

Notice of Meeting



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Licensing Committee

Monday 20 January 2025 at 4.30 pm

**In The Council Chamber, Council Offices,
Market Street, Newbury**

This meeting will be streamed live here: [Link to Licensing Committee broadcasts.](#)

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Date of despatch of Agenda: Friday 10 January 2025

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Ben Ryan (Democratic Services Officer) on (01635) 503973

e-mail: Benjamin.Ryan1@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



Agenda - Licensing Committee to be held on Monday 20 January 2025 (continued)

To: Councillors Jeremy Cottam (Chairman), Paul Dick (Vice-Chairman), Phil Barnett, Billy Drummond, Nigel Foot, Paul Kander, Jane Langford, David Marsh, Justin Pemberton, Stephanie Steevenson, Clive Taylor and Martha Vickers

Agenda

Part I	Page No.
1. Apologies To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 4 November 2024.	5 - 8
3. Declarations of Interest To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct .	
4. Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees <i>Purpose: CONSIDER the comments received during the statutory consultation on variations to hackney carriage and private hire vehicle and private hire operator's fees as set out in Appendix A to this report and if any modifications should be made to the proposed fees as a result of the consultation responses.</i>	9 - 22
5. Draft Hackney Carriage and Private Hire Licensing Policy 2025 - 2030 <i>Purpose: To CONSIDER the draft policy which has been prepared in response to the Department for Transport's guidance on "Statutory Taxi and Private Hire Vehicle Standards", and updated revised best practice guidance issued by the Department for Transport on the 17 November 2023.</i>	23 - 122
6. Forward Plan	123 - 124



Agenda - Licensing Committee to be held on Monday 20 January 2025 (continued)

Sarah Clarke
Service Director – Strategy and Governance

If you require this information in a different format or translation, please contact Ben Ryan (Democratic Services Officer) on telephone (01635) 503973.

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY 4 NOVEMBER 2024

Councillors Present: Jeremy Cottam (Chairman), Paul Dick (Vice-Chairman), Phil Barnett, Billy Drummond, Paul Kander, David Marsh, Justin Pemberton, Stephanie Steevenson, Clive Taylor and Martha Vickers

Also Present: Moira Fraser (Principal Officer - Policy & Governance), Julia O'Brien (Principal Licensing Officer) and Benjamin Ryan

Apologies for inability to attend the meeting: Councillor Nigel Foot and Councillor Jane Langford

PART I

9. Minutes

The Minutes of the meeting held on 8 July 2024 were approved as a true and correct record and signed by the Chairman.

The Chairman explained that that the information about keeping animals for exhibition had been sent to Councillor David Marsh and that there were 5 holders of this type of licence.

Current Licenses for this activity:

1. Bucklebury Farm Park
2. Farms2 Ewe Mobile Farm
3. Little Hooves
4. Ray Prior Falconry
5. Zoolab Berkshire

10. Declarations of Interest

Councillor Justin Pemberton declared an interest in all Agenda Items and reported that as he was the portfolio member for Public Safety and Community Engagement, as his interest was a disclosable pecuniary interest or an other registrable interest, he would stay for the discussion, but would not vote on the matters.

Councillor Stephanie Steevenson declared an interest in all Agenda Items, but reported that, as she was a signatory for a small lottery registered with West Berkshire Council, her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

11. Adoption of the Revised Statement of Licensing Policy Principles Under S.349 Of the Gambling Act 2005

The Committee considered a report (Agenda Item 4) concerning the Adoption of the Revised Statement of Licensing Policy Principles Under S.349 Of the Gambling Act 2005. Ms Moira Fraser introduced the report.

Councillor Paul Dick was happy to see the consultation had provided more responses than the previous year.

Councillor Billy Drummond asked about the Thames Valley Police response to the consultation and Ms Fraser explained that they were supportive.

Councillor Dick proposed the recommendations laid out within the report and this was seconded by Councillor Billy Drummond.

RESOLVED that the Licensing Committee

- (a) Be informed about the outcome of the consultation.
- (b) Did not consider that any further amendments needed to be made to the draft arising from the consultation.
- (c) Recommended to Full Council that the Statement be adopted, subject to any amendments agreed at that meeting.

12. Licensing Fees and Charges 2025/26

The Committee considered a report (Agenda Item 5) concerning the Licensing Fees and Charges 2025/26. Ms Moira Fraser introduced the report.

Councillor Dick believed that the use of one local newspaper for the publication of the public notice was enough and Councillor Clive Taylor concurred.

Councillor Steevenson queried how the consultation would be advertised and implemented. Ms Fraser explained that the consultation would be placed on the West Berkshire Council Portal and was advertised on the Public Protection Partnership website.

Councillor David Marsh asked how many taxis had taken up the Electric Vehicle (EV) Scheme. It was noted that six fully electric and 38 hybrid vehicles had taken up the scheme.

Councillor Dick proposed the recommendations laid out within the report and this was seconded by Councillor Billy Drummond.

RESOLVED that the Licensing Committee

- 2.1 Be informed about the 2025/26 fees and charges detailed in Appendix A
- 2.2 Agreed that the fees for Private Hire Operators and Hackney Carriage and Private Hire Vehicle licence fees be subjected to the statutory consultation period and process as described in paragraph 4.11

13. Forward Plan

The Committee noted the Forward Plan. It was reported that the Film Classification Policy would be coming to the January meeting instead of the Street Trading Policy.

LICENSING COMMITTEE - 4 NOVEMBER 2024 - MINUTES

(The meeting commenced at 4.30 pm and closed at 4.50 pm)

CHAIRMAN

Date of Signature

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Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Committee considering report: Licensing Committee

Date of Committee: 20 January 2025

Portfolio Member: Councillor Justin Pemberton

Report Author: Moira Fraser

1 Purpose of the Report

1.1 To consider the matters arising from the statutory 28 day consultation period relating to variations to hackney carriage and private hire vehicles and private hire operator's fees.

2 Recommendation

The Licensing Committee is asked to:

2.1 **CONSIDER** the comments received during the statutory consultation on variations to hackney carriage and private hire vehicle and private hire operator's fees as set out in **Appendix A** to this report and if any modifications should be made to the proposed fees as a result of the consultation responses.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit.</p> <p>All costs associated with running the consultation via public notice was met from within existing budgets.</p>
Human Resource:	<p>There are no human resources implications associated with the consultation. The consultation was undertaken within existing resources within the PPP and the Recruitment, Consultation and Performance Team.</p>

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Implication	Commentary
<p>Legal:</p>	<p>Fees for vehicle and operators' licences</p> <p>s.70 of the Local Government (Miscellaneous Provisions) Act 1976: "...a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:</p> <ul style="list-style-type: none"> (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed; (b) the reasonable cost of providing hackney carriage stands; and (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles." <p>The licensing costs recoverable by a district authority in respect of vehicles and operators is limited to vehicle inspection costs for the specific purpose of determining their suitability to be licensed, reasonable cost of providing hackney carriage stands, reasonable administration costs for processing the licence application and finally reasonable costs associated with "...control and supervision of hackney carriages and private hire vehicles."</p>
<p>Risk Management:</p>	<p>The fees are potentially subject to legal challenge. It is therefore important that the fees and methodology are subject to ongoing review.</p>
<p>Property:</p>	<p>None</p>
<p>Policy:</p>	<p>The Joint Public Protection Committee (JPPC) is required every autumn to propose a budget to partner authorities. This includes proposals in relation to discretionary fees and charges. The individual authorities are then required to make their own decisions in relation to the fees.</p> <p>It is not the role of this Committee to set the fees for 2025/26. The Committee is being asked to consider the comments made in relation to the operators and vehicle licence fees received during the statutory consultation. The Committee is then asked to recommend a set of fees to full Council for adoption.</p>

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Implication	Commentary			
	Positive	Neutral	Negative	Commentary
Equalities Impact:		✓		<p>No evident contribution to inequality</p> <p>The income received from licence applicants covers the cost of providing the statutory licensing function.</p>
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No impact
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No impact
Environmental Impact:	✓			<p>The ongoing provision of a remittance on the fees for hybrid and electric vehicles may have a positive impact on the environment.</p>
Health Impact:	✓			<p>If operators and drivers are minded to take up the offer of a reduced or wholly subsidised fee for electric or hybrid vehicles this could have a positive impact on air quality and therefore have a positive impact on health.</p>
ICT Impact:		✓		No impact

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Implication	Commentary		
Digital Services Impact:		✓	This information will be included on the Public Protection Partnership Website using existing resources.
Council Strategy Priorities:	✓		This work is business as usual within the service.
Core Business:		✓	This work is business as usual within the service.
Data Impact:		✓	No impact
Consultation and Engagement:	Members of the Hackney Carriage and Private Hire trade as well as members of the public, Councillors and service users were consulted on the statutory fees as is required by the legislation. This was enabled via emails directly to Hackney Carriage and Private Hire vehicle licence holders and Private Hire Operators, a public notice in the Newbury Weekly News, a notice placed in Market Street Reception window and a consultation notice added to the Public Protection Partnership website and the West Berkshire Council website for the mandatory 28 day consultation period.		

4 Executive Summary

- 4.1 The JPPC is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service, to recommend a draft set of fees and charges to each of the member Councils (Bracknell Forest and West Berkshire) annually. The proposed fees for 2025/27 were discussed at the JPPC meeting held on Monday, [11 October 2024](#) where it was proposed to increase the hourly rate that the fees are based on by 3% from £67per hour to £69 per hour. The increase was to proposed to offset the increase in the cost base arising predominantly to salary increases.
- 4.2 These fees were then presented to the Licensing Committee at the [04 November 2024 meeting](#). The Committee agreed that, save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the discretionary fees go forward for consideration as part of the Council fee setting process.
- 4.3 The Committee also agreed that the fees for private hire operator, and hackney carriage and private hire vehicle licence fees be subjected to a twenty eight day statutory consultation period. If objections were received they be considered by the Licensing Committee at this meeting and that any changes arising from the consultation be

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

recommended to full Council for approval. The fees, with or without variation would come into effect on the 01 April 2025.

4.4 The proposed 2025/26 fees subjected to the statutory consultation are set out below:

Hackney Carriage (Taxi) and Private Hire Vehicle Licence

Hackney carriage vehicle new / renewal	£310.50/£276
Private hire vehicle new / renewal	£310.50/£276
Private hire vehicle with dispensation / renewal	£172.50
Temporary Vehicle Licence (issued up to 3 months Maximum)	£310.50/£276

Private Hire Operator Licence

Number of vehicles	New	Renewal
1	£517.50	£379.50
2	£603.75	£465.75
3	£690	£552
4	£776.25	£638.25
5	£862.50	£724.50
6	£948.75	£810.75
7	£1035	£897
8	£1121.25	£983.25
9	£1207.50	£1069.50
10	£1293.75	£1155.75
11	£1380	£1242
12	£1466.25	£1328.25
13	£1552.50	£1414.50
14	£1638.75	£1500.75
15	£1725	£1587
16	£1811.25	£1673.25
17	£1897.50	£1759.50
18	£1983.75	£1845.75
19	£2070	£1932
20	£2156.25	£2018.25
20+	£2156.25	£2018.25
Variation to licence	£69	£69

4.5 Who and How we Consulted

- The consultation period ran from 21 November 2024 to 19 December 2024.
- A public notice was placed in the Newbury Weekly News on the 21 November 2024.
- A consultation letter was posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District.

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

- A copy of the consultation was posted on the Public Protection Partnership website, on the West Berkshire Council Consultation Hub and in the reception area at the Market Street Offices on the 21 November 2024.
- 1185 members of the community panel who have expressed an interest in the topic of roads and transport were contacted on the 22 November 2024.
- The consultation was supported by a press release on 19 November 2024 and social media posts.

4.6 Six responses to the consultation were received. Of the responses two were from members of the community panel and four were from members of the trade. This was slightly lower than the eight responses received to last year's consultation.

4.7 Neither of the two community panel members objected to the increases with one stating that they would condone the increases and the other stating that the Council should recover their costs albeit that they did caution the possible impact on fares.

4.8 All trade responses objected to the increase and one in objecting requested that the fees be frozen for the forthcoming year. The responses are set out in Appendix A to the report.

4.9 In considering the responses Members are asked to consider the following:

- The service should be cost neutral and operate at no cost to the taxpayer. The resourcing of the service has been amended to reflect the falling levels of income. The Service, like all businesses, has been affected by rising salary, supplies and services costs.
- The hourly rate set at the October JPPC meeting included an increase of 3% as was explained at the time was largely due to the increase in the cost base of the service.

4.10 As objections have been received as was previously agreed the objections have been brought to this Committee for discussion prior to the Committee making a recommendation on the proposed fees to full Council.

5 Other options considered

5.1 There are no alternative options, as the consideration of the objections and setting of the fees are legal requirements as outlined above.

6 Appendices

6.1 Appendix A – Outcome of the Consultation Document.

Background Papers:

[Section 70\(1\) of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

Subject to Call-In:

Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Moira Fraser
Job Title: Policy and Governance Officer
Tel No: 01635 519045
E-mail: Moira,fraser@westberks.gov.uk

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Outcome of the Hackney Carriage and Private Hire Operators and Vehicle Licence Fees Consultation - 2024

Background

In accordance with [Section 70 \(1\) of the Local Government \(Miscellaneous Provisions\) Act 1976](#) the Council is required to undertake a statutory 28 day consultation when variations to hackney carriage and private hire operators and vehicle licence fees are proposed.

The proposed fees for 2025/26 were discussed at the Joint Public Protection Committee meeting held on the [11 October 2024](#). The Joint Public Protection Committee (JPPC) is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service to recommend a draft set of fees and charges to both of the member councils which includes West Berkshire Council.

At the meeting of the Joint Public Protection Committee in December 2017 it was agreed that as a matter of principle all fees and charges should be set on the basis of full cost recovery.

West Berkshire Council's Licensing Committee considered the proposed fees at a meeting held on Monday, [04 November 2024](#).

The Licensing Committee agreed that save for the, hackney carriage and private hire vehicles and private hire operator's fees, all other fees would go forward for consideration as part of the council's fee setting process, with the final determination to be made at the Full Council meeting on Thursday, [27 February 2025](#)

The hackney carriage and private hire vehicles and private hire operator's fees would be subjected to the statutory consultation process.

It was proposed to increase the hourly rate from £67p/h to £69/h for 2025/26 (increase of 3%) The proposed 2025/26 statutory fees that we consulted on are set out below:

Hackney Carriage (Taxi) and Private Hire Vehicle Licence

Hackney carriage vehicle new / renewal	£310.50/£276
Private hire vehicle new / renewal	£310.50/£276
Home to School vehicle new / renewal	£172.50
Private hire vehicle with dispensation new/ renewal	£310.50/£276
Temporary Vehicle Licence (issued up to 3 months Maximum)	£276

Private Hire Operator Licence

	Number of vehicles	New	Renewal
New Per vehicle calculation of 3.5 hours (at £69.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles	1	£517.50	£379.50
	2	£603.75	£465.75
	3	£690	£552
	4	£776.25	£638.25
	5	£862.50	£724.50
	6	£948.75	£810.75
	7	£1035	£897
	8	£1121.25	£983.25
	9	£1207.50	£1069.50
	10	£1293.75	£1155.75
	11	£1380	£1242
	12	£1466.25	£1328.25

Renewal Per vehicle calculation of 1.5 hours (at £69 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles	13	£1552.50	£1414.50
	14	£1638.75	£1500.75
	15	£1725	£1587
	16	£1811.25	£1673.25
	17	£1897.50	£1759.50
	18	£1983.75	£1845.75
	19	£2070	£1932
	20	£2156.25	£2018.25
	20+	£2156.25	£2018.25
	Variation to licence	£69	£69

Who and How we Consulted

- a) The consultation period ran from 21 November 2024 to 19 December 2024.
- b) A public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees was placed in the Newbury Weekly News on the 21 November 2024.
- c) A consultation letter was posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District.
- d) A copy of the consultation was posted on the Public Protection Partnership website, on the West Berkshire Council Consultation Hub and in the reception area at the Market Street Offices on the 21 November 2024.
- e) 1185 members of the community panel who have expressed an interest in the topic of roads and transport were contacted on the 22 November 2024
- f) The consultation was supported by a press release on 19 November 2024 and social media posts.

What you Told Us

We received six response to the consultation during the consultation period, two were from members of the community panel and four were from members of the trade.

The responses are set out below.



A shared service provided by
Bracknell Forest Council and
West Berkshire Council



<p>Comment</p> <p>Response 1: Consultation Panel</p> <p>I am someone who extremely infrequently uses Hackney carriages and only use private hire a few times a year.</p> <p>My opinion is that the council is right to look at recovering their costs with operators paying for the requirements they need to operate their business.</p> <p>The council may need to bear in mind the likely increase in fares. That in turn will undoubtedly initiate a knock on effect of increased fares for those people depending on using those services, so perhaps some of the increased revenue should go towards Community transport schemes?</p>
<p>Response 2: Consultation Panel</p> <p>As a standard member of the public I would condone the planned increases to Hackney carriage & private hire licensing.</p>
<p>Response 3 Trade Member</p> <p>I would like to object to increase in fees proposed, I don't feel we get value for money on fees we pay at the moment unnecessary increases in the current financial climate will just contribute to the cost of living and at this point an increase is not needed .</p>
<p>Response 4 Trade Member</p> <p>I object to the price increase.</p>
<p>Response 5 Trade Member</p> <p>Sharing my objection against the new proposed fee increase of the vehicle licenses.</p>

Response 6
Trade Member

I x (redacted) plate no x (redacted). I would prefer not to increase the fees and would like to keep the same fees.

What Happens Next?

Section 70 (1) of the Local Government (Miscellaneous Provisions) Act 1976 sets out the requirements when variations to hackney carriage and private hire vehicles and private hire operator's fees are proposed. This legislation also prescribes the statutory consultation process that must be followed and the procedures for ensuring that objections are properly considered.

Members agreed at the 04 November 2024 Licensing Committee that if any objections to the hackney carriage and private hire vehicles and private hire operator's fees were received, they be considered by the Committee at the meeting on [20 January 2025](#) and that any ensuing changes would then be recommended to full Council for approval. Council will discuss and agree the fees and charges at the meeting on 27 February 2025

As objections have been received a discussion will take place at the 20 January 2025 Licensing Committee meeting. The Committee will be asked to recommend that Full Council adopt the fees, with or without modification, as part of the annual fee setting process and that these fees come into effect as of the 01 April 2025.

The trade will be kept informed throughout the process.

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Draft Hackney Carriage and Private Hire Licensing Policy

Committee considering report:	Licensing Committee
Date of Committee:	20 January 2025
Portfolio Member:	Councillor Justin Pemberton
Report Author:	Mark Groves
Forward Plan Ref:	C4273

1 Purpose of the Report

- 1.1 To **CONSIDER** the draft policy which has been prepared in response to the Department for Transport’s guidance on “Statutory Taxi and Private Hire Vehicle Standards”, and updated [revised best practice guidance](#) issued by the Department for Transport on the 17 November 2023.

2 Recommendations

- 2.1 **AGREES** that Officers should consult on the draft Hackney Carriage and Private Hire Licensing Policy set out in Appendix A subject to any changes made at this meeting of the Committee.
- 2.2 **AGREES** that the consultation should run from the 21 January 2025 to the 25 April 2025 and that it will be promoted as set out in paragraph 4.12.
- 2.3 **RECOMMENDS** that on conclusion of consultation and consideration of responses, the matter to return for further consideration to a future 2025 Licensing Committee for adoption.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The costs of drafting of the policy and the ensuing consultation will be met from within existing budgets. Licence fees are set on a cost recovery basis. Any changes to the fee structure arising from the policy will be considered as part of the annual fee setting process.

Draft Hackney Carriage and Private Hire Licensing Policy

<p>Human Resource:</p>	<p>There are no HR implications associated with the drafting of the policy or consultation on the policy. The consultation will be undertaken by existing resources within the Public Protection Service, and they will be advised by colleagues in the Performance, Research and Risk Team on the consultation process.</p>
<p>Legal:</p>	<p>The legal framework is set out in the report. The policy is based on a number of pieces of legislation including:</p> <ul style="list-style-type: none"> • Town Police Clauses Act 1847. • Local Government (Miscellaneous Provisions) Act 1976. • Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. • Equalities Act 2010. • Data Protection Act 2018. • Immigration Act 2016. • Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. • Health Act 2006. • The Road Vehicles (Construction and Use) Regulations 1986. • Road Traffic Act 1988. • Transport Act 1980
<p>Risk Management:</p>	<p>The purpose of the licensing regime is to protect users of taxi and private hire vehicles but also to ensure that those operating within the regime do so to the high standards set by the Council. The Council sets these standards locally and it is imperative that there is clarity and that the standards are applied universally. It is also important that those licensed by the Council are consulted on the terms of the licensing arrangements.</p> <p>Having a robust policy in place that has been widely consulted on will minimise the risk of challenge to the Council.</p>
<p>Property:</p>	<p>There are no property implications associated with the drafting of the policy or the consultation that will be undertaken.</p>
<p>Policy:</p>	<p>In July 2020 the Department for Transport issued new guidance in relation to hackney carriage and private hire licensing namely: “Statutory Taxi and Private Hire Vehicle Standards”. This required local authorities to review, revise</p>

Draft Hackney Carriage and Private Hire Licensing Policy

	<p>and update their policies in relation to hackney carriage and private hire licensing which this report seeks to do.</p> <p>The DfT issued revised best practice guidance on the 17 November 2023.</p> <p>West Berkshire does not currently have a single policy for this regime, but terms and conditions are attached to individual licences. This document seeks to consolidate all this information into a single policy.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		✓		<p>The draft policy takes cognisance of both the Equalities Act 2010 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which aims to ensure that disabled people can use taxi and PHV services with confidence and that they will not be discriminated against.</p> <p>Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently. Any change to policy suggested could impact these groups. Any comments pertaining to equality will be reported back to the January Licensing Committee meeting.</p> <p>Should any persons wish to receive the consultation documents in an alternative format we will provide this to them</p>

Draft Hackney Carriage and Private Hire Licensing Policy

<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		✓		<p>This report seeks to go out to consultation. Any comments on equalities issues raised as part of the consultation will be reported back to the Committee prior to a decision being taken on the adoption of the policy.</p>
<p>Environmental Impact:</p>		✓		<p>The draft policy, if approved, includes revised standards which will require vehicles to meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.</p>
<p>Health Impact:</p>		✓		<p>There are no specific health impacts associated with the policy or the consultation.</p>
<p>ICT Impact:</p>		✓		<p>The consultation will be published on the PPP website and the West Berkshire consultation portal.</p>
<p>Digital Services Impact:</p>		✓		<p>The consultation will be published on the PPP website and the West Berkshire consultation portal.</p>
<p>Council Strategy Priorities:</p>		✓		<p>The policy seeks to deliver on or support the following Council priorities:</p> <ul style="list-style-type: none"> • Tackling the climate and ecological emergency • A prosperous and resilient West Berkshire • Thriving communities with a strong local voice.
<p>Core Business:</p>		✓		<p>The assessing and issuing of licences associated with the taxi trade constitutes business as usual for the licensing authority. The policy will provide clear and consistent guidance for all involved in the</p>

				process.
Data Impact:		✓		<p>The policy sets out how the Council will deal with data and imposes requirements on the trade as to how they need to deal with it.</p> <p>Data collected during the consultation process will be dealt with in accordance with the privacy notice for consultation and engagement.</p>
Consultation and Engagement:	<p>Consultation will take place with all those in paragraph 4.9 and any other stakeholders the Committee agrees to add. Those consulted directly will be via email, website and letter from 21 January 2025 to 25 April 2025.</p> <p>We will also be undertaking a public consultation using the PPP website and the West Berkshire Council consultation portal. The consultation exercise will be supported via a media campaign and targeted advertising of the consultation.</p> <p>It is also proposed that a consultation event(s) take place with the taxi trade via the Taxi Trade Liaison Group.</p>			

4 Background

- 4.1 In July 2020 the Department for Transport (DfT) issued new guidance in relation to hackney carriage and private hire licensing namely: "[Statutory Taxi and Private Hire Vehicle Standards](#)". This required local authorities to review, revise and update their policies in relation to hackney carriage and private hire licensing. West Berkshire Council does not currently have a policy in relation to taxi licensing but has terms and conditions in relation to each licence type and a convictions policy. This policy seeks to consolidate all of this information into a single document.
- 4.2 The Statutory Standards set out a range of measures to protect taxi and private hire vehicle passengers and in particular those most vulnerable. Government advice is that licensing authorities should work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. An initial report on the statutory standards was brought to the October 2020 Licensing Committee meeting.
- 4.3 The DfT then issued [revised best practice guidance](#) on the 17 November 2023. The new guidance states that:

Draft Hackney Carriage and Private Hire Licensing Policy

- a. Councils must take action against drivers who discriminate against people with disabilities and guide dog owners, issuing fines and suspending licences where required.
 - b. Private Hire Vehicle (PHV) Operators are encouraged to identify a passenger's accessibility needs before they take a booking to ensure an appropriate vehicle is provided.
 - c. Councils should incentivise the uptake of wheelchair accessible vehicles (WAVs) and ensure they can be used easily and safely by a range of passengers. Some WAVs may not be suitable for other disabled passengers and, when issuing licences, licensing authorities should ensure their area has the right mix of vehicles to suit their community.
 - d. Training and assessing drivers should focus on taking a defensive approach to driving, such as recognising the impact of speeding, or driving while distracted or fatigued, particularly where there have been passenger complaints.
 - e. The guidance also seeks to support industry by removing undue burdens. For instance, given the reliability and ease of satnav systems, PHV drivers should not be required to undertake navigational skills tests for pre-booked journeys, while licensing fees should be reviewed regularly to ensure they are appropriate.
- 4.4 In addition to the DfT guidance this draft policy is also based on a number of documents including the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy adopted in June 2019.
- 4.5 The draft policy incorporates best practice from across England and Wales and is underpinned by the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.
- 4.6 The purpose of this report is to provide the Committee with a chance to give initial comments on the draft policy prior to consultation. Members of the Committee will be consulted on the content of the Policy as a matter of course. Members may also wish to add details of any proposed consultees to the list as set out in paragraph 4.9 in the report below.

Proposals

- 4.7 Before determining the policy for any five-year period, it is good practice to consult with persons who may be affected by it including:
- (a) Persons or bodies representative of holders of local hackney carriage, private hire driver vehicle and operator's licences together with individual licensees;
 - (b) Persons or bodies representative of businesses and residents in its area;
 - (c) Home to School Transport Teams in the Authority;
 - (d) Berkshire West Safeguarding Children's Partnership;
 - (e) West of Berkshire Safeguarding Adults Board;
 - (f) Local residents and community associations, together with individual residents;
 - (g) Parish and Town Councils;

- (h) Thames Valley Police;
- (i) All Members of West Berkshire Council;
- (j) Meter Agents;
- (k) West Berkshire authorised vehicle testing Garages.

4.8 The views of all consultees should be given appropriate weight when the policy is determined. Beyond the statutory requirements, it is for the licensing authority to decide the full extent of its consultation.

4.9 It is proposed that the consultation run for a twelve-week period from the 21 January 2025 to 25 April 2025. The consultation document will be published on the Public Protection Partnership website and the West Berkshire consultation portal. Officers will write to the parties listed in 4.9 above and any additional groups identified at the meeting, to seek their views on the draft policy.

4.10 The consultation will be supported by a media campaign. It is also proposed that a special Taxi Trade Liaison Group meeting(s) be arranged to discuss the revised draft policy with the trade.

4.11 Officers are recommending that the outcome of the consultation will be reported back to a future Licensing Committee for discussion. The Committee will consider the consultation and will then be asked to adopt the policy with or without amendments.

5 Other options considered

5.1 None the council is required to have a policy in place.

6 Conclusion

6.1 The draft policy incorporates best practice from across England and Wales and is underpinned by the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.

6.2 The Council welcomes comments on the draft policy.

7 Appendices

7.1 Appendix A – Draft Hackney Carriage and Private Hire Licensing Policy 2025- 2030

Background Papers:

Town Police Clauses Act 1847;
The Local Government (Miscellaneous Provisions) Act 1976;
The Equalities Act 2010;
Data Protection Act 2018,
Existing Hackney Carriage and Private Hire Licensing Criminal Convictions Policy
Hackney Carriage and Private Hire Statutory Standards report October 2020

Outcome of the 2022 Consultation

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Julia O'Brien
Job Title: Principal Officer-Licensing
Tel No: 01635 519848
E-mail: julia.obrien@westberks.gov.uk

Hackney Carriage and Private Hire Licensing Policy 2025 – 2030

Revised: January 2025

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1 West Berkshire

1. Introduction

- a. This is a policy that outlines the approach that will be taken by West Berkshire Council, and provides information for applicants, licensees and the citizens of West Berkshire. It is written as far as possible in plain English and will be interpreted in that way. It remains a policy, and therefore guidelines should not, and will not be, interpreted or applied as if it was legislation.
- b. The aim of the licencing process is to protect the public as well as to ensure that the public have reasonable access to these services, because they play a part in the local transport provision. It is important that the Councils hackney carriage and private hire licensing powers are used to ensure that licenced vehicles in the district are safe, comfortable, properly insured and available where and when required.
- c. Hackney carriage and private hire vehicles have a valuable role to play in an integrated transport system. They can provide demand responsive services in situations where public transport is either not available (i.e., rural areas), or is outside normal hours of operations and for those with mobility difficulties.
- d. The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised where necessary. The operational delivery of the licensing functions is delegated to the Public Protection Partnership (PPP).
- e. The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their business. This guidance, application forms and current fees are also available on the website.
- f. This policy details the requirements that will need to be met before any Dual or Private Hire Driver Licence, Hackney Carriage or Private Hire Vehicle Licence or Private Hire Operator licence is issued or renewed by West Berkshire Council.
- g. The requirements for private hire operators and vehicles that undertake school or community service contracts issued by West Berkshire Council are the same as for all other private hire operators and vehicles. However, drivers who only undertake work as part of such a contract will be excluded from the requirement to undertake a knowledge test. All other requirements remain in place. This alteration from the usual policy recognises that these drivers will be undertaking journeys on fixed routes. A West Berkshire Council Private Hire driver's licence will be issued subject to conditions that restrict its use to journeys undertaken under a contract between the private hire operator and a local education authority or a social services authority.

2 SCOPE

- a. **Hackney Carriage Vehicles:** these are vehicles licensed to carry not more than 8 passengers and which is able to stand on a rank or ply for hire. A hackney carriage may stand at designated taxi ranks (referred to in legislation as a "hackney carriage stand") and also on the street ("standing for hire") and/or be hailed in the street by members of the public ("plying for hire"). They may also undertake pre-booked journeys.

- b. **Private Hire Vehicles:** These are licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.
- c. **Private Hire Operators:** are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.
- d. **Dual or Private Hire Driver Licence,** Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle. West Berkshire Council issues dual driver licences which allow that individual to drive either a West Berkshire hackney carriage or a West Berkshire private hire vehicle. For the avoidance of doubt Private Hire Drivers will include those carrying out 'Home to School Transport' where additional conditions will be attached to the licence.

3. Legislation, Byelaws, Guidance and Policy

- a. Hackney carriage and private hire activity are governed by two principal pieces of legislation, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, in both cases as amended by subsequent legislation.

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales and produced best practice guidance for local licensing authorities in June 2020 and updated further in November 2023. The DfT guidance states local authorities will decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters.

- b. In adopting this policy, the Council has had regard to the likely costs of implementation and have endeavoured to strike a balance between the financial interests of the trade and the protection of the travelling public.
- c. This policy also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which the Council has adopted.

4. Applications for Licences

- a. The Council requires that applications for hackney carriage/ private hire licences must be made on the prescribed application form which is available from the Public Protection Partnership website.
- b. The licence fees payable to the Council are subject to annual review and will be published here on the Public Protection Partnership website.
- c. If the applicant or licensee fail to provide all documentation required for a licence application or renewal, it will be deemed invalid and will be returned to the applicant. Once the Council are in receipt of all the documents, the application will be deemed valid and assessed and determined in accordance with this policy.

- d. Where officers, acting under delegated authority, are minded to refuse to grant a licence following a new or renewal application, the applicant will be offered the opportunity for the matter to be determined by the Licensing Sub-Committee. If the applicant takes up this option, they will be informed in writing of the date and time of the meeting and will receive information on their rights and the process of the hearing.
- e. Where a new or renewal licence application is refused, the applicant has a right of appeal to the Magistrates' Court. Where an existing licence is suspended, revoked or refused, the licence holder has a right of appeal to the Magistrates' Court. An appeal must be lodged with the Court within 21 days of notification of the refusal, suspension or revocation. If the appeal is withdrawn after it has been lodged with the court or the appellant loses in court the council will apply for costs incurred whilst defending the decision.
- f. No reminders will be sent out and the responsibility of ensuring licences and/ or supporting documents do not expire, remains with the licence holder. Applicants must therefore allow adequate time for the processing of their renewal applications. The Council is not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS).
- g. If an application to renew a licence is received late, the licence may expire before a new licence can be issued. For operators, this will mean that they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licenced by West Berkshire Council until a new licence has been granted. To avoid this happening drivers and operators are required to submit their renewal application 6 weeks prior to expiry and vehicle renewal applications are to be submitted 4 weeks prior to expiry.
- h. West Berkshire Council may share information with other public bodies such as other councils, the police, Home Office Immigration Compliance Enforcement, Driver and Vehicle Licensing Agency (DVLA) and HM Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is valid reason to do so, for example an investigation into a criminal offence.

5. National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3S)

- a. Licensing authorities in England must input into a central database, the National Register of Taxi and Private Hire Licence Revocations, Refusals and Suspensions (NR3S), instances where the authority has refused, suspended, chosen not to renew or revoked a Hackney Carriage, Private Hire or Dual driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.
- b. All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received because of an NR3S search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.
- c. Where drivers have been licenced with other authorities, or live in other local authority areas, we will carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the Council will use the

National Anti-Fraud Network national register of taxi and private hire vehicle driver licence refusals, and revocations and suspensions (known as NR3S), to check and share information and mitigate the risk of non-disclosure or relevant information by applicants.

6. Suitability to Hold a Licence

- a. When considering whether a person is fit and proper to hold a licence the Council shall take into account this policy including the 'code of conduct', DfT Taxi and Private Hire Driver Standards and the Hackney Carriage and Private Hire Convictions Policy. The policy provides guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence (including home to school transport drivers) or a private hire vehicle operator's licence.

The 'fit and proper' test for drivers as set out in the statutory guidance states:

"Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle drivers licence is a 'fit and proper' person to be a licensee. In order to determine if a person is fit and proper a licensing authority should pose to oneself the following question.

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

If, on the balance of probabilities, the answer to the question is no the individual should not hold a licence."

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of the doubt'. If the licensing Sub-Committee or delegated officer is only '50/50' as to whether the applicant or licensee is 'fit and proper' they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

- b. All licence holders are required to inform the Council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police or other enforcement body. This will make the Council aware of any public safety concerns and allow officers to take appropriate action. Failing to notify the Council will result in additional enforcement action being taken against the licence which could lead to the suspension or revocation of the licence.
- c. A licence may be revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
 - Driving or being in charge of a vehicle whilst under the influence of drink or drugs;
 - A drug related offence
 - An offence of a sexual nature

- An offence involving dishonesty.
- d. A licence may also be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

7. Enforcement

- a. Enforcement is part of the overall licensing control process exercised by the Council and is taken to:
 - Ensure public safety.
 - Maintain standards within the trade.
 - Support the policies for West Berkshire Council.
 - Respond to complaints.
 - Support partnerships with neighbouring local authorities such as West Berkshire and other agencies such as the Police and the Driver and Vehicle Standards Agency (DVSA) and HMRC.
- b. All enforcement will be proportionate, transparent and in accordance with our Enforcement Policy while the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers and the police.
- c. Any enforcement system needs to deal with persistent, low-level breaches up to serious, possibly criminal behaviour. There are grades of sanctions from informal advice and warnings, through to the suspension and revocation of licences.
- d. Licence holders have a clear legal duty to offer assistance and information to any authorised officer or Police Officer. Any person who wilfully obstructs either officer, fails to comply with any reasonable requirement of either officer, fails to provide assistance or information reasonably required by either officer, or makes a false statement, may be prosecuted for breach of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders may be requested to attend the Council Offices to produce relevant documents e.g., their current insurance documents or their vehicle for inspection

8. Action against Licences (Suspension, Revoke or Refuse)

- a. Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the licensee has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.
- b. A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

9. Appeals

- a. There is a right of appeal to the Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant, renew, suspend or the revocation of a driver's licence. An appeal to the courts must be lodged within 21 days of notification. Full details about how to appeal will be contained in the decision notice. If the appeal is withdrawn after it has been lodged with the court or the appellant loses in court the council will apply for costs incurred whilst defending the decision.

10. Hackney Carriages and Private Hire Vehicles- Applications for Vehicle Licences

- a. A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under agreement. In both cases the proprietor requires a hackney carriage or private hire vehicle licence from the Council before they are legally entitled to use the vehicle to carry passengers for hire and reward. Hackney carriages are permitted to ply for hire and carry out pre- booked work, and private hire vehicles may only carry out work pre-booked through a licenced private hire vehicles operator.
- b. This policy outlines the minimum requirements for vehicles licensed by West Berkshire Council. This has been set down for purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be taken into consideration before a vehicle is purchased. Any vehicle presented for licensing which does not comply with the policy, will not be accepted.
- c. **At first application** - a vehicle licence will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than five years prior to the date that the application is made and must be Euro 6 compliant.
- d. **At renewal –The following criteria for emission standards will apply:**

Emissions Standards

In order that a vehicle licence can be renewed vehicles must meet the following emissions criteria.

- For any vehicle renewing in 2027/28 – the vehicle must be compliant with Euro 5 emissions standards. Vehicles will therefore be a maximum of 16 years old.
 - For any vehicle renewing in 2029/30 – the vehicle must be compliant with Euro 6 emissions standards. Vehicles will therefore be a maximum of 15 years old.
 - Where vehicles do not meet the relevant emissions criteria, the proprietor may have the vehicle adapted/ modified to meet the standard and provide evidence of this; or replace the vehicle with one that meets the emission standard. The vehicle must meet the same requirements as those for a vehicle that is subject of a first application.
- e. Notwithstanding, that each application will be considered on its own merits.
 - If the licence of a currently licenced Hackney Carriage or Private Hire Vehicle is allowed to expire then any subsequent application will not be considered as a renewal.

- This means that where an existing vehicle licence expires the subsequent application will be treated as a first-time application and the standards and criteria relating to a first time application will be applied.
- f. The emissions limits detailed above do not apply to stretched limousines, vintage cars or novelty vehicles (for example a fire engine), which have been adapted to become private hire or hackney carriage vehicles.

11. Criminal Record Checks

- a. All vehicle applicants must provide a current basic DBS disclosure (dated three months of date of issue). If the vehicle proprietor is also a licenced driver or operator with the Council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure and the operator will already have provided a Basic DBS disclosure.
- b. Should the individual cease to hold a driver or operator licence, a basic DBS will be required to be provided immediately of that licence expiring. The Council will then decide whether the applicant is a 'fit and proper person' to hold such a licence.
- c. Where the proprietor is trading as a limited company (or partnership) the Council will also require all directors and company secretary (or Partners) to all provide Basic DBS disclosures. The company (or Partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence and provide a current basic DBS (dated three months of date of issue.)
- d. Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, Isle of man, and Gibraltar, therefore if an applicant has spent three continuous months or more, in countries other than these, at any point beyond the age of ten years old, an authenticated certificate of good conduct must be submitted in English or accompanied by a translation by a certified translator.
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- e. Where the Council have reasonable cause for concern relating to a particular vehicle proprietor a random DBS check may be carried out. If a proprietor is given notice to undertake a random DBS check by the Council, they must do so within 7 days of the request. Failure to do so may result in the suspension or revocation of the licence.

12. H M Revenues and Customs (HMRC) requirements

- a. New applicants for a licence will be required to acknowledge that they have been informed that they must register for tax with Her Majesty's Revenue and Customs (HMRC) before the licence is due to be renewed. This will be affected by the applicant signing a declaration to that effect.
- b. Existing licensees who are applying to renew their licence must ensure that they are registered with HMRC and provide the required code from the HMRC website. Full details of this will be available from the licensing office and on the website.

13. Specifications and Conditions

- a. The Council has adopted minimum standards that will apply to all licenced vehicle. These are set out in the below policy.

POLICY IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES

14. Single Licences

- a. Applications will not be accepted if the vehicle is already licensed by any other licensing authority or Transport for London.

15. Accessible Vehicles

- a. The Council is committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life.
- b. Drivers must comply with the requirements of the [Equality Act 2010](#) and [The Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#). This includes carrying assistance dogs with their passenger and providing mobility assistance to disabled and wheelchair using passengers (in the case of a listed wheelchair accessible vehicle). This does not apply to drivers who have been granted an exemption from those requirements by the Council. Details of the exemption requirements and processes are available on the website.

16. General Application Process for Vehicles

- a. A valid application for the renewal of a licence, including all the required original documentation, must be made 30 days prior to the expiry of the current licence.
- b. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted.
- c. If the application is not made in time to enable the vehicle test to be undertaken and all relevant processes to be completed before the expiry of the current vehicle licence, the vehicle will be unlicensed and cannot be used as a hackney carriage or private hire vehicle.
- d. Where a licence is found to have been obtained using false or incomplete information enforcement action will be taken. This will include taking action against the licence, prosecution of the applicant and reporting the matter to other enforcement agencies including the police if required.
- e. It should be noted that once a licence has been granted, that licence relates to that particular vehicle. The licence and the vehicle must be owned by the same person and cannot be separated. In this context, "ownership" includes leasing a vehicle from a leasing company, but not from an individual or any former or current licensee. Evidence of such ownership will be required to accompany the application and on every renewal.

- f. Transfers is a sale of a licensed vehicle from one person to another rather than when a proprietor wishes to licence a vehicle as a hackney carriage or private hire vehicle which is not currently licenced as such, which is an application for a change of vehicle licence. If a licensee wishes to change their vehicle during the currency of the licence, the existing licence must be surrendered, and a new application made for the replacement vehicle.
- g. Applications to transfer the licence must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published with other Council licensing fees.
- h. In order for an application to be considered the applicant must submit the following to the licensing authority:
- The completed vehicle licence application form.
 - Application Fee.
 - Full V5C
 - Insurance (if a fleet vehicle to include the vehicle schedule showing the vehicle)
 - MOT
 - Council compliance test
 - Any other supporting documentation
- i. As the vehicle cannot be separated from the licence, the vehicle must be owned or leased by the licensee. Proof of ownership of the vehicle must include:
- The original of the full Vehicle Registration Document (Log Book/V5), certificate of registration for the vehicle (the new keeper's supplement section of the V5 document) will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the Council at the time of application.
 - Receipt for the purchase of the vehicle, or documentary evidence of any leasing arrangement with a vehicle leasing company must also be provided where the applicant does not own the vehicle. Any lease must be from a commercial leasing company, and leasing arrangements from individuals will not be accepted.
 - The original comprehensive insurance or insurance cover note for the vehicle and/or fleet insurance with the vehicle schedule. The document must state that the vehicle is insured for use as a Hackney Carriage or as a Private Hire vehicle (as appropriate).
 - Confirmation from the Council appointed garages that the vehicle has passed the Council test and vehicle examination requirements.
 - Current MOT Certificate.
 - Council vehicle compliance inspection. Vehicles licensed to carry persons for hire and reward must be safe for the purpose for which they are licensed. At the time of licensing to ensure the vehicles are fit for purpose, all vehicles require an additional Council vehicle compliance inspections in accordance with the following table: (Please see website for details of authorised garages.)

Age of vehicle	Mot requirement	Compliance test inspection
5 years of age or under from first registration	Annually	Annual
Vehicles of 6 years of age from first registration are tested twice a year	6 monthly inspections	6 monthly inspections

17. Vehicle Type and Design

- a. All vehicles which are the subject of a licence application must have an appropriate 'type approval' which is one of the following:
 - European Whole Vehicle Type Approval.
 - British National Type Approval.
 - Provisional GB Type Approval.
 - GB Type Approval or
 - Individual Vehicle Approval.
- b. All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted.
- c. With the exception of vehicles modified to carry wheelchairs, vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes. Exceptions may be made depending upon the nature of the modification.

18. CCTV in Vehicles

- a. **Where** CCTV is fitted to a licensed vehicle, and in use, it must be registered and the fee paid with the ICO and comply with the Information Commissioner's data protection requirements and Codes of Practice which is as follows:-
 - a) Be capable of recording date, time and vehicle identification, such features to be always activated when in use.
 - b) Be event activated (e.g., door or ignition) and must continue to record for at least 30 seconds after the ignition is switched off.
 - c) Be capable of storing recorded material for at least 31 days.
 - d) Incorporate a panic button which stores at least the previous ten minutes of recording in a separate part of the recording media be capable of having recorded material downloaded to another storage device for reviewing.
 - e) Have storage media which is not accessible to the driver or any other person travelling in the vehicle.
 - f) Have a data storage unit, securely fixed to the vehicle, and stored separately from the recording unit, out of view of any passenger in the vehicle.
 - g) Be capable of recording images of all passengers travelling in the vehicle and the driver.

- h) Be always kept in good working order.
- i) Enable recordings to be made available to Licensing Officers or the Police on request.
- j) Have signage that CCTV is fitted in the vehicle.

19. Vehicle Standards/Testing

- a. No vehicle will be licensed unless it:
 - a) has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a West Berkshire Council nominated garage.
 - b) has provision for every passenger to wear a seat belt
 - c) The vehicle has a no smoking sign on display.
- b. The Council licences four different types of vehicle:
 - Wheelchair Accessible Vehicles (WAV).
 - Non-Wheelchair Accessible Vehicles.
 - Stretched limousines.
 - Novelty vehicles.
- c. In respect of all vehicles, there must be a minimum seating capacity for one adult passenger, and vehicles that seek more passengers must provide a width of at least 410mm per person across any seat which accommodates more than one person.
- d. There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat.
- e. The Council does not maintain a list of acceptable vehicles, but it is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.
- f. All licensed vehicles except for private hire vehicles which are granted a dispensation or exemption from displaying signage must meet the following requirements: [Details in paragraph 36.](#)
 - a) Light transmitted through the windscreen must be at least 75%;
 - b) All other windows (both front and rear) must allow at least 70% of light to be transmitted.
- g. Where vehicles which are currently licensed have factory tinted/privacy glass fitted and are able to provide documentary evidence that this was fitted at the time of manufacturing and has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

- h. No aftermarket tinted film can be attached to the windows of any licensed vehicle.
- i. Any vehicles that have been involved in a collision, which have required repair, may have to pass a further inspection at one of our nominated testing stations.

20. Age of vehicles

- a. **At first application** - a vehicle licence will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than five years prior to the date that the application is made.
- b. **At Renewal:** All vehicles should be at least Euro 5 from 2027/28 and Euro 6 from 2029/30.
- c. All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer's servicing schedule.

In addition, all vehicles must meet the minimum standards as outlined further in the policy below:

20. Electronic Payment Devices in Hackney Carriages and Private Hire Vehicles

- a. All hackney carriages and private hire vehicles must carry an electronic payment device which can accept payment by credit/debit cards including contactless. A receipt must be provided on request. The device must be connected, maintained, and working at all times to ensure customers are able to pay by card or other electronic means.

21 Roof Signs

- a. No roof sign can be fitted to, attached, displayed or used on any private hire vehicle.
- b. A single roof sign must be fitted to each hackney carriage and meet the following conditions and specification:
 - The roof sign must be connected to the taximeter to allow it to be automatically controlled.
 - The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use.
 - Roof signs must be kept clean and in good repair and at all times be securely mounted on the vehicle roof. The sign is to be positioned forward of the pillar between the front and rear doors (the B post), wherever possible. Vehicles with glass or fibreglass roofs or similar must attach the sign at the foremost point on the roof, where suitable magnetic adhesion is possible.
- c. The proprietor must provide a roof sign to the following specification (unless the vehicle is a London Cab or other similar vehicle which was manufactured as a taxi and produced with a built in sign):
 - The roof sign must be white in background colour. When lit, the sign must show red to the rear but not red to the front and sides.
 - The front face of the roof sign must show the words "TAXI"

- TAXI must be in capitals.
 - All inappropriate or unauthorised signage will be required to be removed.
 - It may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions.
- d. Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign fitted into the fabric of the vehicle, must comply with the above specification.

22. Dispensation /Exemption Certificates

- a. There are two different circumstances below in which the Council will consider granting an exemption from the requirement for a private hire vehicle to display the plates and additional signage (which will also remove the need for the driver to be wearing their badge). If an exemption certificate is granted, the vehicle cannot be used for regular private hire work: it can only be used under these specified contracts.

23. School Contracts

- a. Vehicles that are used exclusively to transport passengers under a contract entered into with a local education authority may be granted an exemption. This is in recognition of the fact that so far as is possible, children who are transported by such vehicles should not be identified or stigmatised. An operator will need to demonstrate the existence of one or more contracts with education authorities or other educational establishments, and where the operator does not own the vehicle, will also have to demonstrate a contract with the vehicle owner.
- b. All such contracts must specify which vehicles will be used to discharge those contracts. The other requirements pertaining to vehicles will still however need to be met.

24. Executive Hire

- a. This term is used in relation to vehicles that are used exclusively for contracts made between an operator and other businesses (excluding sub-contracting private hire bookings). This type of activity includes chauffeur services. An operator will need to demonstrate the existence of one or more contracts with identified businesses. To qualify for the exemption, any such contract must be for a minimum period of three months.
- b. The operator can hold more than one contract, but where that is the case, the operator must explain how those contracts will be serviced with the specified vehicle and where the operator does not own the vehicle, the operator will also have to demonstrate a contract with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts. It is not possible to specify the makes and models of vehicles that will be considered for an executive hire exemption, but in general they must be top of the range luxury vehicles that provide significant amounts of space and comfort for passengers. Examples would include vehicles made by Rolls-Royce, Bentley, and vehicles of a similar nature to Mercedes S class, BMW 7 series, Jaguar F Pace and Range Rover.
- c. An application for an exemption in either category must be made in writing on the form provided by the Council. There is no right of appeal against a refusal to grant an exemption certificate.

All executive vehicles will be inspected prior to a dispensation notice being granted for either a new application or renewal and for which a fee will be payable.

- d. If an exemption certificate is granted, a notice will be issued by the Council which must be carried in the glove compartment of the vehicle at all times. In addition, the vehicle plate must be fixed inside the boot lid/tailgate in such a way that it can be examined by an authorised officer of the Council or a police officer.
- e. The identification cards provided by West Berkshire Council, must be displayed in the front and rear windscreen of the vehicle.
- f. Any exemption certificate that is issued will only last for the duration of the vehicle licence and a further exemption certificate will be required when the licence is renewed. West Berkshire Council must be issued with records relating to the contracted work undertaken by that particular vehicle when a renewal application is submitted.

25. Novelty Vehicles

- a. The Council will consider applications for private hire vehicle licences for “novelty vehicles”. These are vehicles other than regular saloon, estate, people carrier or SUV (sport utility vehicles) and may include vintage or classic cars, fire engines, military vehicles, but this is not an exhaustive list.
- b. Any such vehicle must have passenger seats and seat belts for each seat unless these were not fitted at the time of manufacture.
- c. All other requirements will apply, and the vehicles will be subject to six monthly tests.

26. Equality Act 2010

- a. The Council will comply with its duties under the [Equality Act 2010](#). In addition, licensees must comply with their duties under the relevant parts of the legislation.

27. Data Protection

- a. All information provided by applicants or relating to licensees will be treated in accordance with the Council’s retention and disclosure policies under the [Data Protection Act 2018](#), the [General Data Protection Regulations](#) and any other relevant legislation.
- b. More Information on how personal data will be managed by the Licensing Authority can be found at <https://publicprotectionpartnership.org.uk/about-us/privacy-statement/>
- c. Anyone who is not satisfied with the way that their personal data is being or has been processed can contact the Information Commissioner <https://ico.org.uk/concerns/handling/> or by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

POLICY IN RELATION TO DUAL DRIVER AND PRIVATE HIRE DRIVER LICENCES

28. Grant and renewal of licences

- a. The Council issues dual or combined drivers' licences. These enable a licensee to drive a hackney carriage or private hire vehicle licensed by the Council.
- b. The licensing of a hackney carriage or private hire vehicle is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years or for such lesser period as may be determined.

29. Licences and Badges

- a. Once a licence has been granted the Council will provide licensees with a copy of the licence and an identification card to be worn in accordance with the 'Code of Conduct'.
- b. The Identification Card and Licence remain the property of the Council and must be surrendered on expiry, suspension or revocation of the licence.

30. Age and Experience

- a. The DfT guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory requirement of holding a full driver's licence for 12 months are unnecessary, advising that applicants should be assessed on their merits.
- b. Drivers' licences will be granted for a period of three years unless an applicant requests a licence for a one-year period and should only be issued when the council thinks it is appropriate in the specific circumstances of the case. If a licensee has requested one or where required (for example, when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

31. Right to Work in the UK

- a. All driver licence applications must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. West Berkshire Council will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.
- b. If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant the licence. Should a driver's right to remain in the UK lapse, the licence automatically lapses with no right to appeal.
- c. Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended up to the legal maximum of three years if the period of right to work is extended, and a separate fee is payable for this process.

32. Pre-requisites to making an application

- a. It is the policy of the Council that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will be returned to the applicant until such time as they are complete. Applicants will need to provide evidence that they have:
- (a) A UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).
 - (b) Evidence of the right to live and work in the country.
 - (c) Evidence of registration with HMRC for tax (in the case of an existing licensee), or an acknowledgement of the need to register for tax (in the case of a new applicant)
 - (d) An enhanced criminal record check (DBS) with a check of the child and adult barred list and that they are registered with the update service.
 - (e) A certificate of their current medical fitness to DVLA Group 2 standard.
 - (f) That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.
 - (g) That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for (the requirements are detailed below).
 - (h) That the applicant has completed safeguarding and disability awareness training.
- b. All applicants, aside from those who are renewing their licence, will have three calendar months from the initial interview/application to complete the application process. After this time any incomplete application will be closed, and any subsequent application will be treated as a fresh application.

NB – This time limit can be extended in exceptional circumstances, with the prior approval of the Licensing Manager.

- c. The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt, no new application will be accepted for a period of six calendar months from the date of the last test. If a new application is then made after the six months, the applicant will be required to pass all the tests required by the Council at the time of the new application.
- d. An application for the renewal of a licence must be made 6 weeks prior to the expiry of the licence, to enable it to be processed and renewed before the existing licence expires. If this is not the case, it will be treated as a new application which will include all of the relevant tests and requirements.

33. Behaviour and Conduct of Drivers

- a. The Council considers that to assist drivers and the public it would be useful to set down the standards that must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public.
- b. Dual Driver Licensees will be required to comply with the current West Berkshire Council Hackney Carriage Byelaws in addition to the Code of Conduct detailed in this policy. The Byelaws will be issued with every new and renewal licence.
- c. Failure to comply with any aspect of the Code of Conduct will result in enforcement action dependent upon breach. This may result in action against the licence, prosecution of the applicant and/or reporting the matter to other enforcement agencies including the police.
- d. A driver's licence will cease to be valid on the suspension, revocation, surrender or expiry of the licence. Any badge supplied remains the property of the Council and must be returned to the Council if suspended, revoked, surrendered or expired. If a driver is given notice to return their licence and badge, they must do so within 7 days.

34. Criminal Record Checks

- a. A criminal record check on a driver is an important safety measure. The DfT considers that such checks should be at the level of enhanced disclosure through the Disclosure and Barring Service as these disclosures include details of spent convictions and police cautions. West Berkshire Council manages information arising from disclosures in accordance with the DBS codes of practice.
- b. The Rehabilitation of Offenders Act 1974 and associated amendments sets out the period after which a conviction /warning would be regarded as spent and not normally require details of that conviction to be provided on any relevant application form. Hackney Carriage and Private Hire drivers are listed as a Regulated Occupation in relation to which questions may be asked as to the suitability of individual to be granted a licence.
- c. Applicants for such licences must therefore provide details of all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders, traffic offences, driver education courses, disqualifications and fixed penalty notices, including any that would previously have been regarded as spent under the 1974 Act or may not currently show on any replacement DVLA driver's licence. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked.
- d. Failure to disclose any information and the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked. Applicants must seek the advice of an officer if they cannot remember full details that they are required to declare or have any uncertainty about that the details that they are required to provide.
- e. Applicant/licensees will also have to sign up to the DBS update service to enable the Council to make periodic checks. Any driver that does not sign up to this service will only be granted a licence for six months and a fresh enhanced DBS check will be required on every application for a new licence.

35 Certificate of Good Conduct (CoGC)

- a. Currently the DBS only has details of offences committed in England, Scotland, Wales Northern Ireland, Jersey, Guernsey, Isle of Man and Gibraltar. All new and renewing applicants for taxi and private hire driver licences who have lived in a country other than the UK for one or more continuous periods of three months or since the age of 10, will be asked to produce a CoGC from every relevant country to cover the period declared in the form.
- b. There is no longer an exclusion for periods of extended holiday/vacation, so any period of three months or more must be declared, therefore if an applicant has lived in countries other than those above for three months or more at any point from the age of 10, an authenticated certificate of good conduct from the relevant embassy will be required.
- c. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translation. This includes any license holder who has lived in other countries for three months or more since the licence was granted. Any costs associated with obtaining a CoGC, including translation costs, are your responsibility as the applicant
- d. All CoGC's must be provided in English and can usually be obtained via the relevant embassy, consulate, or high commission in the UK. The Home Office has published, guidance including contact details, on how to apply for criminal record checks for time spent abroad. [Criminal records checks for overseas applicants - GOV.UK](#)
- e. **Asylum seekers** - If you have been granted, or are awaiting a decision to be granted, asylum/refugee status you are not required to produce a CoGC from the country you are claiming asylum from. But if you have lived outside of the UK for three or more continuous months in the last 10 years you must obtain a CoGC from any other country you have lived in within the 10 years prior to the date of your application.

To gain this exemption, you must provide a clear and legible photocopy of either your Certificate of Registration or a letter issued by UK Visas and Immigration.

- f. If you have already have provided CoGC's to cover any periods where you have spent three or more continuous months outside the UK since the age of 10 (other than for periods of extended vacation). You will only have to provide CoGC's for:
 - a) Any new periods you have spent outside the UK since your last renewal
 - b) Any periods of extended vacation that you have not previously provided a CoGC for. You do not need to resubmit any CoGC's you have already submitted unless these cover periods of extended vacation you have not previously declared.

NB - Nothing in this policy shall preclude a licensee from being required to undergo a further DBS check at any time as directed by an officer of West Berkshire Council.

36. Medical Examination

- a. Medical checks are made on each driver as a condition for the initial grant of a licence and for each renewal. Use of Group 2 medical standards is the required standard of West Berkshire Council.
- b. The Council will provide a Group 2 medical form which must be completed by the applicants own GP, another GP in the same practice or a GP who has full access to the applicants' medical records.
- c. Applicants should check through the report before submitting this to the Council, to ensure all questions have been answered and they are satisfied that the information is accurate, to avoid any delays in the application process.
- d. The GP completing the medical examination will be required to certify that they have checked the applicant's full medical record before completing the examination.
- e. If the applicants GP does not carry out Group 2 medicals, they should contact the Licensing Team for advice.
- f. Existing drivers must advise Licensing within 48 hours of any change in their medical conditions that may affect their driving. If there is any doubt as to the medical fitness of the driver, then the Council may require the applicant to produce a medical certificate to confirm their fitness to drive. This will be done at the expense of the driver.
- g. Once a licence has been granted, medical examinations will be required at the following intervals:

Age	Frequency
On first application for a drivers licence up to the age of 45	
Up to and including the age of 45 years to 64yrs	Medical every 5 years
65 years +	Annually

- h. In addition, if an applicant or licensee has been diagnosed with type 1 diabetes requiring insulin, a medical compliance form will need to be completed and issued annually by that person's GP.
- i. Drivers are reminded that some medical conditions require that DVLA are informed and information regarding which medical conditions require this can be found on the DVLA website. Failure to inform the DVLA of a required medical condition could lead to the suspension or revocation of a Hackney Carriage or Private Hire Driver's Licence.

37. Driver and Vehicle Licensing Agency (DVLA) Licence and Checks

- a. All applicants must have held a full DVLA/ EU/EEA for a minimum of twelve months prior to application (this excludes the holding of a provisional licence).
- b. Before the grant or renewal of a drivers' licence, all applicants will be required to submit a DVLA licence check code in order for a check to be carried out to confirm the current status of the DVLA licence. Any photo card must be current and valid.
- c. The Council may undertake random checks of licenced driver's DVLA licences to identify undisclosed offences. If a driver is given notice to undertake a random DVLA check by the Council, they must provide a DVLA check code within 48 hours of the request.
- d. A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the DVLA information issued.
- e. Any prospective applicant who does not hold a photo card driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application.
- f. New applicants who have been disqualified from driving due to motoring offences must have held a full clean licence for 12 months from the end of the disqualification period before they can apply to become a licenced driver.
- g. Applicants who have held a driving licence by an EEA country for a minimum of 12 months can apply for a vehicle driver's licence.
- h. Applicants from EEA Accession States are eligible to apply, if they have held an ordinary driving licence for a minimum of 12 months which was issued by an Accession State.
- i. Those applicants whose driving licences were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold a full DVLA licence for a minimum of 12 months prior to being issued with a hackney carriage/private hire driver's licence.

38. Practical Driving Assessment

- a. Any new applicants (including any drivers whose licences have lapsed) must take and pass the appropriate practical driving assessments. The assessment certificate will only be valid for the application process for a period of six months from its date of issue.
- b. All applicants are required to have passed a practical driving and wheelchair assessment before applying for a dual driving licence. These assessments must be passed again every six years i.e., before a second three-year driving licence will be issued.
- c. The Council approves suitable courses from time to time and applicants will be informed of the available courses at the time of application. Applicants can choose which provider they wish to use. West Berkshire Council will accept written evidence of passing the particular providers assessment that is not more than three months old at the date of application. The current list of approved providers of these courses can be found at [practical-driving-assessment.pdf \(publicprotectionpartnership.org.uk\)](https://www.westberks.gov.uk/practical-driving-assessment.pdf)

- d. If a licensee is subject to enforcement action in relation to their driving, more than once within a period of two years, including road traffic convictions, they will be required to undertake an enhanced driving assessment within three calendar months. The licence may be suspended until such time as this test has been passed.
- e. Details of West Berkshire Council's current providers will be issued on application or will be issued to a driver required to undertake an enhanced assessment as part of enforcement action.

39. Knowledge of Area

- a. All applicants are expected to have a good knowledge of West Berkshire and the surrounding area. They will be required to pass a test on this knowledge prior to a licence being issued. This test must be passed again every six years i.e. before a second three-year driving licence will be issued.
- b. This requirement does not apply in relation to applicants for home to school drivers' licences to undertake school or community contracts.
- c. Drivers should not solely rely on GPS as it is commonly known that this does not always work or give the best route to a location. If a complaint is received from a customer that a driver has not taken the quickest route to a location, and this is substantiated then the driver concerned will be required to re-sit the knowledge test at their own expense at any point during the term of their licence.

40. Highway Code and Relevant Legislation

- a. All Applicants are expected to have a good knowledge of the [Highway Code](#) and the relevant provisions of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) and the [Town and Police Clauses Act 1847](#). This test must be passed again every six years i.e. before a second three-year driving licence will be issued.

41. Disability Awareness Training

- a. All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to the Council. Refresher training is required every three years. Failure to undertake this training will result in the suspension of the Hackney Carriage or Private Hire Driver's Licence or for persistent offenders in the revocation of the Hackney Carriage or Private Hire Driver's Licence.
- b. The Council identifies training providers (which may include the Council itself) from time to time and applicants will be informed of the available courses and any cost at the time of application. The cost of this training is currently included in the licence fee. If there is more than one provider, applicants can choose which provider they wish to use.

42. Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training

- a. All new applicants for a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence. Existing drivers must complete the training prior to the next renewal of their licence. Refresher training is required every three years.

43. Code of Conduct

- a. The Council has [a Code of Conduct](#) for hackney carriage and private hire drivers. All drivers must adhere to this at all times. Failure to do so will lead to action being taken against the driver's licence. In addition, all drivers at all times must ensure that they do not discriminate.

POLICY IN RELATION TO PRIVATE HIRE OPERATOR LICENCES

44. Requirements and Obligations

- a. A private hire vehicle may only be dispatched to a booking by a licenced private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle with a driver.
- b. Private hire operators must ensure that every private hire vehicle that they operate is:
 - licenced by the same council who issued them with the operator's licence.
 - and that it is driven by a person who holds a private hire driver's licence with the council who issued them with the operator's licence.
 - and that it is driven by a person who holds a private hire drivers licence issued by the same council.

45. Grant and Renewal of Licences

- a. All private hire vehicle operators may only be dispatched to a booking by a licenced private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle.
- b. All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

46. Criminal Record Checks

- a. Applicants must provide a current (less than one month old) Basic DBS disclosure (although if the operator is also a licenced driver with the Council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure, should the individual cease to hold a driver licence, a Basic DBS will be required to be provided immediately of that licence expiring and annually thereafter.
- b. The Council will then decide whether the applicant is a fit and proper person to hold such a licence. Where the private hire operator is trading as a limited company (or partnership) the Council will also require the directors and company secretary (or partners) to provide a Basic DBS disclosure every year and the company (or partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence.
- c. Where West Berkshire Council has reasonable cause for concern relating to a particular operator, a random DBS check may be carried out. If an operator is given notice to undertake a random DBS check by the Council, they must do so within 7 days of the request, Failure to do so will result in the suspension or revocation of the licence.
- d. Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain a basic DBS check for all staff prior to them commencing work for the operator. Evidence of the most recent check must be retained while the staff member works for the company and for a period of six months after they leave.

47. Right to Work in the UK

- a. All operator licence applications must prove they have a right to work in the UK in accordance with the Immigration Act 2016 and the Council will follow any changes to guidance published by the Home Office

48. Certificate of Good Conduct (CoGC)

- a. Currently the DBS only has details of offences committed in England, Scotland, Wales Northern Ireland, Jersey, Guernsey, Isle of Man and Gibraltar. All new and renewing applicants for taxi and private hire driver licences who have lived in a country other than the UK for one or more continuous periods of three months or since the age of 10, will be asked to produce a CoGC from every relevant country to cover the period declared in the form.
- b. There is no longer an exclusion for periods of extended holiday/vacation, so any period of three months or more must be declared, therefore if an applicant has lived in countries other than those above for three months or more at any point from the age of 10, an authenticated certificate of good conduct from the relevant embassy will be required.
- c. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translation. This includes any license holder who has lived in other countries for three months or more since the licence was granted. Any costs associated with obtaining a CoGC, including translation costs, are your responsibility as the applicant
- d. All CoGC's must be provided in English and can usually be obtained via the relevant embassy, consulate, or high commission in the UK. The Home Office has published, guidance including contact details, on how to apply for criminal record checks for time spent abroad. [Criminal records checks for overseas applicants - GOV.UK](#)
- e. **Asylum seekers** - If you have been granted, or are awaiting a decision to be granted, asylum/refugee status you are not required to produce a CoGC from the country you are claiming asylum from. But if you have lived outside of the UK for three or more continuous months in the last 10 years you must obtain a CoGC from any other country you have lived in within the 10 years prior to the date of your application.
- f. To gain this exemption, you must provide a clear and legible photocopy of either your Certificate of Registration or a letter issued by UK Visas and Immigration.
- g. If you have already have provided CoGC's to cover any periods where you have spent three or more continuous months outside the UK since the age of 10 (other than for periods of extended vacation). You will only have to provide CoGC's for:
 - a) Any new periods you have spent outside the UK since your last renewal
 - b) Any periods of extended vacation that you have not previously provided a CoGC for. You do not need to resubmit any CoGC's you have already submitted unless these cover periods of extended vacation you have not previously declared.

NB - Nothing in this policy shall preclude a licensee from being required to undergo a further DBS check at any time as directed by an officer of West Berkshire Council.

49. Operator Application Process

- a. Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current operator's licence, there will be a period of time during which the operator will be unlicensed and cannot make a provision for the invitation of bookings for private hire vehicle. If the application is not made before the expiry of the current licence but is made within five working days after the expiry, the licence will only be renewed in exceptional circumstances
- b. Applicants who cannot provide evidence of indefinite right to work will only have their licence granted from the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than five years.

50. Previous Convictions

- a. In relation to the consideration of previous convictions and cautions recorded against applicants and licensees, West Berkshire Council has adopted the policy set out in Appendix A. Applicants who would like to discuss what effect a conviction or caution might have on their application, can contact the Licensing Team at:

Theale Library
Church Street
Theale
Berkshire RG7 5BZ
Telephone: 01635 519184
Email: Licensing@westberkshire.gov.uk

Operating Private Hire Drivers and Vehicles without a valid licence is a criminal offence.

Where a licence is found to have been obtained using false or incomplete information enforcement action will be taken.

51 Data protection

- a. Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The information Commissioners Office provides comprehensive online guidance on registering as a data controller and how to meet their obligations.

52 Test of Fitness and Propriety

- b. Once a valid application has been made, the Council will make a decision as to whether or not the applicant/licensee is a fit and proper person to hold a private hire operator's licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Council's standards. The test used will be:

"Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"

- b. This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

53 Drivers and Vehicles

- a. The operator must ensure that any private hire driver or private hire vehicle operator, engaged by them holds a current private hire driver or vehicle licence issued by West Berkshire Council. The operator must examine the original and hold a copy of the licence for the duration of the time that the driver or vehicle is engaged by the operator.

54 Enforcement and Appeals

- a. This policy will be considered in conjunction with the Council's Enforcement Policy. The Council will ensure that all licensees comply with the law and conditions attached to their licences.

55. Enforcement Options

The Council aims to maintain a consistent approach when making all decisions in relation to Hackney Carriage and Private Hire licensing. In order to maintain a consistent approach, this policy is always considered, in addition to the Council's Enforcement Policy, and followed where appropriate. In reaching any decision West Berkshire Council will also have regard to the following:

- i. danger to the public.
 - ii. the seriousness of any offences.
 - iii. the licensee's past history.
 - iiii. the consequences of non-compliance.
 - v. likely effectiveness of the various enforcement options.
- b. Once the Council has considered all the evidence and relevant information, the following options will be considered:
- i. take no action.
 - ii. impose penalty points on the licence (see [Appendix B](#));
 - iii. suspend the licence.
 - iv. revoke the licence.
 - v. prosecute.

56. Appeals

- a. If a licence application or renewal is refused or enforcement action is taken, the applicant or licensee will be informed in writing. That notification will detail the rights of appeal and the appropriate court in which an appeal should be brought.

57 H M Revenues and Customs (HMRC) requirements

- a. New applicants for a licence will be required to acknowledge that they have been informed that they must register for tax with Her Majesty's Revenue and Customs (HMRC) before the licence is due to be renewed. This will be affected by the applicant signing a declaration to that effect.
- b. Existing licensees who are applying to renew their licence must ensure that they are registered with HMRC and provide the required code from the HMRC website. Full details of this will be available from the licensing office and on the website.

58.Hackney Carriage and Private Hire Licensing Convictions Policy

(Adopted October 2024)

1. Introduction

- 1.1. The sole purpose of hackney carriage and private hire licensing is to protect the public. That is the only consideration the Licensing Authority can take into account when determining an application for a licence or whether to take action against an existing licence (suspend, revoke or refuse to renew).
- 1.2 The purpose of this policy is to provide guidance on the determining suitability by the Licensing Authority when determining whether or not an applicant or an existing licensee is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence where the applicant or licensee has been convicted of a criminal or driving offence.
- 1.2 The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused, or an existing licence holder will have their licence revoked. For other offences the policy gives the times scales that it is expected will have elapsed since the conviction before an application will be granted.
- 1.3 The Policy states that each case will be treated on its own merits. Where an applicant or existing licensee has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing and Safety Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing and Safety Sub-Committee to consider.
- 1.4 If an application is refused or a licence is revoked the applicant or licence holder will have the right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
- 1.5 Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension or revocation issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
- 1.6 Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser, or those offences not included.

It is not reasonable that those licences should be automatically revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing and Safety Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Licensing Authority can review historic offences in line with this policy.

2. Powers

- 2.1 The [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) excludes applicants or holders of a private hire vehicle or hackney carriage driver's licence from the provisions of the Rehabilitation of Offenders Act 1974. This means that the Licensing Authority can take account of all convictions, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions. As detailed below, this will be particularly important where there is a long history of offending or a recent pattern of repeat offending.
- 2.2 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

3. Consideration of Disclosed Criminal History

- 3.1 The primary function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable
- 3.2 Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 3.3 Applicants can discuss what effect their offending history may have on any application by contacting the Licensing Team in confidence for advice.
- 3.4 These guidelines apply to all existing and new applications for a hackney carriage and/or private hire driver or private hire operator's licence.
- 3.5 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other licensing authorities, and information disclosed by the police.
- 3.6 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly when giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant **or** renewal of a licence, the application will be refused, and if the licence has been granted it will be revoked.
- 3.7 Ideally, all those involved in the hackney carriage and private hire trades being either drivers, vehicle owners and private hire operators would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent,

upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

- 3.8 Drivers and operators cannot be granted a licence unless the Licensing Authority is satisfied that they are a “fit and proper person” to hold that licence (see [Local Government \(Miscellaneous Provisions\) Act 1976](#)¹ ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence or vehicle proprietor’s licence, the limited company together with its directors and secretary, or all members of a partnership¹) is “safe and suitable” to hold the licence.
- 3.10 In determining safety and suitability the Licensing Authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.
- 3.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution, community resolutions and payments of fixed penalties are all regarded in exactly the same way as a conviction as they all indicate acceptance following an admission of guilt.
- 3.12 It is important to recognise that matters which have not resulted in a criminal conviction whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed can and will be taken into account by the Licensing Authority. In addition, complaints where there were no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 3.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Licensing Authority to decide what action to take in light of these guidelines.
- 3.14 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 3.16 The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
- Relevance and date of the offence

¹ Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- Sentence imposed by the court
- Age of person and circumstances when the offence was committed
- Subsequent periods of good behaviour

Their overall conviction history

- Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant.
- Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process.
- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services.
- Any other matters that are relevant.

3.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

3.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

3.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Licensing Authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

3.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

3.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

3.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Licensing Authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

3.23 Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the Licensing Authority will take that conviction into account and use this policy as an indication of the approach that should be taken.

3.24 This policy does not replace the duty of the Licensing Authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy, the Licensing Authority will consider the matter from first principles and determine the fitness and propriety of the individual.

4. Drivers

- 4.1 As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.2 A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 4.3 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.4 Where a period is given below, it should be taken to be a **minimum** in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Offences

5. Crimes Resulting in Death

- 5.1 Where an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

6. Exploitation

- 6.1 Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. A licence holder convicted of the above will have their licence revoked.

This includes (this is not an exhaustive list)

- a. Slavery,
- b. Child sexual abuse,
- c. Exploitation,
- d. Grooming,

- e. Psychological,
- f. Emotional,
- g. Financial abuse,
- h. Domestic abuse,
- i. Harassment and stalking.

7. Offences Involving Violence

- 7.1 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least **TEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

8. Possession of a Weapon

- 8.1 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

9. Sex and Indecency Offences

- 9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
- 9.2 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked.
- 9.3 In addition to the above, the licensing authority will not grant a licence to any applicant who is

currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked.

9.4 Sexual/Indecency Offences include (this is not an exhaustive list)

- a. Rape
- b. Assault by penetration
- c. Offences involving children or vulnerable adult
- d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- e. Making or distributing obscene material
- f. Possession of indecent photographs depicting child pornography.
- g. Sexual assault
- h. Indecent assault
- i. Exploitation of prostitution
- j. Soliciting (kerb crawling)
- k. Making obscene / indecent telephone calls
- l. Indecent exposure
- a. Any similar offences (including attempted or conspiracy to commit) offences

9.5 Any licence holder charged with, convicted, or issued with a formal caution for any of the offences mentioned above will expect to have their licence revoked with immediate effect.

10. Dishonesty

10.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously.

10.2 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked.

10.3 Dishonesty offence includes (this is not an exhaustive list)

- a. Theft
- b. Burglary
- c. Fraud
- d. Benefit fraud
- e. Handling or receiving stolen goods
- g. Forgery
- h. Conspiracy to defraud
- i. Obtaining money or property by deception
- j. Other deception
- k. Any similar offence

11. Drugs

- 11.1 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 **TEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.
- 11.2 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 **FIVE YEARS** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at the time of application and every subsequent renewal at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

12. Discrimination

- 12.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.
- 12.2 Examples of Discrimination offences include (this is not exhaustive list)
- a. Racially aggravated common assault
 - b. Any racially aggravated offence against a person or property.
 - c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
 - d. Offences under The Equality Act 2010
 - e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

13. Motoring convictions

- 13.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.
- 13.2 Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

14. Drink driving/driving under the influence of drugs

- 14.1 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 **SEVEN YEARS** have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

15. Using a hand-held device whilst driving

- 15.1 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least **FIVE YEARS** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.

16. Other Motoring Offences

- 16.1 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 a 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.
- 16.2 For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website.
- 16.3 For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years are 'valid' for 10 years. There is more information on the Government's website
- 16.4 Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
- 16.5 Where an applicant has a major conviction, the application will be refused whilst the relevant points remain 'valid' on their driving licence.
- 16.6 Any motoring conviction while a licensed driver demonstrates that the licensee 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 taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
- 16.7 Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete an extended driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing and Safety Sub-Committee.
- 16.8 Where a licence holder has more than 6 valid penalty points for driving offences, their licence will be revoked.

17. Hackney Carriage and Private Hire Offences

- 17.1 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

18. Vehicle Use Offences

18.1 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

19. Private Hire Operators

19.1 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

19.2 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

19.3 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be affected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Licensing Authorities overall criteria, this will lead to the operator’s licence being revoked.

19.4 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

20. Vehicle Proprietors

20.1 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

20.2 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

20.3 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

21. Licences Issued by Other Licensing Authorities

21.1 Applicants who hold a licence with another Licensing Authority should not automatically assume that their application will be granted by this Licensing Authority. Each case will be decided on its own merits.

21.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

58. Penalty Points Scheme

1. Penalty Points Scheme

- 1.1. Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the [Town Police Clauses Act 1847](#), [Local Government \(Miscellaneous Provisions\) Act 1976](#), Council Byelaws (in respect of hackney carriages) and the Policy and Conditions set by the Council.
- 1.2. West Berkshire Council operates a Penalty Points system, which is designed to support the aims and objectives of the Council in that all operators, drivers and vehicle proprietors maintain the highest standards required of them at all times.
- 1.3. The aim of the penalty points system is to work in conjuncture with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 1.4. A driver or proprietor accumulating more than 12 points in any rolling 36-month period will be referred to the Licensing and Safety Sub-Committee of WBC for consideration of disciplinary action.
- 1.5. A operator accumulating more than 36 points in any rolling 36-month period will be referred to the Licensing and Safety Sub-Committee of WBC for consideration of disciplinary action.

2. The Penalty Points Scheme will operate as follows:

- 2.1. West Berkshire Council's Enforcement Policy will be fully considered by the Licensing Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this policy. Where the policy allows a range of points for a particular incident, the Licensing Officer will determine the appropriate number of penalty points proportionate to the offence.
- 2.2. Before any penalty points are issued, there must be sufficient evidence on the balance of probabilities to prove the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right, it is merely an open and transparent method of how a driver, operator or proprietor will be assessed in terms of the 'fit and proper person' test.
- 2.3. There is no right of appeal against the award of penalty points by an authorised officer of the council, as this is not a formal sanction in its own right. Any driver, operator or proprietor awarded points may submit a representation in writing to the Lead Licensing Officer presenting mitigating circumstances.
- 2.4. Points issued to a driver, operator or proprietor will be confirmed in writing within 28 days from the breach of licensing requirements or the conclusion of an investigation into a complaint.
- 2.5. When issued, the penalty points will remain 'live' for a period of three years from the date they are imposed so that only points accumulated in a rolling three-year period will be taken into account.
- 2.6. If 12 penalty points or more are awarded to a hackney carriage or private hire driver on any one occasion, this will result in an immediate referral to the Licensing and Safety Sub-Committee.

- 2.7 Where a licence holder or applicant is brought or appears before a Licensing and Safety Sub-Committee, the Committee will have all options detailed at section 68.1 of this document available to them.
- 2.8 Licence holders and applicants retain the right to be represented, legally or otherwise at any Licensing and Safety Committee meeting and to state any mitigating circumstances they deem necessary. It is strongly recommended that any licence holder or applicant before the committee reads all relevant sections of this document prior to the hearing in order that they are fully aware of their rights and the committee's powers.
- 2.9 The penalty points system will operate without prejudice to the Council's ability to take other action under other appropriate legislation.
- 2.10 Where a driver also holds a dual vehicle driver's licence any action taken will apply to both the hackney carriage and private hire driver's badge.
- 2.11 If a West Berkshire Council licensed driver accumulates 12 points in a 36-month period and depending on the offences committed the following may apply:

3. REVIEW BY THE LEAD LICENSING OFFICER

In the event of the licence holder disputing that they are liable for the points awarded against them, the licence holder may request, in writing within 28 days of being notified of the allegation, that the incident and awarding of penalty points be considered by the Lead Licensing Officer at the following email address: licensing@westberks.gov.uk. Where this occurs, the Lead Licensing Officer shall consider the evidence attached to the incident and will aim to respond to the licence holder, in writing, within 28 days of being notified of the dispute. The Lead Licensing Officer shall decide whether it is appropriate to allocate the penalty points. The Lead Licensing Officer may reduce or increase the number of penalty points awarded when considering the appeal.

4. FIRST ACCUMULATION OF 12 PENALTY POINTS

If a licence holder accumulates 12 penalty points in any 36-month period, the licence shall be suspended for 14 calendar days. Following the suspension, the points shall be removed from the licence. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.

5. SECOND ACCUMULATION OF 12 PENALTY POINTS

If, following a first suspension, a licence holder accumulates a further 12 points in any 36-month period, within 4 years of the end of the first suspension, a further suspension for a period of 21 calendar days shall occur. Following the suspension, the points shall be removed from the licence. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.

6. THIRD ACCUMULATION OF 12 PENALTY POINTS

If, following a second suspension, a licence holder accumulates a further 12 points in any 36-month period, within 4 years of the end of the second suspension, his/her hackney carriage or private hire

vehicle driver's licence shall be automatically revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

A licensed driver has the right of appeal to a Magistrates Court within 21 days of any suspension or revocation of their licence.

1. List of Offences/Breach of Vehicle Licence Conditions/Byelaws

Offence	Code	Points
Failure to supply interim MOT test when vehicle is over six years of age	V1	4
Failure to have or maintain illuminated markings at entrances and exits	V2	4
Failure to have/maintain grab handles	V3	4
Failure to have a means of loading wheelchairs into the vehicle, available at all times.	V4	4
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority	V5	4
Failure to keep a wheelchair access vehicle available without modification at all times	V6	4
Failure to provide an annual LPG safety compliance certificate	V7	4
Failure to maintain seat belts in a safe condition	V8	6
Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V9	4
Failure to display approved roof sign	V10	4
Failure to maintain roof sign in working order	V11	4
Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	V12	4
Failure to display front door signs.	V13	4
Displaying incorrect signs i.e. wrong wording or magnetic	V14	4
Displaying other sign on front door	V15	4
Private hire vehicles advertising incorrectly	V16	4
Display sign that does not comply	V17	4
Display web site address larger lettering than permitted	V18	4

Failure to display a “no smoking” sign in the vehicle	V19	4
Private hire displaying the word taxi	V20	6
Incorrectly displaying licence plate	V21	6
Failure to return plate on expiry of licence if requested to do so by Licensing Staff	V22	Prosecution
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	V23	4
Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V24	Prosecution
Advertising on vehicle without written authorisation from the Licensing Authority	V25	4
Failure to submit taximeter for testing when requested to do so by Licensing Authority	V26	4
Tampering or allowing an unauthorised person to tamper with taximeter	V27	12
Failure to display a statement of fares inside the HC	V28	4
Wilfully or neglectfully causing letters or figures in the statement to be obscured	V29	4
Failure to deposit copy of statement of fares which differ from the approved fares	V30	4
Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	V31	4
Failure to supply steering geometry and alignment reports following an accident if required	V32	4
Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	V33	4
Failure to have insurance for the licensed vehicle	V34	Prosecution
Failure to provide evidence of insurance prior to expiry	V35	6
Failure to keep copy of insurance/cover note in the vehicle. (This may include an electronic copy)	V36	4
Failure to notify Licensing Authority of change of insurer or particulars within two working days.	V37	4
Failure to produce details to the Licensing Authority of drivers permitted to drive	V38	4
Failure to notify change of drivers	V39	4
Failure to notify Licensing Authority of change of address or other contact details	V40	4
Failure to carry a suitably marked approved fire extinguisher within the vehicle	V41	4
Failure to obtain written permission to use trailers on Licensed vehicles	V43	12

Failure to present vehicle and trailer for inspection	V44	6
Using a dual driver without the appropriate DVLA category code to tow a trailer	V45	6
Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V46	4
Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence	V47	6
Failure to maintain a reasonable standard of behaviour	V48	6
Failure to provide information requested by an authorised officer	V49	4
Failure to provide assistance to an authorised officer	V50	4
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 st instance)	V51	6
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 nd instance)	V52	12
Failure to show evidence of continuous MOT, interim MOT or insurance.	V53	12
Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	V54	6
Failure to have three CCTV signs	V55	4
Failure to check CCTV weekly	V56	4
Disconnecting CCTV system	V57	12
Obstructing CCTV Camera	V58	6
Providing alcoholic drinks not in accordance with the Licensing Act 2003 with regards to the sale or supply of alcohol	V59	Prosecution

2. Breaches of both Dual and Private Hire Driver's Licences Code of Conduct

Offence	Code	Points
Driver not clean and respectable in their dress	D1	4
Driver not complying with the Dual Drivers Dress Code	D2	4
Driver not behaving in a civil and orderly manner	D3	6
Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D4	4

Offence	Code	Points
Driver smoking/vaping/similar whilst in the vehicle	D5	FPN/Prosecution
PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking	D6	6
Driver of PH vehicle plying for hire	D7	Prosecution
Driver calling out or influencing person to travel in their vehicle for gain without a prior appointment	D8	Prosecution
Failure to have in possession drivers badge whilst driving a licensed vehicle	D9	4
Not displaying second badge in the vehicle which is visible to passengers being conveyed in the vehicle	D10	4
Failure to surrender drivers badge to the Licensing Authority within 7 days upon expiry, revocation or suspension of their licence when requested by Licensing Staff	D11	Prosecution
Failure to supply annual self-declaration and fee (1 st Occasion)	D12	6
Failure to supply annual self-declaration and fee (2 nd occasion)	D13	12
Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D14	4
Failure of driver to check vehicle proprietor has insurance on the vehicle	D15	4
Driver carrying greater number of persons than the number specified on the licence	D16	12
Carrying other persons in the vehicle without the consent of the hirer	D17	6
Carrying a member of family/friend in a licensed vehicle when it is for hire/hired	D18	4
Failing to carry or ensure safety of passenger luggage	D19	6
Failing to offer reasonable assistance with luggage	D20	6
Failing to take steps to ensure passenger safety	D21	12
Failing to ensure passengers are dropped off safely, at the correct destination	D22	4
Failing to search vehicle after journey	D23	4
Failing to hand found property to the police	D24	6
Failing to operate taximeter correctly	D25	6
Failing to use taximeter on pre-booked journey or fail to charge fee less than meter fee	D26	6
Charging more than the metered fare	D27	12

Offence	Code	Points
Tampering or allowing tampering of a taximeter	D28	12
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D29	6
Demanding more than the previously agreed fare	D30	12
Demanding more than the fare shown on the taximeter or scale of charges on the tariff sheet	D31	6
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D32	6
Failure to notify proprietor of complaints made by the passengers	D33	6
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D34	12
Failure to attend at appointed time or place without sufficient cause	D35	4
Unnecessarily prolonging journey in distance or time	D36	6
Failure to provide copy of dual driver's licence to operator	D37	2
Failure to ensure insurance cover for driver to drive vehicle	D38	12
Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	D39	12
Failure to notify Licensing Authority of change of address/telephone number within seven days	D40	4
Failure to notify Licensing Authority of motoring offences over three penalty points or criminal convictions during the period of licence	D41	12
Failure to notify Licensing Authority of motoring convictions up to three penalty points during the period of licence	D42	6
Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	D43	12
Failure to notify Licensing Authority in writing within seven days of serious injury or illness	D44	12
Failure to notify the Licensing Authority of a DVLA notifiable condition	D45	12
Failure to carry assistance dog without exemption	D46	12
Making additional charge for carrying assistance dog	D47	12
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D48	12
Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D49	12/Prosecution

Offence	Code	Points
Failure to keep vehicle reasonably clean	D50	4
Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	D51	4
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D52	4
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D53	6
Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	D54	12
Failure to comply with the regulations governing the wearing of seat belts	D55	12

3. Breaches of Operator Licence Conditions – Private Hire

Offence	Code	Points
Operating more vehicles than stated on licence	O1	12
Failure to obtain and maintain insurance on vehicle	O2	12
Failure to produce evidence of insurance cover to the Licensing Authority	O3	6
Fail to provide valid insurance on expiry for any premises where the public have access	O4	6
Failure to notify the Licensing Authority of change of insurer within two days	O5	4
Failure to provide evidence of public liability insurance for premises	O6	4
Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	O7	4
Failure to provide a prompt, efficient or reliable service	O8	4
Failure to attend a booking at appointed time or place without sufficient cause	O9	6
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O10	12
Failure to have necessary documents and equipment	O11	4
Operating the business from a premises outside the District	O12	12
Failure to keep booking or waiting areas which the public have access to, clean, adequately heated, ventilated and lit	O13	4
Failure to provide seating facilities in waiting areas	O14	4
Failure to have in place planning permission if required at operators address	O15	4
Failure to comply with planning permission or licence conditions for number of vehicles permitted	O15	4
Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	O16	4
Failure to notify Licensing Authority of change of address	O17	4
Failure to notify the Licensing Authority within seven days of any convictions imposed on them, during the period of the licence	O18	6
Failure to keep proper records for a period of not less than six months	O19	6

Offence	Code	Points
Failure to keep proper records	O20	6
Failure to keep entries correctly	O21	6
Failure to notify details of security arrangements	O22	4
Failure to keep records of private hire vehicles operated	O23	6
Displaying the word Taxi or Cab on a private hire vehicle	O24	12
Failure to keep records of all drivers employed or failure to produce details of the drivers	O25	6
Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	O26	4
Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	O27	4
Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O28	6
Using unlicensed drivers to drive a Licensing Authority licensed vehicle	O29	Prosecution
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O30	6
Late to provide evidence of insurance or interim MOT (1st Occasion)	O31	6
Late to provide evidence of insurance or interim MOT (2nd Occasion)	O32	12
Failure to carry out or provide the required DBS checks on dispatch staff	033	12
Failure to record, maintain or provide details of checks on dispatch staff in a register	034	12
Failure to make appropriate checks of any operator for which work is outsourced	035	12
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	036	12
Failure to require notification of convictions as part of the contract of employment	037	12
Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	038	12

4. Breaches of Council Byelaws Relating To Hackney Carriages

Offence	Code	Points
Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	6
Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	6
Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	B3	4
Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	12
Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	12
Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	12/Prosecution
Failure to proceed to another rank when at the time of arrival rank is full	B7	4
Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	4
A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2
Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	12
Driver or proprietor allowing more persons to be conveyed than the licence allows	B11	12
Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	B12	4
Failure to provide when requested reasonable assistance with luggage	B13	4
Failure to display statement of fares inside the carriage in a legible state	B14	4
Failure to notify lost property to the Police within 48 hours of discovery	B15	4

60 - Code of Conduct for Licensed Hackney Carriage and Private Hire Drivers

1. Code of conduct for licensed drivers

- 1.1 West Berkshire Council (WBC) view the Hackney Carriage (HC) and Private Hire (PH) trades as a key service, that provide front-line transport services to residents and visitors to West Berkshire and as such consider licensed drivers as 'ambassadors' in promoting the good image of West Berkshire. First impressions are vital in encouraging tourism and new businesses to relocate in this area.
- 1.2 WBC has adopted a Code of Good Conduct in respect to the operation and behaviour of licensed drivers and operators and as such will have regard to this document in all its decision-making.
- 1.3 WBC is committed to improving the professional image of the trade and expects drivers to be smart in appearance, courteous and knowledgeable. This in turn will raise the reputation of the licensed trade and increase trade.
- 1.4 This Code of Good Conduct should be read in conjunction with other statutory and policy requirements, in particular that licensed vehicles are safe and roadworthy at all times.
- 1.5 It is a reasonable expectation that a passenger can expect a licensed vehicle to be safe, in a roadworthy condition and driven by a professional driver.
- 1.6 For the purposes of this code the 'trade' refers to both the hackney carriage and private hire trades.
- 1.7 WBC will consider the content of this Code of Conduct when assessing whether an applicant or existing driver is a 'fit and proper' person to hold or retain a driver's licence.
- 1.8 The Bylaws for HC drivers that have been adopted by WBC will work in conjunction with these codes of conduct.

2. Production Of Documents

- 2.1 If an Authorised Officer of the Council, an Authorised Officer of another Council with which West Berkshire Council has a reciprocal arrangement or a police officer asks you, you must produce either or all:
 - (a) your DVLA driving licence
 - (b) your Taxi Driver Licence
 - (c) the vehicle registration document
 - (d) a valid certificate of insurance
 - (e) MOT certificate (if relevant).

within seven days of the request being made at the location that they specify.

3. Driving

- 3.1 You must comply with all road traffic regulations at all times.
- 3.2 You must comply with all legislation and conditions relating to the [hackney carriage](#) or [private hire](#) vehicle that you are driving at all times.
- 3.3 You must not sound your vehicle horn –
 - (a) unnecessarily, i.e., unless in an emergency or to alert other road users or pedestrians to your presence
 - (b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
 - (c) on any road in a built-up area between 2300 and 0700.
- 3.4 Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
- 3.5 You must not drive any hackney carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.
- 3.6 When parking, or otherwise waiting for either a hiring (hackney carriage), a booking to be communicated to you (private hire and hackney carriage) or attending for a pre-booked hiring (private hire and hackney carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances, or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).
- 3.7 When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.
- 3.8 You must stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.

4. Data Protection

- 4.1 You must ensure that you have the correct safeguards for storing personal data that comply with the [Data Protection Act 2018](#) and the [General Data Protection Regulations \(GDPR\)](#). This will include details of hirers (pre-booked hackney carriages) and also any dash cam footage (the use of dash cams is considered in relation to vehicle licences).

5. Change of Licence Holder's Details

- 5.1 All licence holders must notify the Council in writing of any change of name, postal address, email address or contact number during the period of the licence within seven days of the change taking place.
- 5.2 It is recommended that all licence holders notify the Council if they are likely to be unable to be contacted or will be out of the country for more than four weeks. This may help to prevent unnecessary suspension or revocation of licences.
- 5.3 All Licence holders must ensure that if their licence expires whilst they are uncontactable or out of the country that their renewal application has been submitted to avoid them having to re-apply as a new applicant as all new applicant requirements will apply.

6. Conduct And Behaviour

- 6.1 A licensed driver will take all reasonable steps to comply with the following standards at all times:
- 6.2 To carry out a daily check to ensure that the vehicle is in a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle and the vehicle will not pass an MOT or BFC Compliance Check at that time if required. The driver should not drive the vehicle and should report the defects to the proprietor/operator as soon as possible, this includes checking that the vehicle plate is in date and fixed correctly.
- 6.3 To behave in a civil, orderly, and professional manner, drivers must not conduct themselves in an unsatisfactory or abusive manner to customers, emergency personnel, other public servants, other road users, elected members and all staff and agents of West Berkshire Council this applies both when in and out of work.
- 6.4 To behave in a manner that is in keeping of that expected of a professional licensed driver this applies both when in and out of work.
- 6.5 Not to engage in any activities that would undermine professional standards and public confidence in the service this applies both when in and out of work.
- 6.6 No licensed driver should contact their passenger directly for example by phone or via social media, after any journey or any contact. This would undermine professional standards and public confidence this applies both when in and out of work.
- 6.7 Not to use private data or social media searches to make contact with a customer, with or without consent this applies both when in and out of work.
- 6.8 Relationships with customers should be no more than professional, avoid:
 - a. Unnecessary physical contact
 - b. Building personal relationships
 - c. Talking about sensitive or intimate subjects
- 6.9 To assist passengers, where necessary into and out of the vehicle
- 6.10 To give reasonable assistance in removing luggage to or from the entrance of any building, station or place when picking up or setting down a passenger.
- 6.11 The driver must wear, at all times when working, the issued West Berkshire Council's driver's badge, and produce your driver's badge at the request of an authorised officer of West Berkshire Council, a Police officer, or an authorised officer of another local authority either forthwith, or, in

the case of an Authorised Officer, at the Council Offices, and in the case of a Police Constable, the Police Station of your choice within five days of the request.

- 6.12 All drivers must display in the vehicle, in full view of passenger(s), the other issued driver's badge.
- 6.13 You must attend punctually at the appointed time and place unless unavoidably detained. If the hiring has been arranged via a private hire operator or other third party, you must immediately contact that operator or third party to inform them of the delay and your estimated time of arrival
- 6.14 Not to smoke or allow passengers to smoke in the licensed vehicle, this includes vaping of any sort.
- 6.15 You must drive with due care and consideration for other road users and pedestrians and in particular shall not use a handheld mobile phone or similar device whilst driving unless permitted by law.
- 6.16 You must always obey all Traffic Regulation Orders, the requirements of the Highway Code and directions at all times this applies both when in and out of work.
- 6.17 Not consume alcohol at least 8 hours before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire Vehicle.
- 6.18 Ensure appropriate breaks from work are taken and never drive when tired.
- 6.19 Report to West Berkshire Council in writing or by email within 24 hours or as soon as is practicable if you suffer any serious illness or injury such as heart attack, stroke, broken limbs, diabetes or sleep apnoea. This also applies to anything that may affect your driving, or that has to be reported to the DVLA because it would affect your driving licence. The Council may ask you to have an additional medical examination or to produce written confirmation from your own GP or hospital consultant about your continued fitness to drive. The Council may also seek an independent assessment of any such report or medical. Any costs associated with these medical checks will be met by the licence holder. If you are unable to do this as you are incapacitated, then someone else may do it on your behalf.
- 6.20 You must transport passengers by the shortest available route subject to any unforeseen circumstances such as any road works or congestion where it may be appropriate to take an alternative route by agreement with the passenger
- 6.21 You must charge the correct monetary fare
- 6.22 Continue to develop and improve your knowledge of the main and shortest routes around the Borough. Not to place sole reliance on Satellite Navigation equipment.
- 6.23 Undertake 'Enhanced training' where appropriate or a mandatory condition of licence (e.g., Safeguarding training) or where it will improve the good image of West Berkshire for the benefit of passengers.
- 6.24 Have regard to their surrounding environment and not cause nuisance when picking up or dropping off passengers, in particular
 - a. Not sound the vehicle horn as a means of notifying a passenger of your arrival
 - b. Switch off the engine if required to wait
 - c. Do not play amplified music without the passenger's consent
 - d. Take whatever action is necessary to avoid disturbance to local residents
 - e. Pick up and drop off safely and without risk to pedestrians and other road users
 - f. Not leave or wait with the vehicle in a way which causes or is likely to cause a nuisance or obstruction

- 6.25 To be ambassadors for the town and take personal responsibility for presenting West Berkshire in a good light.
- 6.26 Present themselves in a manner that promotes a good professional image.
- 6.27 To comply with the standards of dress detailed below.
- 6.28 You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the Police immediately and the Council by email at licensing@westberks.gov.uk within 24hrs.

7. Personal Appearance and Dress Code

- 7.1 You must maintain good standards of personal hygiene at all times.
- 7.2 You must always be clean and respectable in your dress and present a professional image.
- 7.3 All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.
- 7.4 As a minimum standard tops should either be a collared shirt, collared polo shirt or collared blouse which have a full body and have short or long sleeves.
- 7.5 As a minimum standard trousers/Shorts/Skirts should be smart long-legged trousers, knee length tailored shorts, knee length skirt or dress.
- 7.6 Footwear for all drivers shall fit around the heel of the foot.
- 7.7 Drivers should not wear or display any clothing, logos, badges, or any other image that implies a political, sporting, national or similar allegiance which could cause offence, discriminate or inflame sections of the community.
- 7.8 There will be times when it is reasonable to provide community support e.g. World Cup, Olympics, Royal Weddings, local charitable events etc. In these cases prior permission should be sought from the Council, who may issue general guidance as may be appropriate.
- 7.9 Drivers of executive vehicles are to wear a business suit collared shirt and tie and smart shoes (trainers are not acceptable).

Unacceptable Standards

The following standards are examples of unacceptable standards on the grounds of safety, common decency and professional image

- a Bare chests
- b Clothing or footwear which is unclean or damaged

- c Clothing printed with words, logos or graphics, which might offend
- d Clothing intended to support any political party, pressure group or other organisation designed to provoke discrimination or objection
- e Sports replica shirts e.g. football, rugby or cricket tops or track suits
- f Beach-type footwear (e.g. flip-flops or mules)
- g High heels
- h The wearing of hoods or other clothing that obscures the drivers vision or their identity
- i Sports shorts or swimming trunks

8. Use Of the Vehicle

- 8.1 Private hire vehicles and hackney carriages are smoke free vehicles at all times under the [Health Act 2006](#). It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the [Code of Conduct](#).
- 8.2 You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at any time.
- 8.3 Animals must not be carried in private hire vehicles or hackney carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback, and the animal can be seen from outside the vehicle through a window.
- 8.4 You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than two passengers may be carried.
- 8.5 Hackney carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adult's own risk. Children under three years of age can travel unrestrained in a hackney carriage or private hire vehicle if the appropriate restraint is not available. Children over three years of age and below eleven years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over eleven years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts. Children below the age of 10 must not be carried in the front passenger seat.

9. Vehicle Checks

- 9.1 If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.
- 9.2 You must not Ply for Hire by offer or accepting any hire of the vehicle except where the hiring has been pre- booked via your Private Hire Operator [does not apply to hackney carriages], to do so may invalidate your vehicle insurance and lead to you being prosecuted.

10. Lost Property

- 10.1 After every hiring, you must search the vehicle for any misplaced or lost property.

- 10.2 If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 24 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater, or by posting, by courier, or by similar means and no charge over and above the postage cost, courier cost or similar may be made for the return of the property.
- 10.3 In the case of PHD's where the owner/loser of the property collects the property from you or your operator base, no charge may be made for the return of that property.
- 10.4 Where the property is returned to the owner/loser by private hire vehicle, the normal charge for the journey may be made, but the charge must be agreed by the owner/loser in advance of the journey being made.

11. Taximeters In Private Hire Vehicles [Taximeter Use in Hackney Carriages Is Governed By The Byelaws]

- 11.1 You may use a meter in the private hire vehicle only if it is constructed, attached and maintained in compliance with the [Private Hire Vehicle Licence Conditions](#).
- 11.2 Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
- 11.3 You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).
- 11.4 You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
- 11.5 You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- 11.6 You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
- 11.7 You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse or alter any meter with the intent to mislead.

12. Fares When A Hackney Carriage Is Used For Pre-Booked Work

- 12.1 A hackney carriage can be used for pre-booked work both within West Berkshire and elsewhere. When the journey is wholly within the zone or county, or commences or ends in West Berkshire the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside West Berkshire the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

13. Disability Discrimination

- 13.1 When driving a hackney carriage or a private hire vehicle when your operator has accepted the booking you must carry an assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so (hackney carriage). When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Sections 168 and 170 [Equality Act 2010](#)).

13.2 When you are driving a hackney carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

13.3 The duties are:

- (a) to carry the passenger while in the wheelchair
- (b) not to make any additional charge for doing so
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- (d) to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort
- (e) to give the passenger such mobility assistance as is reasonably required.

13.4 And mobility assistance is assistance:

- (a) to enable the passenger to get into or out of the vehicle
- (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- (c) to load the passenger's luggage into or out of the vehicle
- (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair using passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences

Legal Requirements (Contained In National Legislation) When Driving A Hackney Carriage

Your taxi Driver Licence and Badge

14. Legislation

- 14.1 You must not drive a hackney carriage at any time if you do not hold a taxi drivers licence, or if your licence has been suspended (section 47 Town Police Clauses Act 1847).
- 14.2 You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)
- 14.3 When driving a hackney carriage you must accept a hiring from a hackney carriage stand (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)
- 14.4 When driving a hackney carriage if you agree to charge a fare lower than that shown on the meter for a journey in a hackney carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)

- 14.5 When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (section 55 Town Police Clauses Act 1847)
- 14.6 When driving a hackney carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847).
- 14.7 When driving a hackney carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your hackney carriage (section 57 Town Police Clauses Act 1847).
- 14.8 When driving a hackney carriage you must not charge more than the fare shown on the meter for a journey within the district (section 58 Town Police Clauses Act 1847).
- 14.9 When driving a hackney carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).
- 14.10 You must not drive any hackney carriage without the consent of the hackney carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847)
- 14.11 You must not leave a hackney carriage unattended at a hackney carriage stand (section 62 Town Police Clauses Act 1847)
- 14.12 You must not prevent any other driver of a hackney carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847)
- 14.13 When driving a hackney carriage you must produce your taxi driver's licence if requested to do so by an authorised officer of the Council (or another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 14.14 You must return your driver's licence to the Council within seven days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 14.15 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 14.16 You must return your licence and drivers badges to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 14.17 When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 14.18 When driving a hackney carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 14.19 You must use the shortest available reasonable route for all journeys by hackney carriage, subject to any directions given by the hirer. (s69 Local Government (Miscellaneous Provisions) Act 1976).

- 14.20 You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Bylaw 6).
- 14.21 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).

15. Legal Requirements when driving a Private Hire Vehicle

- 15.1 You must not drive a private hire vehicle at any time when your Private Hire Vehicle Drivers Licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).
- 15.2 When driving a private hire vehicle, you must produce your Private Hire Vehicle Drivers Licence if requested to do so by an authorised officer of the Council (or another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 15.3 You must return your driver's licence to the Council if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 15.4 You must not make any false statement or withhold any information when applying to renew your taxi drivers' licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 15.5 You must return your licence, and drivers badge to the Council within 7 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 15.6 When driving a private hire vehicle, you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer. (s69 Local Government (Miscellaneous Provisions) Act 1976).
- 15.7 You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976)
- 15.8 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976)
- 15.9 You must not drive any private hire vehicle with any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything which would indicate the vehicle is a hackney carriage (section 64 Transport Act 1980).

61. Hackney Carriage Vehicle Licence Conditions

These conditions which are imposed under the provisions of section 47 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated

“the Council” will mean West Berkshire Council.

“the Proprietor” means the person who has been granted the licence by West Berkshire Council under section 37 of the [Town Police Clauses Act 1847](#)

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

The following conditions will be attached to every hackney carriage (proprietors) vehicle licence unless specifically altered by the Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

General

1. The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g. for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.
2. If the vehicle is licensed by any other Council, the proprietor must immediately stop carrying out any work under their West Berkshire Council licence. They must return the licence issued by West Berkshire Council to the Licensing Team of West Berkshire Council within 7 days.

Identification Plates and Cards

3. The identification plate, additional signage and all fare cards and licence cards remain the property of the Council at all times and must be returned to the council within 7 days on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours.
4. The plate must be securely fixed to the rear exterior of the vehicle using the Council's approved backing plate and permanent fixings. Velcro, adhesive, magnets and brackets are not acceptable. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.
5. All vehicles must display the roof sign correctly at all times. Such signs must be securely affixed by means of magnets unless they are an integral part of the vehicle.

6. All vehicles must display the additional signage correctly at all times.
7. All vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.

Maintenance of Vehicle

8. The vehicle, along with all its fittings and equipment must at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:
 - (a) The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Council.
 - (b) Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
 - (c) The roof sign must be kept clean, free from obstruction and the illumination must operate correctly when linked to the taximeter.
 - (d) The roof (including any sunroof or removable covering) must be watertight.
 - (e) Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi- meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.
 - (f) The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.
 - (g) The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.
 - (h) The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs
 - (i) The doors, windows and seats must function in accordance with the original manufacturer's specification.
 - (j) The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check of all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
 - (k) Following the vehicle check any faults discovered as a result of the check must be brought to the attention of the vehicle owner immediately and the vehicle should not be driven if unsafe to do so or does not comply with any legal requirement. This must be recorded in

the written record and must have the date, time and who was informed, and the record must be signed by the person making the report.

- (l) If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.
9. If a vehicle fails a vehicle inspection, the test station will inform the council outlining the grounds of the failed test. An authorised officer will then issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. That will immediately suspend the vehicle licence, from which point it cannot be used as a licensed vehicle. The proprietor/driver will be invited to surrender the vehicle plate. If the plate is not surrendered, a “licence suspended” sticker will be affixed to the plate which will mean that the proprietor must purchase a new plate when the suspension is lifted. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of two calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked. In that circumstance, any acquired rights will be lost.
10. The proprietor of the vehicle must provide a copy of all Hackney Carriage Test certificates to the Council within 48 hours of receiving them.
11. If the vehicle has been involved in a collision, then the proprietor must notify the Council within 24 hours with a copy of the collision report, photographs and Police incident number (if attended) and at the discretion of the Council, the vehicle may have to undergo a further inspection at one of the Council’s nominated testing stations.

Doors

12. All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.
13. Tailgates and rear doors must only be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair using passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

Ventilation

14. The driver’s window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

Wheelchair Accessible Vehicles (WAV’s)

15. The following conditions apply to all hackney carriage vehicles which are built or adapted for the carriage of wheelchair using passengers.
 - (a) All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair using passengers must at all times function correctly and must be used in accordance with the manufacturer’s instructions.
 - (b) Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

- (c) All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.
 - (d) The manufacturer's seat belt for the wheelchair using passenger must always be used when a wheelchair is being carried.
 - (e) Access ramps or lifts must be securely fixed to the vehicle prior to use and must at all times display information prescribed by other legislation and manufacturers markings.
 - (f) Ramps, steps and lifts must be securely stored in the vehicle before driving off.
16. The licensee must ensure that all drivers of wheelchair accessible vehicles have received the required training to be able to load/unload and convey wheelchair using passengers in safety and comfort. The training is to be carried out prior to every renewal of any licence applied for or on application if a new application.

Seatbelts

17. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

Tyres

18. All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.
19. Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
20. The vehicle must be equipped at all times with, a spare wheel or other manufacturer's standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).
21. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturer's minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
22. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the spare wheel must be replaced before another journey carrying passengers commences.

Alteration of Vehicle

23. No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the written approval of the Council at any time while this licence is in force.

24. No fixtures or fittings, except those approved in writing by the Council can be attached to the outside of the vehicle.
25. All glazing must at all times comply with [The Road Vehicles \(Construction and Use\) Regulations 1986](#) regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

Seats and Passengers

26. In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.
27. A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
28. Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.

Advertising on Hackney Carriages

29. Hackney Carriages are permitted to have full advertising wraps on their vehicles subject to the same advertising standards approved by the West Berkshire Council following an application and fee being paid.
30. Advertising must be approved in writing by a Licensing Officer prior to it being included on a licensed vehicle.
31. Advertising on the outside of any licensed vehicle is restricted to the name and telephone number of the owner or operator of the Hackney Carriage/Private Hire Vehicle, such advertisements must not exceed 50cm x 25cm and can only be affixed to the front and rear passenger doors, the boot, and the bonnet. Applications for departures from this limitation can be made in writing to West Berkshire Council's Licensing Team.
32. Any advertisements on any vehicles must be legal and comply with the advertising standards agency code of practice.

Luggage

33. Luggage and storage areas must be kept as free space for passenger's luggage.
34. Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
35. Vehicles with open luggage space such as estate cars must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.
36. Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passenger's luggage is being carried.

Radio Equipment –

37. The proprietor must ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

Taximeter

38. The proprietor must ensure the vehicle is fitted with a taximeter approved by the Council, and that meter must be kept in good repair and proper working order at all times. The taximeter must be set for the current tariff set by the Council or a continually lower rate and must be sealed to prevent unauthorised adjustment of that meter.
39. All taximeters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.
40. The taximeter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.
41. When the taximeter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions.
42. The word "FARE" must be printed alongside the display.
43. The taximeter must be located so that the entire display is plainly visible to any person travelling in the vehicle. The mechanism for activating the meter must be linked to the roof sign to ensure that when the meter is activated the roof sign light is switched off. It must not be possible to illuminate the roof sign by any other means.
44. If a fare has not been agreed between the driver (or booking agent) and the customer then the fare charged must be that which is shown on the meter.
45. The proprietor must ensure that a copy of the current fare table supplied by the Council is displayed inside the vehicle at all times and that table is not concealed from view or rendered illegible. If the meter is set to a lower rate, an additional fare table detailing the lower rate must also be displayed.
46. At all times, vehicles must be fitted with a roof sign that complies with the dimensions and specification detailed in the Hackney Carriage Policy, together with any other additional signage that is so specified.
47. The taximeter must be used for all journeys charged by time and/or distance, and it is recommended that it is activated for all journeys within the district where a fixed fee has been agreed to avoid any risk of overcharging by the driver.
48. The taximeter must be set to a rate not exceeding that specified in the [council table of fares](#).

Insurance

49. At all times during the currency of this licence the proprietor must maintain a policy of insurance complying with the requirements of Part VI of the [Road Traffic Act 1988](#) which covers hackney carriage use.
50. The proprietor must produce to the Council a new Certificate of Insurance which has comprehensive cover or cover note within two working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents, photocopies will not be accepted. A certificate of insurance must be in force for every transfer of vehicle covering the new vehicle before a plate will be issued.

Collisions in Vehicles

51. The proprietor must, as soon as reasonably practicable, but in any case within 24 hours, if at any time the vehicle is involved in a collision, causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein, the proprietor must notify the Council by completing the Council's collision report form within 24 hours, describing the damage to the vehicle and include photos of the damage if possible.
52. If it is intended that the vehicle shall continue to be used following an accident collision, officers may require it to be presented for inspection as soon as possible after the accident collision has taken place. If there is any doubt as to the fitness of the vehicle a new MOT test and or compliance test may also be required, paid for by the proprietor.
53. A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determine that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 Local Government (Miscellaneous Provisions) Act 1976 will be issued.
54. Failure to present the vehicle for inspection on request following an accident collision will result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
55. If the vehicle is not going to be repaired, the proprietor is responsible for removing the external plate and internal plate and returning these to the Council within 7 days.

Temporary Replacement Vehicle

56. If a licensed hackney carriage or private vehicle has been involved in an accident collision or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis.
57. The existing vehicle licence will be suspended, and the replacement vehicle will be granted the same licence number. The temporary period will be determined by the Council when the application is made and will be based upon the estimated time for the repair of the original vehicle. No temporary licence will be granted for a period exceeding three months.
58. Any replacement vehicle must meet the Council's specification for hackney carriage or private hire vehicles and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

Disabled Access - Vehicle Standards

59. All hackney carriages and wheelchair accessible private hire vehicles must comply with the following specification in addition to those detailed above;
- i. Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
 - ii. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.
 - iii. The clear height of the doorway must be not less than 1.2 metres.
 - iv. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.
 - v. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
 - a) be not more than 380mm from the ground, (measured at the centre of the tread width);
 - b) the surface shall be covered in a slip-resistant material
 - c) have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.
60. Should any entrance be more than 380mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements:
- i. not be more than 380mm in height from the ground, (measured at the centre of the step width);
 - ii. not be less than 250mm deep
 - iii. the surface shall be covered in a slip-resistant material
 - iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering
 - v. not be capable of operation whilst the vehicle is in motion;
 - vi. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger
 - vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

61. The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
62. Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.
63. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
64. A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

Disabled Accessibility

65. Those taxis licensed before April 2001, the group presently not subject to conditions requiring disabled access, will continue to be free from conditions relating to disabled access, subject to any national legislation or change in the Council's conditions which might be introduced at a later date.
66. Applicants who were granted licences subject to disabled conditions and who met those conditions by providing either wheelchair access or a swivel seat shall remain subject to those conditions unless either national legislation or West Berkshire Council conditions are introduced at a future date.
67. All taxis first licensed from 15th March 2005 will be granted on the condition that vehicles provide full wheelchair accessibility.
68. If a taxi proprietor transfers whole or in part his/her interest in a hackney carriage proprietor's licence, that transfer shall, subject to the family exemption, be treated as a grant of a new licence for the purpose of applicability of the disabled access condition. Therefore, the disabled access condition requiring the provision of a fully wheelchair accessible vehicle will be applied to that licence with immediate effect from the date that licence is transferred.

Vehicle Type Approval

65. All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, re-tested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). V5 document must reflect the modification.
66. Those vehicles which have not been "type approved" to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category and that the V5 document reflects the modification. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
67. Access for wheelchair users to Taxis and Private Hire Vehicles

68. See Guidance at: [Wheelchair access in taxis and private hire vehicles - GOV.UK](https://www.gov.uk/guidance/wheelchair-access-in-taxis-and-private-hire-vehicles)

Deposit of Licence

69. The proprietor must not allow the vehicle to be driven by any person who does not hold a current Dual Driver Licence issued by the Council.
70. If the proprietor permits or employs any person to drive the vehicle, that person must deposit their Dual Driver Licence with the proprietor who must, retain and safely store it until such time as the driver ceases to be permitted to drive the vehicle, at which point it must be returned to the driver.

Display of Conditions

71. The proprietor of this vehicle must have a copy of these conditions within the vehicle for inspection by those passengers at all times.

The Family Exemption

72. Any transfer by a hackney carriage proprietor of an interest in his/her licence, in whole or in part, which is limited to a transfer of such interest to a member of the proprietors immediate family as defined below, shall not be affected by the disabled access condition to any greater extent than the licence would have been affected had the transfer not occurred. Therefore, upon a transfer to a family member of an interest in a hackney carriage proprietor's licence, the relevant disabled access condition applicable to that licence immediately before the transfer was affected will remain in force.
73. For the purposes of the above condition, "immediate family" shall mean the:-
- Mother or Father
 - Spouse or Partner
 - Children
 - Brothers or Sisters
 - Step-Mother or Step-Father
 - Step-Children
 - Step-Brothers or Step-Sisters of the hackney carriage proprietor, but shall not extend to any additional family member.
74. Where it is claimed upon the transfer of an interest in a hackney carriage proprietors licence that the family exemption applies, it shall in every case be for the proprietor of the licence to prove that a family relationship exists within the above definitions.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

17. Private Hire Vehicle Licence Conditions

In these conditions which are imposed under the provisions of section 48(2) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Council” will mean West Berkshire Council.

“the Proprietor” means a person who has been granted a licence by West Berkshire Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“the Vehicle” means the vehicle that is specified on the licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The following conditions will be attached to every private hire vehicle unless specifically altered by the Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

General

1. The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g. for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.
2. If the vehicle is licensed by any other Council, the Proprietor must, immediately stop carrying out any work under their West Berkshire Council licence. They must then, return the licence issued by West Berkshire Council to the licensing department of West Berkshire Council within 7 working days.

Identification Plates and Cards

3. The identification plate, additional signage and licence cards remain the property of the Council at all times and must be returned within 7 days on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours.
4. The plate must be securely fixed to the rear exterior of the vehicle using the Council's approved backing plate and permanent fixings. Velcro, adhesive, magnets and brackets are not acceptable. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.
5. All vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.
6. If the proprietor has a dispensation/exemption certificate in relation to contract work, the vehicle will still need to display the licence cards on the front and rear windscreens of vehicle. The licence

plate must be carried in the boot of the vehicle at all times, and the dispensation certificate granted by the Council must be carried in the glove compartment.

Maintenance of Vehicle

7. The vehicle, along with all its fittings and equipment, must at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:
- (a) The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Council.
 - (b) Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
 - (c) The roof (including any sunroof or removable covering) must be watertight.
 - (d) Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi- meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.
 - (e) The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear and should not demonstrate excessive compression of the seating area or wear within the support mechanism.
 - (f) The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.
 - (g) Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.
 - (h) The interior of the vehicle must not have damp or other obnoxious smells.
 - (i) The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs.
 - (j) The doors, windows and seats must function in accordance with the original manufacturer's specification.
 - (k) Executive vehicles (vehicles with a dispensation notice) must be immaculate and have no stone chips, cracks, scratches abrasions or blemishes on the paintwork. The vehicle must not have wheels and wheel trims that have significant any damage which detracts from the overall excellent condition of the vehicle.
 - (m) The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the

application shall be refused.

- (l) The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.
8. The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check of all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
9. Following the vehicle check any faults discovered as a result of the check must be brought to the attention of the vehicle owner immediately and the vehicle should not be driven if unsafe to do so or does not comply with any legal requirement. This must be recorded in the written record and must have the date, time and who was informed, and the record must be signed by the person making the report.
10. If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.
11. If a vehicle fails a vehicle inspection test, the test station will inform the council outlining the grounds of the failed test. An authorised officer will then issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. That will immediately suspend the vehicle licence, from which point it cannot be used as a private hire vehicle. The proprietor/driver will be invited to surrender the vehicle plate. If the plate is not surrendered, a "licence suspended" sticker will be affixed to the plate which will mean that the proprietor must purchase a new plate when the suspension is lifted. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of two calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked.
12. The proprietor of the vehicle must provide a copy of all Private Hire Test certificates to the Council within 48 hours of receiving them.
13. If the vehicle has been involved in an collision then the proprietor must notify the Council within 24 hours with a copy of the collision report, photographs and Police incident number (if attended) and at the discretion of the Council, the vehicle may have to undergo a further inspection at one of the Council's nominated testing stations.

Doors

14. All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.
15. Tailgates and rear doors must only be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair using passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

Ventilation

16. The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

Wheelchair Accessible Vehicles (WAV's)

17. The following conditions apply to all private hire vehicles which are built or adapted for the carriage of wheelchair using passengers:
 - (a) All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair using passengers must at all times function correctly and must be used in accordance with the manufacturer's instructions.
 - (b) Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.
 - (c) All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.
 - (d) The manufacturer's seat belt for the wheelchair using passenger must always be used when a wheelchair is being carried.
 - (e) Access ramps or lifts must be securely fixed to the vehicle prior to use and must at all times display information prescribed by other legislation and manufacturers markings.
 - (f) Ramps, steps and lifts must be securely stored in the vehicle before driving off.
18. The licensee must ensure that all drivers of wheelchair accessible vehicles have received the required training to be able to load/unload and convey wheelchair using passengers in safety and comfort. The training is to be carried out prior to every renewal of any licence applied for or on application if a new application.

Seatbelts

19. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

Tyres

20. All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.
21. Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
22. The vehicle must be equipped at all times with, a spare wheel or other manufacturer's standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).
23. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturer's minimum specification for tyres and must

have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

24. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the spare wheel must be replaced before another journey carrying passengers commences.

Alteration of Vehicle

25. No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the written approval of the Council at any time while the licence is in force.
26. No fixtures or fittings, except those approved in writing by the Council, can be attached to the outside of the vehicle.
27. All glazing must at all times comply with [The Road Vehicles \(Construction and Use\) Regulations 1986](#) regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

Seats and Passengers

28. In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.
29. A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
30. Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.
31. Any drinking vessels provided by the proprietor or driver of the vehicle must be made of either toughened glass or plastic.
32. The proprietor must ensure that there is sufficient means by which any person in the vehicle may communicate with the driver.

Advertising

33. The proprietor must not display or permit to be displayed on or from the vehicle any sign or notice which consists of or includes the word "Taxi" or "Cab" whether in the singular or plural or "Hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word.
34. Advertising on the outside of the vehicle is restricted to the name and telephone number of the proprietor or operator of the vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the vehicle, unless written permission is obtained from the Council.

Luggage

35. Luggage and storage areas must be kept as free space for passengers' luggage.
36. Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
37. Vehicles with open luggage space, such as estate cars, must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.
38. Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever a passenger's luggage is being carried.

Radio Equipment

39. The proprietor must ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition, and maintained in proper working order.

Taximeter (if fitted)

40. Private hire vehicles may be fitted with a taximeter (at the discretion of the vehicle proprietor). Any such meter must be approved by the Council in accordance with the above requirement for hackney carriages. If the private hire vehicle is fitted with a taximeter, it must be of a type approved by the Council, and that meter must be kept in good repair and proper working order at all times.
41. All taximeters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.
42. The taximeter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.
43. When the taximeter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions.
44. The word "FARE" must be printed alongside the display.
45. The taximeter must be located so that the entire display is plainly visible to any person travelling in the vehicle.
46. If a fare has not been agreed between the operator and the customer then the fare charged must be that which is shown on the meter.
47. The proprietor must ensure that a notice detailing the fares charged by the operator is displayed inside the vehicle at all times and that table is not concealed from view or rendered illegible. It must also contain a statement that the Council has no control over private hire fares.

Vehicle Insurance

48. At all times during the currency of the licence, the proprietor must maintain a Policy of Insurance complying with the requirements of Part VI of the [Road Traffic Act 1988](#) which covers private hire use.
49. The proprietor must produce to the Council a new Certificate of Insurance which has comprehensive cover or cover note within two working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents, photocopies will not be accepted. A certificate of insurance must be in force for every transfer of vehicle covering the new vehicle before a plate will be issued.

Collisions in Vehicles

50. The proprietor must, as soon as reasonably practicable, but in any case within 24 hours, if at any time the vehicle is involved in a collision, causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein, the proprietor must notify the Council by completing the Council's collision report form within 24 hours, describing the damage to the vehicle and include photos of the damage if possible.
51. If it is intended that the vehicle shall continue to be used following a collision, officers may require it to be presented for inspection as soon as possible after the collision has taken place. If there is any doubt as to the fitness of the vehicle a new MOT test and or compliance test may also be required, paid for by the proprietor.
52. A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determine that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 Local Government (Miscellaneous Provisions) Act 1976 will be issued.
53. Failure to present the vehicle for inspection on request following an accident collision will result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
54. If the vehicle is not going to be repaired, the proprietor is responsible for removing the external plate and internal plate and returning these to the Council within 7 days.

Temporary Replacement Vehicle

55. If a licensed hackney carriage or private vehicle has been involved in an accident collision or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis.
56. The existing vehicle licence will be suspended, and the replacement vehicle will be granted the same licence number. The temporary period will be determined by the Council when the application is made and will be based upon the estimated time for the repair of the original vehicle. No temporary licence will be granted for a period exceeding three months.
57. Any replacement vehicle must meet the Council's specification for hackney carriage or private hire vehicles and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

Disabled Access - Vehicle Standards

58. All hackney carriages and wheelchair accessible private hire vehicles must comply with the following specification in addition to those detailed above;
- i. Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
 - ii. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.
 - iii. The clear height of the doorway must be not less than 1.2 metres.
 - iv. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.
 - v. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
 - a) be not more than 380mm from the ground, (measured at the centre of the tread width);
 - b) the surface shall be covered in a slip-resistant material
 - c) have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.
59. Should any entrance be more than 380mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements:
- i. not be more than 380mm in height from the ground, (measured at the centre of the step width);
 - ii. not be less than 250mm deep
 - iii. the surface shall be covered in a slip-resistant material
 - iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering
 - v. not be capable of operation whilst the vehicle is in motion
 - vi. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger
 - vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
60. The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.

61. Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.
62. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
63. A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

Vehicle Type Approval

65. All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, re-tested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). V5 document must reflect the modification.
66. Those vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category and that the V5 document reflects the modification. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
67. Access for wheelchair users to Taxis and Private Hire Vehicles
68. See Guidance at: [Wheelchair access in taxis and private hire vehicles - GOV.UK](https://www.gov.uk/guidance/wheelchair-access-in-taxis-and-private-hire-vehicles)

Deposit of Licence

69. The proprietor must not allow the vehicle to be driven by any person who does not hold a current Private Hire/Dual Driver Licence issued by the Council.
70. If the proprietor permits or employs any person to drive the vehicle, they must inspect and make a copy of that person's Dual Driver Licence or Private Hire Licence and retain and safely store that copy, until such time as the driver ceases to be permitted to drive the vehicle, at which point it must be returned to the driver.

Stretched Limousine

71. Stretched limousines are elongated saloon cars or multi- purpose vehicles (MPVs) They are generally used for private hire work and special occasions.
72. Where any screen is fitted between the driver and the rear passenger compartment, passengers must be able to communicate with the driver at all times by means of an intercom system or suitable holes in the screen.
73. The seating in the vehicle must all face either forwards or backwards and a vehicle will not be licensed if any sideways facing seats remain.

Funeral and Wedding Vehicles

74. There is currently no requirement for a vehicle to be licenced where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.
75. A vehicle does not need to be licenced to be used in connection with a wedding. Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement. However, where a licenced hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed; for a licenced private hire vehicles the licence plate must be displayed unless a valid exemption notice is held.

Display of Conditions

76. The proprietor must, have a copy of these conditions within the vehicle, for inspection by passengers, at all times.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

63. Private Hire Operator Conditions

In these conditions which are imposed under the provisions of section 55(3) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Council” will mean West Berkshire Council;

“the Operator” shall mean the holder of a licence issued by West Berkshire Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

General

1. The operator (unless a single person operator/driver/proprietor) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”) and notify the Council of their identity and contact details, including a mobile telephone number. That person will be the first point of contact between the Council and the operator. The operator must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council. All references to the manager include references to the deputy when they are acting in that capacity.
2. An operator must not wilfully obstruct an authorised officer or Police Constable acting under the above Act, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act.

Disclosure and Barring Service (DBS) Checks

3. The operator (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a DBS basic disclosure (dated within one month of the application) on or before the anniversary of the granting of the operator’s licence. Failure to do so will result in the licence being suspended until such time as the DBS certificate is provided.
4. The cost of these checks will be covered by the applicant/licensee.
 - (a). Where the operator holds a dual driver licence or private hire driver licence they are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a drivers licence.
 - (b) The operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.
 - (c) The operator must maintain a register of all such staff which shall include a record of when each DBS check has been undertaken. This register must be available for inspection by an authorised officer of the Licensing Authority upon request. The register should include the following:
 - i. the date that person’s employment in that role commenced;
 - ii. the date the operator checked the DBS certificate;

- iii. the name of the person that checked the DBS certificate;
 - iv. the date the person ceased to perform that role
 - (d) The register must be retained for six months 2 years in line with the booking records.
 - (e) Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.
5. Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce and apply a policy on the employment of ex-offenders in those roles. This policy should be based on the Council's current Convictions Policy. The policy must be available for inspection on request of an authorised officer of the Licensing Authority. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's current Convictions Policy standards will lead to consideration by the Council as to whether the operator remains a fit and proper person.
 6. The operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.
 7. The operator must make certain that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. The operator must have required evidence of this from the company before outsourcing these functions.

Companies House

8. If the operating company is registered with Companies House and any changes are made in relation to the status or details held by Companies House the operator must also notify the licensing team of those changes within 24 hours.

Vehicle and Driver Licences

9. The operator must inspect and retain all the private hire vehicle licences and dual driver licence or private hire licences of vehicles and drivers operated, engaged or otherwise utilised by the operator. Those licences must be stored securely and retained for as long as the vehicle or driver is operated by that operator. At the end of that they must be returned to the vehicle proprietor or driver as appropriate.

Record keeping - Conditions

10. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
11. Operators must keep records of any pre-booked work in a suitable book or on a computer or any other recordable device. If using a book, the pages must be numbered consecutively and the proprietor shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
 - Time and date of the booking.
 - Name of hirer.

- Phone number of the hirer unless refused.
 - Fare quoted.
 - How the booking was made.
 - Time of proposed pick up.
 - Point of pick up and drop off.
 - Name of the driver and licence number.
 - Vehicle registration number.
 - Private Hire or School Transport vehicle plate number.
 - Time the booking was completed.
 - Name of the individual that responded to the booking request.
 - Name of individual that dispatched the vehicle.
 - Notes about any subcontracting of the booking.
12. An operator must keep records of all private hire and school transport vehicles, drivers and escorts that are operated by them confirming the following information.
- a. Name and address of the vehicle proprietor
 - b. Registration number and plate number of every private hire or school transport driver
 - c. Name, address and licence number of every private hire or school transport driver
 - d. Date of expiry of every private hire and school transport driver and vehicle licence.
 - e. A valid insurance certificate for every private hire and school transport vehicle.
 - f. Dates the private hire and school transport drivers and vehicles commenced or cease working for the operator.
13. These records must be kept by the proprietor securely, in accordance with data protection legislation, for a minimum of 2 years following the date of booking.
14. Operators will be required upon occasion to produce their records to the police or licensing officers upon request. Operator's must be able to be quickly access their systems, so officers can interrogate the records to carry out their enforcement duties.
15. All records should be kept for 2 years from the date of the last entry and must be available for inspection on demand by any authorised officer of the Council or any Police Officer at all reasonable times.
16. These documents must be returned to the driver or proprietor when the driver or vehicle ceases to be operated by them.

17. These documents and any other records required to be held by the Council must be kept in secure lockable cupboards if paper copies or held securely in a computer if electronic with access restricted to persons approved by the operator in writing. A list of such persons must be made available to officers of the Council or a Police Officer on request.
18. Details of all bookings must be entered into the records to show that they have been accepted as soon as reasonably practicable.
19. An operator shall notify the West Berkshire Council Licensing Team, in writing, within seven days of the termination of employment of a private hire driver or a vehicle that is no longer operated by them.
20. Any computerised system used must be able to produce a printed record of the details specified above.
21. A backup of the records required is to be kept and must be made daily and is also to be kept for 2 years.
22. If the business upgrades its software which will have an effect on the booking, driver and vehicle records kept then a process must be put into place where either the records are migrated onto the new software or a separate back up is made and kept for 2 years to ensure access to the records if required by Licensing Enforcement Officers or any Police Officer at all reasonable times.
23. All records held in association with the company or firm, operated by virtue of this operator's licence, must be distinct and separate from that of any other company or firm.
24. (a) If operating more than 5 vehicles, all booking records held in respect of the company or firm operated by virtue of this operator's licence, shall be held on a computerised system or in the event of temporary computer breakdown, booking records may be held in another manner and for a specified time period, both of which require approval by the Council in writing.

(b) If operating 5 or less vehicles a manual bookings system, approved by the Council, in writing, may be used.
25. All bookings allocated to West Berkshire Council licensed private hire drivers, operated by virtue of their operating licence, must be allocated by way of an electronic Personal Digital Assistant (PDA) or similar device, or in the event of temporary computer breakdown, in another manner and for a specified time period, both of which require approval by the Council in writing.
26. The information specified below, shall be submitted to the Council on or before the 7th day of each month in respect of the previous month.
 - a. Registration number of each private hire or school transport vehicle operated
 - b. Private hire or school transport vehicle licence number of each vehicle operated
 - c. Date of expiry of each private hire or school transport vehicle licence
 - d. Date of expiry of each private hire or school transport vehicle insurance
 - e. Name of each private hire vehicle or school transport driver
 - f. Private hire or school transport vehicle driver licence number of each driver

- g. Date of expiry of the private hire or school transports vehicle driver's licence of each driver
 - h. Dates the private hire or school transport vehicles and drivers commenced and ceased working for the operator.
 - i. Name and licence number of all school transport escorts if applicable.
 - j. School route number that the escort is detailed to use.
 - k. Dates the school transport escort commenced and ceased working for the operator.
27. Bookings received through the internet or via an app based booking system shall only be received at the company base stated on the operator's licence, unless otherwise approved by the council in writing and only at such other addresses supplied on the application form to the council and approved by the council in writing.
 28. The operator must keep a daily record of the names of controllers engaged in the receiving of bookings and despatching of vehicles to accepted bookings and the times that those persons were so engaged. This record must be kept for not less than 2 years and be available for inspection by any authorised officer of the Council or any Police Officer, at all reasonable times. The operator shall be totally responsible for the conduct and actions of controllers engaged in the receiving of bookings and despatching vehicles to accepted bookings, operating under their licence.
 29. Bookings received by telephone shall only be received at the company base stated in the operator's licence, unless otherwise approved by the Council in writing and only on the telephone number(s) supplied on the application form to the Council or such other number(s) as maybe approved by the Council on the application by the operator in writing.
 30. If at any time the operator does become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) they must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.

Standards of Service

31. The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
32. The operator must in particular (but this is not an exhaustive list):
 - (a) Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.
 - (b) Ensure the vehicle dispatched is a West Berkshire Council licensed private hire vehicle and the driver of the vehicle is a West Berkshire Council licensed private hire driver.
 - (c) Keep any premises which are under the control of the operator and which are open to the public clean, adequately heated, ventilated and lit.
 - (d) Ensure that the hirer is advised that if any passenger is under the age of 18 years, no alcohol in open vessels will be allowed in the vehicle.

- (e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (f) Ensure that the correct licences are in place for any radio equipment.
- (g) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

Ride Sharing/Car-pooling

- 33. At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.
- 34. As part of ride sharing/carpooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

Public Service Vehicles (PSVs)

- 35. Public service vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.

Complaints

- 36. The operator or manager must initiate an investigation into any complaint received from the public within 24 hours from receipt of the complaint.
- 37. The operator must maintain a register of all complaints (digital or hard copy), which must include the following information:
 - (a) Complainant's name, address/email address
 - (b) Details of the complaint
 - (c) Time and date of the alleged incident
 - (d) Time and date the complaint was received by the operator
 - (e) How the complaint was received e.g. phone, email etc.;
 - (f) Name of person that received the complaint
 - (g) Name of the alleged perpetrator
 - (h) If the complaint was referred to the Licensing Authority – time and date of when it was referred and by whom
 - (i) Details of the action taken to resolve the complaint and by whom
 - (j) Date the complaint was resolved
- 38. A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of 12 months.
- 39. The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.

40. The operator must ensure that details of how a customer may contact the operator in the event of any complaint relating to a booking or other contract are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.
41. Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint.
42. The operator must notify the Licensing Authority immediately if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:
 - (a) allegations of sexual misconduct (including the use of sexualised language);
 - (b) racist behaviour
 - (c) violence (including verbal aggression)
 - (d) dishonesty including theft
 - (e) equality breaches
 - (f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

Operator's Base

43. An operator's licence relates to one or more addresses (bases) within the West Berkshire Council area. Every address that is being used must be detailed on the licence, and if a licence does not relate to the address or addresses being used, that licence is void. Continued use of that licence will be a criminal offence.
44. An operator who has more than one operating office or base within West Berkshire Council does not require a separate licence for each premises but must submit a list to West Berkshire Council containing all the addresses from which they run their business. An updated list must be sent to the Council whenever any of those addresses change.
45. An operator must have a member of staff on duty at all times of operation and must be available to allow council officers or police officers access to the records either on request or at other suitable times. Any operator found not to be operating from the base disclosed will have their licence revoked.
46. Planning Permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial is required before an application can be made for an operator's licence. However, it may be unlawful to use those premises as an operator's base and advice, should be sought from West Berkshire Council's Development Control Service if required.
47. Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold an operator's licence with the local authority in each of those areas.

Change of Address

48. The operator must notify the Council in writing of any change of their address (including any address or addresses from which they operate or otherwise conduct their business (as an operator) within seven days of such change taking place.

Convictions

49. The operator must notify the Council in writing of any conviction, caution, fixed penalty notice, injunction, restraining order or other matter which might affect their continuing fitness and propriety imposed on them, or any criminal charge against them within 48 hours. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding an operator's licence.

Advertising

50. The operator must not display or permit to be displayed on or from their premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning except where the operator also takes bookings for hackney carriages. The word 'Taxi' or 'CAB' is not to be displayed on any Private Hire Vehicle in any form.

Insurance

51. Any premises that are under the control of the operator and are open to the public must be covered by Public Liability Insurance of at least £5 million pounds.
52. This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
53. Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
54. Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority.

Personal Data

55. The loss of personal data by theft or otherwise (including any hacking of the operators' computer systems) must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. The operator must also check whether any data loss needs to be reported to the Information Commissioner's Office, for more information see: [Report a breach | ICO](#)

Working Hours

56. The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted to drive for more than ten hours per day and must have a break lasting at least 30 minutes after driving for five and a half hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

Display of Conditions

57. The operator must display a copy of these conditions in any premises which are under their control and open to the public. A copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

Sub-contracting

58. A private hire operator may sub-contract a booking to another licenced operator or hackney carriage driver or dual driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings.
59. If the operator sub-contracts any booking to another operator licensed in England (including Greater London), Wales or Scotland, the operator who initially accepted the booking remains liable under the contract.
60. If any booking is sub-contracted to another operator, then the operator who initially accepted the booking must inform the hirer of the subcontract before the hiring commences.

Trading names

61. An operator shall only use trading or company name(s) that are included on the operator licence, or other trading name approved by the Council in writing.

Trailers

62. Trailers may only be used with proper written approval of the Council. The trailer can only be used in connection with pre-booked journeys and cannot be used for plying for hire on a rank or the street.

Informative

The operator must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting the operator if such circumstances arise.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

Document Control

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Licensing Committee Forward Plan July 2025 to July 2026

o.	Ref No	Item	Purpose	Lead Officer	Comments
LC 07 July 2025					
1.	LC4389	Annual Report 2024/25	To set out the work of the Licensing Committee in 2024/25 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.	Moira Fraser	
2.		Scrap Metal Licensing Policy	To consider changes to the policy and agree a way forward.	Julia O'Brien	
3.	C4273	Hackney Carriage and Private Hire Licensing Policy	To consider the comments received during the consultation, consider any proposed modifications to the policy and adopt it.	Julia O'Brien	
LC 03 November 2025					
4.		Fees and Charges 2026/27	To set out the Fees and Charges which have been proposed by the Joint Public Protection Committee at the October 2025 meeting and agree the methodology for consultation for the fees the council has a statutory duty to consult on.	Moira Fraser	
5.		Hackney Carriage Tariffs - 2026	To consider proposals for adjustments to the tariffs and the proposed consultation process.	Moira Fraser	
6.		Charity Collections Policy	To consider the draft policy and agree a way forward.	Julia O'Brien	
LC 19 January 2026					
7.		Fees for Taxi and Private Hire Vehicles, Drivers and Operators	To consider any issues arising from the consultation and their impact on the proposed fees which will be recommended to full Council for approval.	Moira Fraser	This report will only be submitted if there are objections to the fees subjected to the statutory consultation
8.		Sex Establishment Policy	To consider any amendments that are needed to the	Julia O'Brien	

o.	Ref No	Item	Purpose	Lead Officer	Comments
			policy and agree a way forward.		
9.		Special Treatments Bye laws	To consider the bye laws and make any changes needed	Julia O' Brien	
LC July 2026 (TBC)					
10.		Hackney Carriage Tariffs - 2026	To provide feedback on the 2026 process and any decisions made by the Executive.	Moira Fraser	
11.	LC4389	Annual Report 2025/26	To set out the work of the Licensing Committee in 2024/25 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.	Moira Fraser	Ensure it includes information about complaints, how many upheld etc (not complaints against service)
12.		Street Trading Policy	To review the existing policy and agree a way forward	Julia O'Brien	
13.		Fireworks Procedures and Plan	To review the existing documentation and agree a way forward	Julia O'Brien	