Allow a reasonable time, based on the Home Office published turnaround times, for a response.
 - 2) If there is no Home Office procedure:**
 - a) Write to the relevant embassy in the UK and/or relevant police station or governmental department in the area(s) of the Country in which the applicant resided;
 - b) Submit a further request in writing 4 weeks later if no acknowledgment is received or, if an acknowledgement is received, submit a further request 4 weeks after that or any time scale provided to the applicant by the relevant police station, embassy or governmental department.
 - c) Wait a further four weeks following the further request.

3) Where the applicant has claimed Asylum

- a) The applicant must satisfy the Council that he or she is unable to contact their home Country or any Country that the applicant has resided in for more than 3 months in the last 10 years due to reasons for which he or she was granted Asylum. Some countries will not provide a Certificate of Good Character unless the individual has been a resident for 6 months or more and in these circumstances the Council will accept those certificates.
- b) In order for the Council to be satisfied that the applicant cannot contact any Country due to an Asylum claim, the applicant must provide the full documentary evidence of their Asylum claim and the decision notice granting Asylum. If this cannot be provided the Applicant should contact the Home Office.

D5.7 The applicant must be able to provide written evidence of any requests sent and acknowledgements received. It is strongly advised that where possible communication is done by email. Further to the above procedures, applicants may be required to provide written references from either their Home Office caseworker or another professional person or employer to verify their character.

D5.8 If an exemption is made to allow an applicant to provide a Statutory Declaration and it later becomes possible for a certificate to be obtained, the Council reserves the right to insist that the applicant obtains and provides that certificate.

D5.9 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 review any licence granted to the applicant.

Medical Certificate

D6.1 The applicant must be examined by a registered medical practitioner to the DVLA's group 2 medical standards and provide a correctly completed medical certificate conducted by that practitioner confirming that the applicant meets the group 2 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.

Assessment of Driver Suitability

D7.1 In order for a new applicant to satisfy the Council that they are fit and proper it is important for them to understand the relevant legislation and conditions that apply to them. An assessment will be carried out of new applicants to check their knowledge and understanding and provide an opportunity for advice to be given to them about their duties as a licensed driver.

D7.2 The Driver Assessment process is an introduction to being a licensed driver in Milton Keynes and is not a substitute for an applicant taking their own steps to understand the laws and conditions that may apply. The topics covered will vary

depending on the changing nature of the trade, the law and policy but as a minimum shall cover:

- The applicable legislation
- Compliance with licence conditions
- Disability awareness
- Safeguarding, County Lines & Child Sexual Exploitation
- English speaking
- Customer service
- The area of Milton Keynes

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 conducting the Driver Assessment that the applicant does not possess an acceptable standard of English the applicant will be required to undertake English for Speakers of Other Languages Course (ESOL) course and return when their ability has improved.

D7.4 The applicant will be required to confirm their understanding of the matters discussed to the satisfaction of the Council. The Council does not consider that this will pose any difficulty to an applicant with a suitable level of English, who pays attention to advice given to them and reads the Council policy and take steps to familiarise themselves with the location of Milton Keynes.

D7.5 If the applicant is unable to satisfy the Council of their suitability the application will be refused. An applicant may be permitted, at the discretion of the Council, to re-take the Driver Assessment where the Council believes that the applicant may be able to demonstrate their suitability by taking further steps (i.e. further training, further reading of Council policy). However, if the applicant is clearly unsuitable the Council may refuse after only one attempt.

D7.6 In addition to the Driver Assessment the Council may also require licence holders to undertake other assessments either on a case by case basis or to reflect the changing nature of the role of taxi drivers in Milton Keynes to ensure that they are suitable in terms of experience. These include, but are not limited to, the following:

- Child Sexual Exploitation (CSE)
- County Lines Exploitation
- Safeguarding courses
- Disability Awareness courses
- English language courses
- Further Relevant Driving Test

D7.7 Licence holders will be expected to undertake CSE, County Lines and safeguarding training prior to being licensed. The training course will help drivers and operators:

- Provide safe and suitable service to vulnerable passengers of all ages

- Recognise what makes a person vulnerable
- Understand how to respond, including how to report safeguarding concerns and where to get advice

Identity documents and proof of entitlements

- D8.1 The applicant will need to provide to the Council their original DVLA issued driving licence, documents to prove their identity and their right to work in the UK. The documents needed to confirm an applicant's identity will be those required by the DBS for an enhanced disclosure. The documents needed to confirm an applicant's right to work will be those that are approved by the Home Office. An updated list of these will be maintained by the Council.
- D8.2 In general the documents required will be:
- DVLA Driving Licence
 - Passport
 - Travel permit, Visa or Residence card.
 - Utility bill or finance statement
- D8.3 It will be a condition of any licence granted that the applicant must provide up to date copies of these documents following their expiry. Failure to do so will result in the suspension of a licence.

Right to Work

- D8.4 Amendments made to the 1976 Act by the Immigration Act 2016 prevent the Council from granting a licence beyond the expiry date of a right to work entitlement. Applicants need to ensure that any right to work entitlement enables them to be self-employed in in the United Kingdom. If an applicant does not evidence that they have the appropriate documentation a licence will not be granted.
- D8.5 Failing to satisfy the Council that appropriate right to work entitlement are held will result in the refusal of an application or, if after a licence is granted, the suspension or revocation of a licence. Applicants are advised to ensure that they update and renew any right to work entitlement in good time to avoid delays that will prevent them from working. Applicants may be required to consent to a check with the Home Office and provide relevant home office case work reference numbers to enable the Council to check their entitlement. Where a licence holder has been served with an immigration penalty or convicted of an immigration offence their licence will be revoked immediately.
- D8.6 Applicants with European Union passports have the right to work in the UK and will be granted a licence provided that their passport is in date. If the passport has expired the applicant may be required to provide other means to confirm their nationality and entitlement. This is subject to any legislative changes that take precedence once the United Kingdom withdraws from the European Union.

Determination

- D9.1 If 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.

Private Hire Vehicle Operator Licence Applications

- D10.1 The application process will enable an 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.
- D10.4 An application must be made to the Council via its online service and payment made at the time of submission. If at any time the online service is not in operation the application can be made in person. The applicant will be required to confirm and evidence their criminal record, licence history, financial history and if relevant, company history.
- D10.5 Where the applicant is a Milton Keynes Licensed driver or an existing licensed Operator further identity documents will not be required to be uploaded if already held by the Council. New applicants will be required to confirm their identity.

Evidence of Criminal Record

- D11.2 A criminal record disclosure must be provided for each individual, partner or director. Where a large company is involved the Council may only require criminal record checks from those directors or managers with an operational involvement in ensuring compliance with the relevant applicable legislation.
- D11.3 The following documents can be submitted as evidence of an individual’s criminal record provided that they are no older than a month:
- Basic Disclosure from the DBS
 - Subject Access Search (ACRO SAR1)
 - Enhanced disclosure from DBS (if the applicant wishes)
- D11.4 Where the applicant is a Milton Keynes licensed driver a further criminal record check may not be necessary unless there has been any change to it since it was last considered.

- D11.5 Applicants must provide evidence of their criminal record for any Country in which they have resided for duration of 3 months or longer in the last 10 years.
- D11.6 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.
- D11.7 The applicant will agree to notify the Council of any convictions, cautions, endorsements, allegations, official police warnings, charges or grants of bail after the submission of the application and until the application is determined.

Further requirements of Operators

- D12.2 Applicants must declare any bankruptcy, disqualification of directorship or prosecutions resulting from previous trading activities.
- D12.3 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.
- D12.4 Applicants must confirm that they understand that their operating address may need planning permission and they are responsible for this.
- D12.5 The Operator must produce an appropriate public liability insurance certificate if members of the public will be permitted on to its premises.
- D12.6 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.
- D12.7 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.
- D12.8 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.
- D12.9 The licence application fee must be paid. Fees will be determined annually and published separately.

E. Conditions to be imposed on a combined licence to drive private hire and hackney carriage vehicle

Licence is not transferable

- E1. This licence is granted subject to the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and shall subsist for the benefit of the named Licensee only and is not transferable.

When the Licence must be produced

- E2. This licence must be produced by the Licensee 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.

Reporting of loss, defacement etc.

- E3. The licence must not be defaced or altered in any way and in the event of the loss or damage to this licence, or the change to any details recorded in this licence, the Licensee must inform the Council immediately so that a replacement licence can be issued.

Display of badge

- E4. 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 by the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976 and where so directed display a secondary badge within a licensed vehicle so as to be clearly and distinctly visible to passengers conveyed within.

Change in name or address.

- E5. The Licensee must inform the Council, in writing, within 14 days of any change of address or change of name.

Arrest, bail, convictions, driving endorsements etc

- E6 The holder of a combined driver licence must notify the council within 48 hours of any of the following:
- a. A conviction for any criminal or road traffic offence (including fixed penalty offences).
 - b. Any grant of bail (conditional or unconditional) by any court or police station.
 - c. Any court cases pending against them including Court Orders injunctions, community protection notices, County Court Judgments and High Court Judgements
 - d. Whether they have been arrested, cautioned or received an official warning from the police

Three Months outside the UK

- E7 If the Licensee is outside of the United Kingdom for a period of 3 months or more the Licensee shall notify the Council upon their return to the UK and prior to undertaking any licensed activities authorised by this licence.

Right to work in the UK

- E8. The Licensee shall produce such documentation as the Council may require in accordance with its policy to ascertain if the Licensee has the legal right to remain, reside and work in the United Kingdom or any other document that the Council may reasonably require the licence holder remains a fit and proper person.

Driving Licence

- E9. The Licensee must produce their DVLA driving licence to the Council within seven days of written request for production being made or any change.

Medical Certificates

- E10. The Licensee 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.
- E11. The Driver shall ensure that he or she 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.

Touting

- E12. The Licensee 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.

Attend Punctually

- E13. Where the Licensee has agreed to be, or has been hired to be, in attendance in a licensed vehicle at an appointed time and place, the Licensee shall, punctually attend in such vehicle at that appointed time and place, unless delayed or prevented by some sufficient cause,

Behaviour and ensuing safety of passengers

- E14. The Licensee 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.

To carry and assist with luggage

- E15. When required by any person hiring or seeking to hire the vehicle the Licensee shall:
- a) Convey a reasonable quantity or weight of luggage
 - b) Afford reasonable assistance in loading and unloading
 - c) Afford reasonable assistance in removing luggage to or from the entrance of any house, station or place at which he or she may take up or set down such person.

Safe Storage of luggage

- E16. The Licensee shall ensure that all luggage stored within the vehicle is done so safely and risk assessed to prevent any danger or injury to passengers and must not:
- a) Be stored in such way as to prevent the driver from operating vehicle safely and in compliance with the relevant national legislation.
 - b) Be stacked higher than the height of the rear passenger seats unless the vehicle is designed unless fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

To drive by shortest route

- E17. When hired the Licensee shall drive to any particular destination, by the shortest available route subject to any directions given by the hirer.

To check for lost property

- E18. Immediately after the termination of any hiring or as soon as practicable thereafter the Licensee shall carefully search the vehicle for any property which may have been accidentally left therein by a person having been conveyed in that vehicle and if any property is found the Licensee shall:
- a) Within 24 hours attempt to return the property to the rightful owner; or
 - b) within 24 hours take the lost property to the nearest Police Station and leave it in the custody of the person in charge and obtain a receipt for it.

To carry an Assistance Dog

- E19. The licensee shall carry an assistance dog belonging to a passenger free of charge and the assistance dog must be allowed to remain with the passenger.
- E20. The Licensee shall not refuse to carry an assistance dog unless prior to such refusal the Licensee has been granted an exemption by the Council.

To provide copy of licence to Operator

- E21. The Licensee shall provide the duplicate copy licence provided 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 from 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.

Safeguarding duty

- E22. Where the licence holder believes that a child (person aged 17 or less) may be at risk of being sexually, physically or emotionally exploited they must report their concerns immediately to Crime Stoppers on 0800555111 or MKC's Multi-agency Safeguarding Hub on 01908 253169 or 01908 253170 or email MKTogether@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.
- E22A The licence holder must attend a training session (or complete an online course) on Safeguarding, County Lines and Child Sexual Exploitation as directed by the Council. If the licence holder has previously completed an accredited course then officers will consider this request. Failure to attend/complete the course directed by the Council will result in a review of licence".

E23. The Licence holder will support the Council's Safeguarding duties and report to the Council immediately upon becoming aware of an allegation or accusation made against them involving any offence in the Council's policy or if the licence holder is a party in public law to any childcare proceedings.

To not ply for hire in a private hire vehicle

E24. This licence does not permit the licensee to ply for hire in any vehicle other than a hackney carriage within the controlled district of Milton Keynes and licensed by Milton Keynes Council.

To ensure private hire journeys are pre-booked

E25. The licensee shall not accept any person as a passenger in a private vehicle unless that passenger or someone on his behalf has previously pre-booked the journey through the business premises of a Milton Keynes Licensed private hire operator.

To comply with hackney carriage bye-laws

E26. If driving a hackney carriage the licensee shall observe and comply with the Council's Hackney Carriage bye-laws.

To comply with conditions, code of conduct and penalty points

E27. The Licensee shall comply with the 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.

Setting down

E28. The licensee shall not cause their vehicle to remain stationary for a longer period of time than is necessary for the purpose of picking up or setting down passengers.

Plate to be fixed to Vehicle

E29. 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.

Observance of vehicle licence conditions

E30. The licensee shall ensure that when driving a licensed vehicle they comply with the conditions of that vehicle licence, whether the proprietor of that vehicle or not.

Number of passengers to be carried

E31. The licensee shall not carry more than the maximum number of passengers for which any vehicle is licensed.

Vehicle must be fit for use

E32. The licensee shall not drive a licensed vehicle for the purposes of conveying passengers at any time in which the vehicle is not fit for use in compliance set out in Annex A of the Council's policy.

Mobile Devices

- E33 The licensee of the vehicle shall not use any mobile devices including phones, tablets and laptops or any similar item 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. The driver shall not use a hands free kit whilst conveying a passenger.

No Smoking

- E34 The licensee shall ensure that the vehicle complies with requirements of the Health Act 2005 and its subordinate legislation and ensure that no person, including the licensee, smokes in a licensed vehicle and correct signage is displayed on that vehicle when licensed.
- E35 The licensee shall ensure that no person, including the licensee, smokes an electronic cigarette or similar device in a licensed vehicle.
- E36 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.
- E38 A licence holder must sign up to the DBS Update Service on the grant of their licence and remain on the Update Service until expiry.

F. Hackney Carriage Byelaws

The following byelaws were confirmed for Milton Keynes Borough Council by the Secretary of State on 9 May 1975 and are included as a guide. Please note that the original byelaws are numbered without the prefix of the letter "F". It is recommended that the original bye-laws are referred to when legal action is pursued.

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.
- (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 an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
- i) 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) Proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf.
 - (b) If a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it proceed to the next.
 - (c) 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;
 - (d) 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. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list –

NB Provision of ranks now repealed under Section 63 of the 1976 Act

- F16. 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.

- F17. 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.
- 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.
- F18. 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.
- F19. 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.
- F20. 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.

G. Code of Conduct for Licensed Individuals

Milton Keynes Council is committed to encouraging the professional conduct and image of drivers licensed by the Council. Licensed drivers are expected to be fit and proper and failure to comply with this code of conduct may evidence that a driver is not fit and proper to be licensed. All licensed drivers are expected to:

COMPLY WITH THE LAW

- G1 Read, understand and observe all licence conditions, byelaws and requirements of the Council's Taxi Licensing policy.
- G2 Comply with all laws applicable to them as may be in currently in existence or enacted in future, including the Equality Act 2010, road traffic legislation, working time directives, taxi laws and Health Act 2005.

DISPLAY PROFESSIONAL CONDUCT

- G3 Be polite, helpful and fair to all members of the public.
- G4 To not discriminate against any member of the public and to take all reasonable adjustments to assist any person with a disability.
- G5 Respect authorised Officers during the normal course of their duties.

- G6 To behave civilly and orderly with members of the public, council officers and persons working as hackney carriage or private hire drivers or operators.

PORTRAY A PROFESSIONAL IMAGE

- G7 Dress appropriately
G8 Maintain a high level of personal hygiene
G9 Not display bare chests or shoulders
G10 Not wear clothing with offensive slogans or logos
G11 Not wear anything obscuring their face (i.e. hoods)
G12 Not wear any type of clothing or footwear that affects the ability to drive safely.
G13 Not to do anything that in the opinion of a reasonable person would be considered unsuitable conduct in a place of work or would undermine the professional image of any trade.

DRIVE SAFELY

- G14 Obey all road traffic laws, traffic regulation orders and directions.
G15 Drive with due care and consideration to all road users and pedestrians.
G16 Maintain vehicles to a safe and satisfactory standard.
G17 Not drive under the influence of drugs (legal or illegal) or alcohol

BE A GOOD NEIGHBOUR

- G18 Not cause unnecessary disturbance to residents
G19 Not sound the horn or other audible warning instrument on the vehicle other than in accordance with the Highway Code to attract the attention of passengers
G20 Not permit the volume of any music players, radios and/or other audio/visual devices within a vehicle to cause a disturbance to residents
G21 To take particular care to avoid any noise during the hours of 11pm- 7.30am in residential areas.
G22 Switch off the vehicle's engine when waiting
G23 Park correctly and safely
G24 Provide all reasonable assistance to the Council when investigating offences and complaints and to provide a witness statement if requested

Code of Conduct for Licensed Operators

Milton Keynes Council is committed to encouraging the professional conduct and image of operators licensed by the Council. Licensed Operators are expected to be fit and proper and failure to comply with this code of conduct may evidence that an operator is not fit and proper to be licensed. All licensed operators are expected to:

- G25 Take steps to ensure that the drivers of all vehicles operated by them comply with the law and this code of conduct.
G26 Take steps to ensure that the drivers of, and, all vehicles operated by them reflect positively on the image of Milton Keynes and the licensed trade of Milton Keynes.
G27 To take all reasonable adjustments necessary to ensure that their customers with a disability have the same opportunities to use private hire services within Milton Keynes.
G28 Provide all information required by the Council in a timely and accurate manner.
G29 To not unreasonably withhold any information from the Council.

- G30 To be committed to improving and bettering the licensing regime within Milton Keynes.
- G31 To be committed to providing the residents of Milton Keynes with safe and suitable vehicles driven by safe and suitable drivers licensed by Milton Keynes Council.
- G32 To provide all reasonable assistance to the Council when the Council is investigating offences and complaints and to provide a witness statement if requested.

H. Advertising on Licensed Vehicles

The Council's policy permits vehicles to have standard signage without approval or, to have additional types of signage or advertising provided that it meets the Council's requirements. These guidelines and procedures cover any advertising material displayed on, from, or within a licensed vehicle and details what the Council considers acceptable forms of advertising.

In these guidelines:

- H1.1 'Advertising' and 'Advertisement' means information relating to:
- a) the sale of a product
 - b) provision of a service,
 - c) the promotion of an individual
 - d) a company, business, organisation or similar.
- H1.2 This information is displayed on or within a hackney carriage vehicle and is visible to members of the public or passengers of that vehicle.
- H1.3 "Taxi Advertising" means the display of advertising on a Milton Keynes Licensed Hackney Carriage.
- H1.4 "Third-Party advertising" means a form of advertising that relates to an individual, company, business, organisation or similar. This form of advertising is not strictly associated with the booking and/or despatch of the vehicle upon which the advertising is displayed.
- H1.5 "First Party advertising" means the display of advertising which promotes the licensed business activity of the proprietor of that vehicle.
- H1.6 "Private Hire Signage" means the display of signage on a vehicle that is intended to distinguish a licensed private hire vehicle from a hackney carriage.
- H1.7 "Standard signage" is signage that was permitted by Council policy prior to 1 January 2019. Private Hire Vehicles (PHVs) are permitted standard signage as they must display a door sign on the front of each door with:
- a) A statement that it is a private hire vehicle
 - b) A statement that it must be pre-booked
 - c) Name of the operator

- H1.8 “Exterior advertising” means any advertising displayed on any exterior part of a licensed vehicle.
- H1.9 “Interior advertising” means any advertising displayed inside a licensed vehicle that cannot be viewed other than by a passenger seated within the vehicle.
- H1.10 “HCV” means a Hackney Carriage Vehicle licensed by Milton Keynes Council.
- H1.11 “Taxi” means a Hackney Carriage Vehicle licensed by Milton Keynes Council.
- H1.12 “PHV” means a Private Hire Vehicle licensed by Milton Keynes Council.
- H1.13 “Licensed Vehicle” means a HCV or PHV.
- H1.14 “MKC” means Milton Keynes Council.
- H1.15 “Proprietor” means the licence holder of a HCV or PHV.
- H1.16 “Taxi advertising” and “private hire signage” that goes beyond the permitted “standard signage” must be approved and authorised by the Council.
- H1.17 The Council may levy a charge in order to consider, administer and approve any form of “Taxi advertising” and “private hire signage”.
- H1.18 The Council will decide what constitutes acceptable advertising. Should any condition(s) be imposed on a vehicle licence in regard to advertising the licence holder has a 21 day right of appeal period against the condition(s) to the Magistrates’ Court.
- H1.19 Manufacturer names or logos affixed to a vehicle as standard or an item within the vehicle will not be considered as “advertising”.

Restrictions for Taxi Advertising

- H2.1 HCVs and PHVs can display information that highlights that it is an environmentally friendly vehicle.
- H2.2 Third-party taxi advertising is only permitted on a licensed MKC Hackney Carriage Vehicle.
- H2.3 No third-party advertising or first-party advertising is permitted on or within a HCV unless it has first been approved by the Council and remains in the same condition and format as has been approved.
- H2.4 Advertising must not contain any foreign languages or signs or symbols unless the applicant for the advertising has provided an English translation of the advert to the Council. Council officers may check this with an approved translator.

- H2.5 Advertisements must be for one company, organisation, product etc. The Council will not permit a vehicle to display more than one advert or a mixture of advertisements.
- H2.6 The advertisement must be affixed directly, safely and securely onto the body of the vehicle.
- H2.7 Advertisements will not be permitted on any vehicle wheel trim.
- H2.8 Advertising will not be permitted on any seats (other than base of tip-up seats).
- H2.9 Advertising will not be permitted on the underside of a roof (roof lining)
- H2.10 Advertising will not be permitted on the partition between the driver and the passengers.
- H2.11 Advertising will not be permitted on the interior door panels (apart from leaflet dispenser).
- H2.12 Advertising will not be permitted on the floor covering.
- H2.13 Advertising must be the same on both sides of a vehicle (it will be permitted for the vehicle to display an opposite, reverse or mirror image of one side).
- H2.14 The Council will not permit any “third-party advertising” to be displayed on the exterior of a vehicle that is intended to be displayed for less than 12 months.
- H2.15 The Council will not permit any “third-party advertising” to be displayed by electronic means inside a vehicle that is intended to be displayed for less than 12 months.

Exterior advertising restrictions

- H3.1 No advertising will be allowed on any window.
- H3.2 No advertising will be permitted if it obscures the number plate, licensed plate or any other signage required by the law or by the Council to be displayed.
- H3.3 The advertising must conform with advertising content guidelines (Section 6).

Interior Advertising Restrictions

- H4.1 Advertising will be permitted on the base of the occasional (tip-up) seats if encapsulated in clear non-flammable plastic.
- H4.2 Advertising will be permitted on leaflets contained in an approved leaflet dispenser if only one is installed.
- H4.3 A leaflet dispenser must:

- a) be fitted securely to the interior of the vehicle
- b) be lockable
- c) only deliver one leaflet at a time
- d) be designed to prevent unauthorised leaflets being fed into the dispenser
- e) be manufactured in suitable material i.e. fireproof, shatterproof, etc
- f) not intrude into the passenger compartment and moulded without sharp edges to avoid possible injury.

H4.4 Advertising will be permitted on the back of receipts handed to a customer.

H4.5 Advertising will be permitted on an electronic system if it conforms to the requirements of section 5.

Electronic systems

H5.1 Taxi advertising may be provided within a vehicle by the provision of electronic /moving images.

H5.2 No sound or audio will be permitted.

H5.3 All equipment must comply with all legislative requirements and the proprietor of the vehicle will be responsible for evidencing that the vehicle still (and any equipment installed) complies with the construction and use regulations.

H5.4 The installation of any internal system must not interfere with the safety of the driver, passenger or any electronic device.

H5.5 The proprietor must provide evidence that the screen has been tested so as not to cause or pose any health and safety danger to any person – such as, but not limited to, those with epilepsy or similar conditions.

H5.6 The proprietor must provide evidence that the system contains appropriate safeguards to prevent the display of unapproved material.

H5.7 The system must be capable of being switched off by a passenger and the system must be capable of remaining off until the end of that passenger's journey.

H5.8 The equipment shall not interfere with the luggage or passenger carrying capacity of the vehicle.

H5.9 No system shall be approved if it increases the danger to any passenger travelling in the vehicle or interferes with the reasonable comfort of a passenger.

H5.10 At the commencement of each journey the electronic device shall display an approved safety message.

H5.11 Any installed system must function without the need for the driver to carry out any form of manual operation whilst driving the vehicle.

Advertising Content Guidelines

- H6.1 The Council will not permit any advertising that:
- a) Does not comply with the law or incites someone to break the law.
 - b) Does not comply with relevant codes of practice and guides of the Advertising Standards Authority and Committee of Advertising Practice.
 - c) Is likely to cause offence to members of the public.
 - d) Is not suitable to be viewed by children
 - e) Uses language or imager considered to be distasteful or obscene.
 - f) Relates to lap-dancing, gentlemen’s clubs, escort agencies, massage parlours or similar.
 - g) Relates to gambling or gambling related activities.
 - h) Relates to alcohol or alcohol related actives.
 - i) Relates to films not granted permission for public exhibition or which do not show the British Board of Film Classification certificate.
 - j) Contains images or messages which relate to matters of public controversy and sensitivity, whether local or national.
 - k) Is considered religious or political in nature.
- H6.2 The proprietor of the vehicle must provide appropriate confirmation that any form of advertising is lawful.
- H6.3 The Council will refuse to allow any form of advertising that is considered offensive or discriminatory.
- H6.4 The material or equipment used to display any advertising must be maintained in good condition at all times. The manufacturer’s recommendations should be followed when affixing, maintaining and cleaning the material.
- H6.5 The Council will not permit any advertising where the Council is of the view that it is unsuitable for display in Milton Keynes or conflicts with the published Policies and priorities of Milton Keynes Council.

Private Hire Vehicle Signage

- H7.1 Third-party advertising will not be permitted on the exterior or interior of a PHV.
- H7.2 Unless plate exempt, all PHV’s must display “standard signage” indicating that the vehicle must be pre-booked in advance through a licensed operator.
- H7.3 PHV’s will be permitted to display “standard signage” that includes the name of its private hire operator, its Milton Keynes telephone number and/or any other means that can be used to book that vehicle - such as a smart phone App, without a separate application for approval.
- H7.4 Where a private hire operator conducts another business separate to that of operating PHV’s, any reference to that separate business will be considered as third-party advertising and not permitted on a PHV.

Advertising Materials

- H8.1 Materials used for advertisements should be of a quality that is not easily defaced, soiled or detached.
- H8.2 Reflective material is not to be used for advertising purposes.
- H8.3 The material construction must be of a perforated one-way vision film or similar type design which will allow the image/graphics to be seen from outside of the vehicle only.
- H8.4 Materials displayed on or in the vehicle should not cause distraction to the driver or obscure the driver from carrying out his/her duties.
- H8.5 Materials displayed should not cause any obstruction to passengers or hinder or distract or obscure their sight when entering or exiting the vehicle.
- H8.6 Materials must be fit for their intended purpose and have good durability and adhesive qualities.
- H8.7 The performance of the material must not be adversely affected by dirt and/or moisture ingress.
- H8.8 The material must be maintained in good condition at all times. The manufacturer's recommendations should be followed when affixing, maintaining and cleaning the material.
- H8.9 Materials on the exterior of the vehicle should be suitably weatherproof.
- H8.10 Materials on the exterior of the vehicle should not be such as to encourage vandalism or graffiti (i.e. blank spaces) or be of such type as to prevent them being written on.
- H8.11 Materials should be designed and manufactured so as not to be flammable or pose any form of danger to the structure of the vehicle or members of the public.

Application Procedure and Approval

- H9.1 An application to display advertising must be made to the Council before an advert can be attached to the vehicle. The Council will not be liable for any loss incurred by a proprietor or for any work undertaken, signage affixed to a vehicle or contractual obligation agreed if done prior to the Council's written approval of an application.
- H9.2 The proprietor must complete and submit the relevant Council application form and pay the requisite fee for considering the advertisement in line with the Council's policy. An application will not be considered without payment. If an application is later withdrawn or refused and a refund is requested then a £50 administration fee will be incurred. The fee shall be set by the Council and published separately.

- H9.3 It will be permissible for an agent to submit an application and pay the fee on behalf of a proprietor.
- H9.4 The vehicle proprietor/agent must submit to the Council the following:
- a) Details of the advert to be displayed.
 - b) Full specification of the materials and design.
 - c) Written confirmation that the proprietor has read and understood the terms and conditions of any approval to be requested.
 - d) Written confirmation that the materials comply with the requirements of this document and all other applicable legislation, and relevant British and European safety standards.
 - e) Written confirmation that the materials do not interfere with the safety and mechanics of the vehicle or the convenience and/or safety of passengers.
 - f) Proof, if requested, that materials comply with relevant standards.
 - g) The contract between the Proprietor and the advertiser (or agency).
- H9.5 The approval of the Council shall be based on the written agreement of the proprietor/agent that the advertisement and signage and the materials used comply with the requirements of this procedure. The Council shall not be obligated to make its own verification of the materials used and shall base its decision on whether the visual message displayed is acceptable.
- H9.6 Applications for advertising will be considered by council officers in accordance with the Council's policy and procedure documents. If council officers are satisfied that advertising application is acceptable a written notice will be provided to the proprietor/agent. The approval shall be given for:
- a) 12 months; or
 - b) Until the expiry/revocation of the HCV licence.
- H9.7 The approval of any taxi advertising will not create any right or obligation that it can be used on a separate HCV.
- H9.8 Upon the expiry of an approval a proprietor must re-apply for a further approval of the same advertising or remove the advertising immediately.
- H9.9 Where a proprietor or their agent has been found to have misled the Council then any advertising agreement may be withdrawn by the Council with immediate effect. In these circumstances the Council will also review the proprietor's licence(s).
- H9.10 Proprietors are advised to only enter into lawful contractual agreements with approved advertisers/agencies. Proprietors should obtain independent legal advice prior to signing any contract.
- H9.11 The Council will refuse an application if it does not comply with this procedure and/or there is a reasonable belief that it will cause a public safety risk, public

offence or reputational harm to MKC or to the licensed hackney carriage trade in general.

- H9.12 The Council shall not approve any form of advertising on a vehicle that has been given a suspension notice by the Council for poor condition until it has been inspected and approved as satisfactory.

Conditions of Approval

- H10.1 The materials used in the display of advertising or signage must remain in a condition that the Council considers acceptable.
- H10.2 Materials shall not be displayed if soiled, ripped, torn, defaced, vandalised or in otherwise poor condition.
- H10.3 The Council will request that advertising materials be removed where the advert does not comply with this procedure and guidelines.
- H10.4 The Council will direct that advertising materials be removed where the advert has been found to pose a public safety risk, be unlawful, and be in breach of relevant advertising codes and this procedure. Should a proprietor refuse to remove advertising then a vehicle suspension notice will be issued.

J. Private Hire Operator Licence Conditions

- J1 The licence is granted to the Operator and is subject to the provisions of the Act of Parliament mentioned above, which must be observed by the licence holder at all times.

Licence not transferable

- J2 The Licence is not transferable and shall subsist for the benefit of the named Operator. Upon the operator ceasing to trade or carry on the business of a private hire vehicle operator, or on the revocation or expiry or upon the application to renew, this licence must be returned to the Council.

Licensed premises

- J3 The premises licensed in the course of the licence holder's business for the provision and acceptance of bookings for private hire vehicles to be despatched under the terms of this Operating Licence shall be [as specified on the front of the licence].
- J4. The Licence Holder shall ensure that at all times in which the operating licence is being used for the provision and acceptance of private hire bookings and the despatch of private hire vehicles there shall be a person able to immediately access and provide all the information conditioned to be recorded and kept by the licence holder.

Acceptance of bookings

- J5 The operator shall not accept any person as a passenger in a private hire vehicle operated under the terms of this licence unless the passenger or someone on his or

her 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 of inviting and accepting bookings.

- J6 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.

Despatch of vehicles

- J7 Should the Operator intend to despatch a vehicle that is not a private hire vehicle and not regulated by this Operator licence in fulfilment of a booking the Operator shall inform the customer that the vehicle being sent to him or her is not a private hire vehicle licensed by Milton Keynes Council.

Confirmation of bookings

- J8 The licence holder must confirm to the customer requesting a private hire vehicle the registration number, make and colour of the vehicle and its licence plate number and licensing authority details prior to at the time that the vehicle is despatched. These details must be provided in writing to the customer by SMS, through an APP or e-mail.

Records to be kept of private hire bookings

- J9 The licence holder shall keep a permanent record of every booking of a private hire vehicle invited and accepted by them, whether direct from the hirer or by undertaking the bookings at the request of another operator. The record entries must be made before the commencement of each journey and shall include:
- a. The time and date of the booking
 - b. The time; date and location of pickup point
 - c. Details of the destination (if possible)
 - d. The name (or other identifying mark such as a reference number) and contact details of the hirer (if possible)
 - e. The registration number of the vehicle and the driver allocated for the journey
 - f. If a booking accepted is sub-contracted to another operator, details of the operator to whom it is sub-contracted
 - g. If a booking is accepted from another operator, the details of the operator from whom it was received
 - h. The name of the driver
 - i. The driver's licence number
 - j. The name of any individual that responded to the booking request
 - k. The name of any individual that dispatched the vehicle

Records to be kept of licensed drivers

J10 The operator shall:

(i) 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.

(ii) The licence holder must record and, submit to the Council upon request, the following details relating to any driver used by them:

- The drivers' start date
- Drivers full name and address, mobile telephone number and email address
- The type and number of the driver's licence badge number held
- The expiry date of that badge
- 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 verifying that they hold a licence granted by the Council.

(iv) 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.

Records to be kept - Dangerous Incident Log

J11 The Operator shall maintain a legible dangerous incident log to record all reports of violence, threats or abuse shown to the operator, its employees and its drivers and should record:

- The name of the person entering the log
- The name of the employee or driver involved
- The name or identifying details of the offender
- The time, date and location of the incident
- If reported to the Police, the unique reference number or crime complaint number allocated to the incident.
- The information contained in this book shall be passed to Milton Keynes Council if requested without delay.

Records to be kept – Complaints

J12 The operator shall maintain a legible log of all complaints received by them in relation to the service provided, the standard and conduct of a driver and the standard of the vehicle.

Duration for records to be kept

- J13 All records kept by the operator shall be preserved for a period of not less than twelve months following the date of the relevant entry. The records shall be made available for inspection by upon the request of an authorised Council Officer or Police constable.

Storage of records

- J14 Records must be kept in such a manner so that they are legible, in date order and are easy to access and be provided to the Council or police upon request.

Vehicle standards and signage

- J15 The operator shall exercise all due diligence to ensure that the vehicles operated under the terms of this licence are compliant with the Council's policy on vehicle standards and ensure that at all times the vehicle including its seating, flooring and fittings are kept in a clean and tidy condition.
- J16 The operator shall exercise all due diligence to ensure that the external licence plate issued and allocated by the Council is affixed to the outside of any private hire vehicle operated under the terms of this licence on or adjacent to the rear bumper, or in such other position as may be authorised by the Council.
- J17 The operator shall exercise all due diligence to ensure that the internal licence plate issued and allocated by the Council is affixed to the inside front windscreen of any private hire vehicle operated under the terms of this licence, or in such other position as may be authorised by the Council.
- J18 The operator shall exercise all due diligence to ensure that any other signage required by law or conditions, including but not limited to, no smoking signs and CCTV signage, are affixed to any private hire vehicle operated under the terms of this licence in such position as may be required by law or condition or otherwise authorised by the Council
- J19 The operator must ensure that all licensed vehicles operated under the terms of the licence comply with the Councils requirements that appropriate signage is displayed on a vehicle and includes very clearly the words "ADVANCE BOOKING ONLY" or "PRIVATE HIRE ADVANCE BOOKING ONLY". The door sign may also include the name of the Operator, its logo, the means for booking that vehicle, website, email address and the Milton Keynes telephone number belonging to the operator.
- J20 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 that is not permitted by the Council's signage or advertising policy and/or conditions.

Code of Conduct

- J21 The operator shall comply with the Code of Conduct detailed in Appendix J of the Council's policy and ensure that all drivers of private hire vehicles operated by them comply with this code.

Changes to the Operator or method of operation

- J22 The operator shall notify the Council forthwith of any intended change in the 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.

Keeping of this Licence

- J23 This licence must be kept in the possession of the operator and must not be altered or defaced in any way 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.
- J24 In the event of loss or damage or defacement to this licence the Taxi Licensing Section of the Council must be informed immediately so that a replacement licence can be issued. A charge for a replacement licence may apply.

Providing a service to persons with a disability

- J25 The operator shall comply with the relevant provisions of the Equality Act 2010 and ensure that the driver of any private hire vehicle operated by them under the terms of this licence shall not refuse to accept a passenger in a wheelchair, where that vehicle is suitable to take that passenger or a passenger with an assistance dog.
- J26 Where the licence holder is aware that a passenger has a disability the licence holder must take reasonable steps to ensure that the passenger has access to the same level of service as a customer who does not have a disability.
- J27 Where the licence holder is aware that a passenger has a disability the licence holder must request that the driver of any private hire vehicle despatched takes such reasonable steps as are necessary to ensure the collection and safe transportation of that person.
- J28 No extra charge may be made by the operator because a passenger is travelling in a wheelchair or is travelling with an assistance dog.

Change in vehicle numbers

- J29 The operator shall inform the Council within 14 days of any change in the number of vehicles that it has been licensed to operate.

Condition not to accept bookings direct from driver

- J30 Without reasonable excuse the licence holder shall not accept any bookings for a private hire vehicle directly from the driver of a licensed vehicle being operated, despatched or sub-contracted to, by the licence holder.

Condition not to use a driver who has been convicted of plying for hire

- J31 The licence holder shall not operate, despatch or sub-contract to, any private hire vehicle that is being driven by a person who has been notified by the Council of having been convicted of plying for hire in Milton Keynes.

Requirement to make certain arrangements reporting

- J32 The licence holder may be required to provide to Milton Keynes Council the details of all Milton Keynes licensed drivers and vehicles currently operated by them or complaints made about any driver or vehicle upon the request of the Council or with such regular frequency as Officers may require.

Serious allegations

- J33 Should the licence holder be aware of any allegation or complaint made about a Milton Keynes licensed driver which relates to a sexual or violent offence or other conduct which indicates that the driver poses a public safety risk the licence holder report this to the Council as soon as reasonably possible and not later than 72 hours after first becoming aware of the allegation.
- J34 Where the operator is aware of any allegation or complaint made about a Milton Keynes licensed driver that relates to a sexual or violent offence or which may otherwise indicate that a driver poses a public safety risk, the operator shall cease to operate that driver until they and the Council are both satisfied that the driver does not pose a public safety risk.

Staff Register

- J35 Operators must keep a register of all staff (employed & contracted) that will take bookings or dispatch vehicles/drivers on its behalf (ie 'Staff Register').

Staff DBS Disclosure

- J36 Operators must have sight of a Basic DBS disclosure for all staff noted in the staff register. Should a member of staff have convictions the Operator must ensure that the employee is compatible with their policy on employing ex-offenders.

Ex-Offender Policy

J37 Operators must have a policy on employing ex-offenders who will undertake the role of bookings or dispatching vehicles/drivers. The policy will outline which convictions are not suitable for those employees/contractors who book/dispatch drivers/vehicles to collect children or vulnerable adults that are unaccompanied in a vehicle.

Public Service Vehicle

J38 The dispatching of a Public Service Vehicle (9 or more seats) and driver (who holds a PCV licence) to meet a private hire vehicle booking can only be done so with the informed consent of the person making the booking.

Arrest, Charge or Conviction

J39 The holder of a private hire operator licence (or in the case of a company or partnership, or any of the directors or partners) must notify the council within 48 hours of any of the following:

- a. A conviction for any criminal or road traffic offence (including fixed penalty offences)
- b. Any grant of bail (conditional or unconditional) by any court or police station
- c. Any court cases pending against them including Court Orders injunctions, community protection notices, County Court Judgments and High Court Judgements
- d. Whether they have been arrested, cautioned or received an official warning from the police

K. Penalty Point Warning and Education System

K1.1 The Council's objective is to protect the public and ensure that only "fit and proper" individuals are hackney carriage or private hire vehicle drivers, proprietors or operators. It is often not in the public interest for the Council to prosecute, suspend or revoke for minor or technical offences. By issuing a warning and proportionate penalty points or taking other educational steps the Council is able to remind licence holders of their duties and identify frequent minor breaches which may indicate that an individual needs assistance in understanding their licensed duties.

K1.2 The penalty point warning and education system (PPWES) 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 occurred. The implementation of points will take place following the appropriate investigation of the offence, 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 PPWES 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. A committee will however take into account points previously given or the amount of points that may be given for an offence.

The details of how the scheme operates

- K2.1 Penalty points will be applied by officers following an investigation of the relevant breaches of conditions, requirements or policy 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.

Licence holder	Specified Points	Relevant Period
Hackney Carriage Driver	12	12 months
Hackney Carriage Proprietor	12	12 months
Private Hire Driver	12	12 months
Private Hire Proprietor	12	12 months
Private Hire Operator	12	12 months

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 have their licensed reviewed. An individual reaching this threshold will have their licence reviewed.

K3.2 If it is considered that the points arise out of a lack of knowledge of licensing conditions the licence holder may be given a disciplinary sanction (below) and the 12 points will remain live for a further 12 months. Any further imposition of penalty points within 12 months of the decision to offer a sanction will result in the suspension, revocation or review by a council officers/Regulatory Sub-Committee of that licence holder.

K3.3 The options open to council officers/Committee are explained below.

Steps on Review

K4.1 Officers or a Regulatory Sub- Committee may decide to take any of the following steps:

- 1) No further action
- 2) Suspension of the driver's licence for a specified period.
- 3) Revocation of the driver's licence.
- 4) An alternative disciplinary sanction (below).

Alternative Disciplinary Sanctions

K4.2 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 - Officers or the Committee may issue an alternative disciplinary sanction:

- 1) Request that the licence holder re-take's the Councils DAS at the licence holder's own cost.
- 2) Take a relevant taxi driving test at the licence holder's own cost.
- 3) Take any other recognised training course that the Committee may specify at the licence holder's own cost.

K4.3 The above sanctions may be imposed with either a strict, but appropriate time limit to comply. Where there are concerns that the applicant is not fit and proper but an opportunity to demonstrate that he or she can be is considered appropriate, the licence may be suspended any of the above steps are completed satisfactorily.

K4.4 Penalty points will continue to be live following a review when they are still in the relevant 12 month period or, if an alternative sanction is imposed for a further 12 month period. If the licence holder receives further penalty points after a review or alternative sanction is given a further review will occur and it would be expected that the Council will revoke the licence.

K4.5 If a licence holder reaches or exceeds the specified points total within a separate relevant period a further review will occur. However, unless a significant amount of time has elapsed following the first review and the points are for different offences a revocation will normally occur.

K4.6 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.

Penalty Point Tariff

Abbreviations: PH = Private Hire, HC = Hackney Carriage

- K5.1 The penalty point's 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.
- K5.2 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.

Offences committed by Driver where penalty points may be issued			
No.	Offence	Source	Points awarded
D1	<i>Knowingly or recklessly made</i> false declaration on application/renewal of licence (section 57 offence)	A	10*
D1A	False declaration on application/renewal of licence not made knowingly or recklessly.	A/C	5
D2	Obstruction of an authorised officer.	A	6
D3	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.	C	4
D3A	Behaving in a manner that is rude, offensive, obstructive or not civil and orderly with other licence holders.	D	4
D4	Failure to notify the Council of any arrest, conviction, caution, motoring offence, civil or other enforcement action or any pending action of the same, within 48 hours	C	6
D5	Failure to display licence holder's driver badge in such opposition as to be plainly visible to customers.	A, C	4
D6	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.	C, B	3
D7	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.	A	6
D8	Smoking and/or failing to prevent the smoking of an electronic cigarette in a licensed vehicle.	A	3
D9	Failure to display required no smoking Signs under the Health Act 2005.	A	3
D10	Failure to comply with the Code of Conduct	D	3

D11	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.	D	3
D12	Drinking or eating without the express consent of the hirer.	D	3
D13	Failure to give reasonable assistance to a passenger to or from any place at which the driver may pick up or drop off.	D	3
D14	Failure to check a vehicle used by the driver for the carriage of passengers for lost property after each fare.	C,B	3
D15	Refusing to carry a guide dog or assistance dog without a licensed driver's exemption certificate.	A, C	10*
D15A	Failing to take reasonable steps or endeavours to facilitate the journey of a person with a disability.	A,C	6
D16	Failure to provide up to date documents as requested by the Council such as driving licence, passport, medical, work permit etc.	C	4
D17	Failure to ensure and display a vehicle licence plate in authorised manner.	A, C	4
D18	Failure to convey or assist with carrying luggage.	C	3
D19	Failure to deliver lost property to police.	C, B	3
D20	Failure to display tariff card in the vehicle.	B,C	3
D21	Interfering with a taximeter.	A, B,	4
D22	Failure to display vehicle licence plate in authorised manner.	C	3
D23	Failure to return vehicle licence plate at request of authorised officer following expiry, revocation or suspension of licence.	A, C	6
D24	Using unlicensed vehicle or using a vehicle without insurance.	A,C	10*
D25	Carrying more passengers than permitted by vehicle licence.	A, C	8
D26	Refusal to carry passengers without reasonable excuse.	B,C	6
D27	Failure to notify the Council of serious injury or illness.	C	10*
D28	Failure to keep proper records as required by conditions of Licence.	C	6
D29	Refusing to take a fare without good reason.	B, C	6
D30	Charging or attempting to charge more than the agreed or legal fare.	B, C	6
D31	Permitting a vehicle other than a Hackney Carriage to wait on a Hackney Carriage stand.	A, B	6
D32	When driving a Hackney Carriage charging or attempting to charge more than the metered fare (whether for private hire or not).	A, B	6
D33	Failure to comply with any other licence condition imposed on the drivers licence not specifically detailed in this scheme.	C	2
D34	Failure to comply with any other legislative provision, or bye-law not detailed in this scheme.	A, B	3
D35	Illegally Plying for hire	A	10*
D36	Failure to report a Safeguarding, County Lines & CSE Concerns	C	10*
D37	Failure to notify change of employment/sub-contract status to Operator	C	6
D38	Working for an Operator without producing original paper licence	C	6
D39	Driving a vehicle not in compliance with the conditions of that vehicle licence.	C	4

D40	No Fire Extinguisher	C	3
D41	No First Aid Kit	C	3
D42	Driving a vehicle without a valid MOT, Insurance or Council compliance certificate without reasonable excuse.	C	6
D43	Failure to display any notice required by legislation or condition (i.e. table of fares, no smoking sign etc.)	A,C	3
D44	Driving a vehicle with tyres with tread below 2mm (each tyre)	C	2
D45	Driving a vehicle with tyres below legal limit	A,C	6
D46	Failure to provide a cashless payment service in a hackney carriage vehicle	C	6
D47	Failure to continue membership of the DBS Update Service	C	6
	PROPRIETORS		
P1	Failure to notify transfer of vehicle licence interest within 14 days.	A	4
P2	Proprietor of licensed vehicle failing to report accident damage to vehicle within 72 hours.	C	4
P3	Failure to produce insurance documents at request of authorised officer.	A,C	4
P4	Unauthorised advertising on vehicle.	C	6
P5	Permitting a hackney carriage to be driven with a defective taxi-meter.	A, B	6
P6	Vehicle not well maintained, kept clean or comfortable	A,C	6
P7	Failure to present vehicle for mechanical inspection upon request.	C	4
P8	Failure to present vehicle for mechanical inspection following booking.	C	4
P9	Permitting a vehicle to be used without a current compliance certificate in place.	A, C	10*
P10	Permitting a vehicle to be used that is unfit for use as a Hackney Carriage or Private Hire vehicle.	A,C	4
P11	Employing or permitting a vehicle to be driven by a person not holding a driver's licence with the Council.	A	10*
P12	Using a vehicle subject to a suspension or prohibition order issued by an authorised Officer, or by the police	A	10*
P13	Failure to comply with requirement to undertake works following a section 60 Suspension notice.	C	3
P14	Intentional or Knowingly making a false declaration on application/renewal of licence.	A	10*
P14A	False declaration on application/renewal of licence not made knowingly or recklessly.	A	5
P15	Obstruction of an authorised officer.	A,C	6
P16	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.	C, D	4
P17	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.	C	3
P18	No Fire Extinguisher	C	3

P19	No First Aid Kit	C	3
P20	Driving a vehicle without a valid MOT, Insurance or Council compliance certificate without reasonable excuse.	C	6
P21	Failure to display any notice required by legislation or condition (i.e. table of fares, no smoking sign etc.)	A,C	3
P22	Permitting a vehicle with vehicle with tyres with tread below 2mm (each tyre)	C	2
P23	Driving a vehicle with tyres below legal limit	A,C	6
P24	Failure to provide a cashless payment facility in a hackney carriage vehicle	C	6
P25	Failure to advertise a cashless payment service on a hackney carriage vehicle	C	3
P26	Failure to notify the Council of any arrest conviction, caution, motoring offence, civil or other enforcement action or any pending action of the same, within 48 hours	C	6
	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 driver's licence	A	10*
O3	Failure to operator 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	5
O7	Operating/sub-contracting a vehicle that is not fit for use as a licensed vehicle where evidence by an enforcement/ mechanical check 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 fixed penalty notice imposed, received or accepted by the operator or if the operator is a company, by a director of the company.	C	6
O11	Intentional or Recklessly made false declaration on application/renewal of licence.	A	10*
O11A	False declaration on application/renewal of licence not made knowingly or recklessly.	A	5
O12	Obstruction of an authorised officer.	A, D	10*
O13	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.	C,D	4

O14	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.	C	4
O15	Failure to notify Council of new drivers (employed & sub-contracted)	C	4
O16	Failure to notify Council of drivers who have left employment/sub-contract arrangement	C	4
O17	Operating a vehicle without valid insurance without exercising all due diligence.	C	4
O18	Operating a vehicle without a valid MOT without exercising all due diligence.	C	4
O19	Operating a vehicle without a valid licence without exercising all due diligence.	A,C	4
O20	Operating a vehicle driven by a driver without an appropriate licence or who is suspended without exercising all due diligence.	A, C	4
O21	Failing to comply with any condition imposed or agreed on the operator's licence.	C	4
O22	Failing to have an up to date Staff Register	C	4
O23	Failing to have an ex-offender policy	C	4
O24	Failing to have sight of DBS checks on staff noted in the Staff Register	C	4
O25	Failing to advise customer of PSV booking	C	4
O26	Failure to notify the Council of any arrest, conviction, caution, motoring offence, civil or other enforcement action or any pending action of the same, within 48 hours	C	6

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.

Taxi Licencing Service

Milton Keynes Council

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