

Notice of Meeting



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Special Licensing Committee

Monday 15 December 2025 at 4.30 pm
in the Council Chamber Council Offices
Market Street Newbury

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Date of despatch of Agenda: Friday 5 December 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) 503929

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



WestBerkshire
C O U N C I L

Agenda – Special Licensing Committee to be held on Monday 15 December 2025
(continued)

To: Councillors Jeremy Cottam (Chairman), Paul Dick (Vice-Chairman), Phil Barnett, Billy Drummond, Nigel Foot, Paul Kander, Jane Langford, Tom McCann, David Marsh, 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. **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](#).
3. **Draft Hackney Carriage and Private Hire Licensing Policy** 3 - 100
Purpose: To consider the draft policy following the consultation undertaken which has been prepared in response to the Department for Transport's guidance on "Statutory Taxi and Private Hire Vehicle Standards". This guidance requires local authorities to adopt a policy and then review, revise and update the policy in relation to hackney carriage and private hire licensing.

Sarah Clarke.

Sarah Clarke
Executive Director – Resources

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

Draft Hackney Carriage and Private Hire Licensing Policy

Committee considering report:	Licensing Committee
Date of Committee:	15 December 2025
Portfolio Holder:	Councillor Tom McCann
Report Author:	Julia O'Brien

1 Purpose of the Report

- 1.1 To consider the draft policy following the consultation undertaken which has been prepared in response to the Department for Transport's guidance on "Statutory Taxi and Private Hire Vehicle Standards". This guidance requires local authorities to adopt a policy and then review, revise and update the policy in relation to hackney carriage and private hire licensing.

2 Recommendations

The Committee:

- 2.1 **APPROVES** the draft Hackney Carriage and Private Hire Licensing Policy as at **Annex A**.
- 2.2 **DELEGATES** authority to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Licensing Committee to agree any transitional arrangements to bring about effective implementation.
- 2.3 **DELEGATES** authority to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Licensing Committee to make any minor revisions to the policy arising from future changes to the Department for Transport Guidance and any relevant changes to legislation.
- 2.4 **RECEIVES** an update on implementation as part of the Annual report along with any proposed updates or changes to the policy.
- 2.5 **AGREES** to undertake a review of the application of the policy with respect to 'protected plates' (Section 20 of Appendix C) within the next six months with a view to implementing any changes proposed at the time of the first annual review.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The costs of drafting of the policy and the consultation were 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. There are currently no proposals to make any additional changes to the fee other than those contained in the proposed fees brought to the previous Licensing Committee meeting/
Human Resource:	There are no HR implications associated with the drafting of the policy or consultation on the policy. The consultation was undertaken by existing resources within the Public Protection Service advised by colleagues in the Performance, Research and Risk Team.
Legal:	<p>West Berkshire District Council is acting within the rights of a local authority to establish a comprehensive taxi and private hire licensing policy. In doing so, the Council has a duty to protect the public, uphold safety standards, and support a professional and accountable transport service. While national legislation and statutory guidance provide minimum requirements, it is both lawful and appropriate for licensing authorities to adopt higher standards where justified—particularly where these are shaped by meaningful consultation and democratic oversight, both of which have taken place in the development of this policy.</p> <p>This policy is firmly grounded in the historic and statutory framework that governs taxi licensing, including the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. It also aligns with more recent legislation, including the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.</p> <p>In addition to these core statutes, the policy recognises broader legal responsibilities, including those under data protection, immigration, equalities, criminal records disclosure, public health, road safety, and transport regulation. These duties have been carefully considered to ensure a licensing framework that is lawful, proportionate, and fit for purpose.</p> <p>This policy was shaped by extensive public consultation and active engagement with key stakeholders. All feedback was carefully considered and informed the final content. The policy</p>

	<p>also underwent a democratic approval process within the Council and, where relevant, an equality impact assessment to ensure compliance with the Public Sector Equality Duty.</p> <p>The Council remains committed to monitoring and reviewing the policy at appropriate intervals to reflect changes in legislation, guidance, and local needs. This approach ensures that our licensing standards remain not only legally compliant but responsive to the evolving needs of our communities.</p>			
Risk Management:	<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 on a level playing field. The Council sets those 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>			
Property:	<p>There are no property implications associated with the drafting of the policy or the consultation that will be undertaken.</p>			
Policy:	<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 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:				

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			<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 Hackney Carriage and Private Hire Vehicle services with confidence 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 have a disability and those who are elderly may also use taxis more frequently. Any change to policy suggested could impact these groups.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x			<p>The draft policy has been out to consultation. Any comments on equalities issues raised as part of the consultation have been provided to legal for comment and will be made known to the committee prior to a decision being taken on the adoption of the policy.</p>
Environmental Impact:	x			<p>The draft policy, if approved, includes revised standards which will require vehicles to meet the Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.</p>
Health Impact:		x		<p>There are no specific health impacts associated with the policy or the consultation.</p>
ICT Impact:		x		<p>The policy will be published on the PPP website and the West Berkshire Council website.</p>
Digital Services Impact:		x		<p>The policy will be published on the PPP website and the West Berkshire Council website.</p>

Council Strategy Priorities:	x			<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.
Core Business:		x		<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 process.</p>
Data Impact:		x		<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>
Consultation and Engagement:	<p>During the consultation a number of meetings took place with the trade to go through the policy. The comments provided by the trade were considered by the licensing team and agreement was made to amend some parts of the policy. Some amendments could not be made due to legislative requirements or recommendations set out by the DfT in their guidance.</p> <p>In addition there were some amendments that the licensing team felt strongly that should not be made. The consultation responses raised have been published on the Council website.</p>			

4 Introduction

- 4.1 The Department for Transport (DfT) Statutory Standards were published on 21 July 2020 and set out a range of measures to protect taxi and private hire vehicle passengers and in particular those most vulnerable.
- 4.2 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.

- 4.3 The Department for Transport will monitor licensing authorities' responses to the Statutory Standards and all authorities are expected to provide updates as to how they intend to implement and develop the standards.
- 4.4 Members received a report in regard to the Statutory Standards in October 2020 setting out the main items contained in it that had to be considered.
- 4.5 Members agreed the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy at the 24 June 2019 Committee meeting. In accordance with the DfT guidance officers are proposing to build on that document in order to comply with the statutory standards.
- 4.6 The Statutory Standards promote the existence of a Taxi Licensing Policy. Authorities should produce a 'cohesive policy document' that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years.
- 4.7 Where timescales are not prescribed in legislation the timescales set out in Government Guidance have been put forward in the draft document.
- 4.8 Taxi and Private Hire businesses provide a critical public and societal function. From support to the wider daytime and nighttime economy to the provision of vital transport for children attending school and disabled and vulnerable adults and children. There have been significant pressures on the trade especially during and in the immediate aftermath of Covid19 and as a result of changes to the way that people now work with the rapid rise in digital communication routes.

5 Background

- 5.1 The effective regulation of the taxi and private hire trade is critical both to public safety and public confidence. Without that public confidence the industry would not have any prospect of economic viability. This is a view shared by both officers and the trade.
- 5.2 Local authorities are currently tasked with the job of regulating the taxi and private hire trade at local level. There is a wide range of discretion as to how this is achieved, and this includes the development and implementation of a local policy and licence conditions. Over the years there has been a significant amount of case law following legal challenges around the country but on the whole the courts have concluded that that as long as any policy or conditions are reasonable in their aims and expectations and that development involves consultation that the local authority does have a wide discretion.
- 5.3 In November 2022 the Department for Transport (DfT) updated and issued new guidance in relation to hackney carriage and private hire licensing in the "[Statutory Taxi and Private Hire Vehicle Standards](#)" which had been published in July 2020. 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.

- 5.4 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.
- 5.5 The DfT then issued [revised best practice guidance](#) on the 17 November 2023. The new guidance states that:
- 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.
- 5.6 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 which was adopted in June 2019, and which has undergone an amendment to include all current West Berkshire Council licensed dual and private hire drivers convicted of any offences mentioned and not just applicants as in the current version.
- 5.7 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.
- 5.8 The Council undertook consultation on the Draft Policy and this ran from the 18 March 2025 to the 18 May 2025. A total of 80 responses were received to the formal consultation: Two from officers, two from parish or town councils/councillors, one from a meter agent and one from a resident. The remaining 74 were from the trade being six private hire operators, 20 dual drivers and 48 Cabco drivers (these drivers also signed the representation submitted by Cabco). Many of the trade responses are variations on 11 matters that they have raised in point 5.10 below.

5.9 The responses, along with Officer observations did amount to some several hundred pages of tabulation and these have been made available to Members of the Committee as background papers.

5.10 The comments raised by the trade were many but included many centred on:

- Age of vehicles
- DBS/Certificates of Good Conduct
- Repeat testing requirements
- Retrospective application of changes to the convictions policy appertaining to Motoring convictions
- Penalty point system
- Engine Idling
- Vehicle standards
- Advertising and livery
- Operators record submission
- Driver worker hours

5.11 There was another issue raised during the consultation with regard to protected plates. Protected plates are the original plates that that were granted to Newbury Borough licence holders which are protected from having to be wheelchair accessible under grandfather rights. Particular concerns arise with respect to the rights being able to be transferred to other family members as well as some vehicles being leased. This is seen as anti-competitive by some members of the trade. Both these points have been considered and legal advice sought. It is proposed that this should be considered separately by Committee given the complexity of the issue and should not form part of the policy amendments at this time.

5.12 A full summary of all the responses can be found here:
[westberks.gov.uk/media/63176/Outcome-of-the-Draft-Hackney-Carriage-and-Private-Hire-Licensing-Policy-2025-2030/pdf/Outcome_of_the_Draft_Taxi_Policy_Consultation.pdf?m=1747845883807](https://www.westberks.gov.uk/media/63176/Outcome-of-the-Draft-Hackney-Carriage-and-Private-Hire-Licensing-Policy-2025-2030/pdf/Outcome_of_the_Draft_Taxi_Policy_Consultation.pdf?m=1747845883807)

6 Proposal

6.1 The Committee is asked to consider the draft policy and noting that many hours of consultation has been conducted resulting in many amendments and to adopt the draft Hackney Carriage and Private Hire Licensing Policy.

6.2 Should the Committee consider that further changes should be made to the Draft Hackney Carriage and Private Hire Licensing Policy, it is asked to confirm the changes it wishes to be incorporated and whether it considers that any further consultation should

be undertaken. If so, the duration of that consultation prior to it being further considered and adopted. The Committee is then asked to delegate to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Committee the incorporation of the changes and the adoption of the final Hackney Carriage and Private Hire Licensing Policy as well as any transitional arrangements to effect implementation.

- 6.3 The Committee is asked to delegate to the Service Lead – Public Protection in consultation with the Chairman and Vice Chairman of the Committee the authority to agree any transitional arrangements to effect implementation.
- 6.4 The Committee will receive an update on implementation as part of the Annual report along with any proposed updates or changes.

7 Other options considered

- 7.1 In considering the consultation, the Committee may ask for further changes incorporated. In this event, the Committee is asked whether it considers that any further consultation should be undertaken and if so the duration of that consultation prior to it being further considered and adopted.

8 Conclusion

- 8.1 As has been stated above we are grateful for the engagement of the many professionals operating within the licensed sector on the development of this policy. It is critical that not only is any policy clearly defined but that it is effective at an operational and implementation level. It also needs to strike a balance between effective and sensible public safety measures whilst not placing unreasonable burdens on the sector.
- 8.2 Officers have considered very carefully the points raised by the trade as can be seen from the background papers and this report. Officers have sought to give Members enough detail to determine the policy whilst acknowledging that once in operation there may be a need for further adjustments. In the view of officers, the draft policy before the Committee 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 whilst striking the balance set out at 5.1 above.
- 8.3 It is proposed that as part of the annual report to the Committee Officers provide an update on the practical implementation of the policy and where necessary propose any amendments.

9. Appendices

- 9.1 Annex A – Draft Hackney Carriage and Private Hire Licensing Policy 2025 - 2030

10 Background Papers:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Equalities Act 2010
- Data Protection Act 2018
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
- Existing Hackney Carriage and Private Hire Licensing Criminal Convictions Policy
- Taxi and private hire best practice guidance for local authorities in England
- Statutory taxi and private hire vehicle standards
- [Draft Hackney Carriage and Private Hire Licensing Policy 2025-2030 - West Berkshire Council](#)

Subject to Call-In:

Yes: ☒ No: ☐

Wards affected: All

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Draft Hackney Carage and Private Hire Licensing Policy 2025 – 2030



West Berkshire
C O U N C I L

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Introduction

- 1.1 The Hackney Carriage and Private Hire trade is an essential part of the local transport network, providing safe, reliable, and accessible services to residents, businesses, and visitors. Licensed drivers and operators play a valuable role in supporting social mobility, enabling economic activity, and ensuring that people can travel conveniently, particularly where other transport options may be limited. The sector also contributes to community well-being by offering inclusive transport for vulnerable groups, including those with mobility challenges.
- 1.2 The Licensing Authority recognises the importance of this work and the need for a strong, professional trade. However, its primary statutory duty is to protect the public. This means ensuring that all licensed drivers, vehicles, and operators meet high standards of safety, suitability, and compliance. Public confidence in the trade depends on robust regulation that prioritises passenger welfare, prevents harm, and promotes trust.
- 1.3 At the same time, the authority acknowledges that regulation must be proportionate and fair. A financially viable taxi and private hire sector is critical to maintaining service availability and quality. Excessive burdens or unnecessary restrictions could undermine the sustainability of the trade, reducing choice and accessibility for the travelling public. Therefore, this policy seeks to strike a careful balance: safeguarding passengers while supporting a competitive and thriving industry.
- 1.4 This document sets out the framework for licensing hackney carriage and private hire vehicles, drivers, and operators within the authority's area. It explains the principles that guide decision-making, the standards expected of license holders, and the processes for compliance and enforcement. By applying these measures consistently and transparently, the authority aims to achieve its dual objectives of public safety and sector sustainability, ensuring that the licensed trade continues to deliver high-quality services for the community.
- 1.5 This is a policy that outlines the approach that will be taken by West Berkshire District Council (hereafter referred to as the Council) and provides information for applicants, licence holders, the business sector and the citizens of and visitors to West Berkshire. It is a policy designed to integrate with the legislative framework to provide a basis for the application of law at local level.
- 1.6 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons must be given for doing so.

2. Contact Details

- 2.1 If you have any queries about licensing issues, please contact the licensing team via:

Telephone: 01635 519184

Email: Licensing@westberks.gov.uk

Or write to:

West Berkshire Council Licensing Team
Theale Gateway
Church Street
Theale
Berkshire
RG7 5BZ

3. Scope

- 3.1 The policy will remain in existence for a period of five years, during which time it will be kept under review and revised where necessary. The operational delivery of the licensing functions is delegated to the Public Protection Partnership (PPP).
- 3.2 The PPP is a shared service delivering environmental health, licensing and trading standards on behalf of two authorities (Partners), Bracknell Forest Council and West Berkshire Council. It also shares a range of services with Wokingham Borough Council including trading standards, financial investigations, intelligence functions, animal health and welfare and case management work and the technical delivery of air quality monitoring and reporting.
- 3.3 While the PPP includes a shared licensing service each partner authority retains its individual Licensing Committee that is responsible for setting licensing related policies, monitoring performance of the service and reviewing applications or licences where they are referred to a sub-committee for determination.
- 3.4 This policy applies to all aspects of hackney carriage and private hire licensing within the authority's jurisdiction, including:
- Drivers
 - Vehicles
 - Operators
 - Enforcement
 - Issuing and revocation of licences.
- 3.5 The Council licenses five different types of vehicles:
- Wheelchair Accessible Vehicles (WAV).
 - Non-Wheelchair Accessible Vehicles.
 - Swivel-seated Vehicles
 - Stretched limousines.
 - Novelty vehicles
- 3.6 The policy covers both hackney carriage (taxi) services, which can be hailed on-street or at designated ranks, and private hire services, which must be pre-booked through a licensed operator. The private hire operator takes and records the bookings for private hire vehicles. The private hire operator is responsible for the actions of the drivers that they use and the condition of the vehicles that they use.

- 3.7 The Council also issues dual driver licences which allow that individual to drive either a hackney carriage or private hire vehicle. Operating dual or private hire drivers and vehicles without a valid licence is a criminal offence.

4. Legislation, Byelaws, Guidance and Policy

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 and 1889 provide the regulatory framework for the Council to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

- 4.2 In undertaking its licensing function, the Council will comply with other relevant legislative requirements including but not limited to:

- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Various Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Immigration Act 2016
- The Police and Crime Act 2017
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

- 4.3 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 which was updated in November 2023. The DfT guidance states that 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.

5. Equality Act 2010

- 5.1 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.

6. Data Protection

- 6.1 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.

- 6.2 More Information on how personal data will be managed by the Licensing Authority can be found at <https://publicprotectionpartnership.org.uk/privacy-statement>

- 6.3 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.

7. Applications for Licences

- 7.1 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 available on the [PPP's website](#). To ensure that the most up to date version is being used, applicants and licence holders should not store these forms on their own system but should download the latest version from the website when it is required. The licence fee payable to the Council is subject to an annual review and will be published on the PPP's website.
- 7.2 If an applicant or licensee, fails to provide all of the documentation required for a licence application or renewal at the time of submission, 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 will then be assessed and determined in accordance with this policy.
- 7.3 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 a panel drawn from members of the [Licensing 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.
- 7.4 It is not the responsibility for the local authority to issue reminders. 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).
- 7.5 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 licensed by the Council until a new licence has been granted. To avoid this happening, drivers and operators are encouraged to submit their renewal application six weeks prior to expiry and vehicle renewal applications four weeks prior to expiry. Valid renewal applications should be submitted no later than five clear working days prior to expiry.
- 7.6 The Council may share information with other public bodies such as other Local Authorities, 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.

8. Criminal Record Checks

Vehicle Proprietor

- 8.1 All vehicle applicants must provide a current enhanced Disclosure and Barring Service (DBS) disclosure (dated within three months of the application). If the vehicle proprietor is also a licensed 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 Enhanced DBS disclosure.
- 8.2 Should the individual cease to hold a driver or operator licence, an Enhanced DBS will be required to be provided within a month of that licence expiring and annually thereafter. The Council will then decide whether the applicant is a 'fit and proper person' to hold such a licence.
- 8.3 Where the proprietor is trading as a limited company (or partnership) the Council will also require all directors and any other person listed as an officer on Companies House in relation to the limited company (or partnership) to all provide an Enhanced DBS certificate. The company (or Partnership) must advise the Licensing Authority within seven days of any change in directors (or other persons listed as an officer on Companies House) throughout the period of the licence and provide a current Enhanced DBS certificate dated within three months.

Dual Driver or Private Hire Driver

- 8.4 All driver applicants must provide a current enhanced Disclosure and Barring Service (DBS) disclosure (dated within three months of the application). A criminal record check on a driver is an important safety measure.
- 8.5 The Rehabilitation of Offenders Act 1974 and associated amendments set out the period after which a conviction/warning would normally be regarded as spent and therefore 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 and therefore are an exception to this and they must declare all convictions and cautions whether spent or not.
- 8.6 Applicants must therefore provide details of all convictions, police warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders, traffic offences, mandated 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 court cases pending or hearings must be declared, and details of any licences previously held, suspended, or revoked.
- 8.7 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 the details that they are required to provide.

- 8.8 Applicants or licensees are required to sign up to the DBS update service to enable the Council to make checks every six months. Any driver that does not sign up to this service will only be granted a licence for six months and a new enhanced DBS check will be required on every application for a new licence. All current licence holders must join the update service within 30 days of the renewal of their DBS certificate. Any licensee that does not comply with this, may be suspended.

Private Hire Operator

- 8.9 The operator (and where the operator is a partnership or limited company, all partners, directors and any other current officers listed on Companies House) must submit a DBS Enhanced Disclosure Certificate (dated within three months 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(s) is/are provided. They are required to sign up to the DBS update service to enable the Council to make checks every six months.
- 8.10 If the operator is also a licensed driver with the Council, the requirement for the DBS disclosure is waived, as the driver will have been subject to an Enhanced Disclosure.
- 8.11 If the individual ceases to hold a driver licence, an Enhanced DBS will be required to be provided within a month of that licence expiring and annually thereafter. The Council will then decide whether the applicant is a 'fit and proper person' to hold such a licence.
- 8.12 The company (or Partnership) must advise the Licensing Authority within seven days of any change in directors (or other persons listed as an officer on Companies House) throughout the period of the licence and provide a current Enhanced DBS certificate dated within three months.
- 8.13 Where the Council has reasonable cause for concern relating to a particular operator, a random DBS check may be carried out. If an operator who is not on the DBS Update Service is given notice to undertake a random DBS check by the Council, they must do so within 72 hours of the request. Failure to do so may result in the suspension or revocation of the licence.
- 8.14 Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain an Enhanced DBS check for all staff prior to them commencing work for the operator. 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:
- (a) the date that person's employment in that role commenced.
 - (b) the date the operator checked the DBS certificate.
 - (c) the name of the person who checked the DBS certificate.
 - (d) the date the person ceased to perform that role.

- 8.15 Should an employee cease to be on the register and later re-enter the register the operator should view a new Enhanced DBS certificate (or use of the Update Service).
- 8.16 The register must be retained for 12 months, in line with the booking records.
- 8.17 Where the applicant/operator employs or intends to employ people 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.
- 8.18 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.
- 8.19 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.

9. Certificate of Good Conduct (CoGC)

- 9.1 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, Isle of Man and Gibraltar, therefore anyone applying for a new or renewal vehicle proprietor, private hire operator or driver licence has spent three continuous months or more, in countries other than these, at any point beyond the age of eighteen years old, an authenticated certificate of good conduct must be submitted in English or accompanied by a translation by a certified translator. The applicant will be asked to produce a CoGC from the embassy, consulate or high commission in the UK of every relevant country to cover the period declared in the form.
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- 9.2 There is no longer an exclusion for periods of extended holiday/vacation. Any costs associated with obtaining a CoGC, including translation costs, are your responsibility as the applicant. 26.8.4 The Home Office has published guidance including contact details on how to apply for criminal record checks for time spent abroad. [Criminal records check for overseas applicants - GOV.UK](#).
- 9.3 If you have already provided CoGC's to cover any periods where you have spent three or more continuous months outside the UK since the age of eighteen (other than for periods of extended vacation). You will only have to provide CoGC's for:
- Any new periods you have spent outside the UK since your last renewal.

- 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 the periods of extended vacation you have not previously declared.

9.4 If an applicant or licensed driver is unable to provide a Certificate of Good Conduct (CoGC) from a specific country as required, they must obtain and submit written confirmation from that country's Embassy or Consulate stating that a CoGC is not issued by that country.

Note: 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 the Council.

10. H M Revenue and Customs (HMRC) requirements

Hackney Carriage and Private Hire Drivers & Private Hire Vehicle Operators.

10.1 On 4 April 2022, HMRC introduced new tax checks for all hackney carriage and private hire drivers, as well as PHV operators. As a licensed driver or operator, you should be registered to pay any tax that may be due on income you earn from your licensed trade.

10.2 You will need to complete a tax check with HMRC (using your GOV.UK Government Gateway ID and password). You must then obtain a unique 9-character tax check code which confirms your registration to pay tax. The tax check code will then need to be provided to the Council as part of your application to renew your licence.

Guidance is available on [GOV.UK](https://www.gov.uk) to help you complete the tax check.

10.3 Please note: you will need to ensure that you provide the correct tax check code for the type of licence that is being applied for, i.e. a taxi or private hire driver's licence or a private hire operator.

10.4 A tax check code is only valid for 120 days from when it is obtained from HMRC. Please bear this in mind when submitting your application. If the code has expired, we will be unable to complete the check and your application will be incomplete. Please ensure that you record the tax check code clearly and correctly on your application form.

10.5 You will not need to complete a tax check and you should follow the [confirm your tax responsibilities guidance](#) if you have:

- never held a licence of the same type before.
- had a licence of the same type that stopped being valid a year or more before making this application.

10.6 Should a tax check code be required but it is not provided, then the application will be deemed to be incomplete. The application cannot be fully processed until the required tax check code has been provided and a check undertaken by the Council.

11. Decision making

- 11.1 Except where indicated in the guidance, Officers will normally make decisions under delegated authority whether to grant, refuse, suspend or revoke a licence, or grant any form of exemption.

12. Suitability to Hold a Licence

- 12.1 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 for Licensed Dual and Private Hire Drivers ([Appendix B](#)), DfT Taxi and Private Hire Driver Standards and the Hackney Carriage and Private Hire Convictions Policy ([Appendix A](#)). 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 or a private hire vehicle operator's licence.

- 12.2 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 driver's 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 of the 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 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 test used here is lower than used in criminal proceedings (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

- 12.3 All licence holders are required to inform the Council in writing of all convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), all motoring convictions, stipulated driver education courses and any disqualifications from driving, in writing within 48 hours. In addition, 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 for.

- 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.

12.4 In terms of the ‘fit and proper’ test for operators once a valid application has been made, the Council will decide as to whether the applicant/licensee is a fit and proper person to hold a private hire operator’s licence.

12.5 To determine if a person is fit and proper, the licensing authority should pose the following question:

“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?”

12.6 The outcome 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, it is not for the Council to prove that they are not.

13. Previous Convictions

13.1 When making determinations in respect of applications officers will take into consideration previous convictions and cautions recorded against applicants and licensees. The Council adopted a Hackney Carriage and Private Hire Licensing Criminal Convictions Policy at the 24 June 2019 Licensing Committee meeting. The policy is set out at [Appendix A](#). Applicants who would like to discuss the effect a conviction or caution might have on their application, can contact the Licensing Authority at Licensing@westberkshire.gov.uk.

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

14. National Register of Taxi and Private Hire Licence Revocations, Suspensions and Refusals (NR3S)

14.1 Licensing authorities in England must input into a central database, the National Register of Taxi and Private Hire Licence Revocations, Suspensions and Refusals (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.

14.2 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.

14.3 Where drivers have been licensed with other authorities, or live in other local

authority areas, officers will conduct 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, to check and share information and mitigate the risk of non-disclosure or relevant information by applicants.

15. Dual Driver and Private Hire Driver Licences

Grant and Renewal of Licences

- 15.1 The licensing of a hackney carriage or private hire vehicle Driver 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.
- 15.2 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, dependent on the specific circumstances of the case. Circumstances being, 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.

Licences and Badges

- 15.3 Once a licence has been granted the Council will provide licensees with a copy of the licence and two identification badges. One to be worn and one to be displayed in the licensed vehicle in accordance with the Code of Conduct ([Appendix B](#)).
- 15.4 The driver's badges and licence remain the property of the Council and must be returned on demand to the Licensing Authority upon expiry, suspension, or revocation of the licence.

Age and Experience

- 15.5 The DfT guidance recommends against setting a maximum age limit for drivers, provided that regular medical checks are undertaken. 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.

Right to Work in the UK

- 15.6 All driver licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The Council will follow any relevant guidance such as that published by the Home Office, in respect of establishing proof of right to work.
- 15.7 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.

- 15.8 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 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.

Pre-requisites to Making an Application

- 15.9 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 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).
- Evidence of the right to live and work in the country.
- Evidence of registration with H M Revenue and Customs (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).
- 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.
- If required a Certificate(s) of Good Conduct.
- A certificate of their current medical fitness to DVLA Group 2 standard.
- That they meet the required post-qualification driving experience and demonstrate the required level of competency.
- That they have sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
- That the applicant has completed/has valid safeguarding and disability awareness training certificates.

- 15.10 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.

Note: This time limit can be extended in exceptional circumstances, with the prior approval of the Principal Licensing Officer.

- 15.11 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.

Submitting an Application

- 15.12 An application for the renewal of a licence is recommended to be made six weeks prior to the expiry of the licence, to enable it to be processed and renewed before the existing licence expires. Valid renewal applications should be submitted no later than five clear working days prior to expiry. Should the licence expire before a valid application is received, it will be treated as a new application which will include all the relevant tests and requirements.
- 15.13 All original documents will be required to be seen on both a first-time application and renewal of a driver's licence.

Behaviour and Conduct of Drivers

- 15.14 The expected standards of behaviour that must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public are set out in the Code of Conduct ([Appendix B](#)).
- 15.15 Dual Driver Licensees will be required to comply with the current Council Hackney Carriage Byelaws in addition to the Code of Conduct (Appendix B). The Bylaws will be issued with every new and renewal licence.
- 15.16 Failure to comply with any aspect of the Code of Conduct (Appendix B) 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.
- 15.17 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 on demand.

Driver and Vehicle Licensing Agency (DVLA) Licence and Checks

- 15.18 All applicants must have held a full DVLA/EU/EEA licence or a minimum of twelve months prior to application (this excludes the holding of a provisional licence).
- 15.19 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 and contain the applicant's current address.
- 15.20 The Council may undertake random checks of licensed 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.
- 15.21 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.
- 15.22 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.

- 15.23 New applicants who have been disqualified from driving due to motoring offences, are advised to contact the Licensing Authority to discuss the disqualification, as their motoring offence conviction may prevent them from being granted a licence due to further time limits following the end of their disqualification.
- 15.24 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.
- 15.25 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.
- 15.26 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.

Medical Examination

- 15.27 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 the Council.
- 15.28 The Council will provide a Group 2 medical form which must be completed by the applicant's own GP, another GP in the same practice or a GP who has full access to the applicant's medical records and who is in the presence of the driver when the full medical form is being completed.
- 15.29 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.
- 15.30 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.
- 15.31 Existing drivers must advise the Licensing Authority within 72 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.
- 15.32 Once a licence has been granted, medical examinations will be required at the following intervals:

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

- 15.33 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.
- 15.34 Drivers are reminded that some medical conditions require that the Driver and Vehicle Licensing Agency (DVLA) be informed and information regarding which medical conditions require this can be found on the DVLA website <https://www.gov.uk/health-conditions-and-driving/find-condition-a-to-z>.. 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.

16. Training and Assessments

Practical Driving Assessment

- 16.1 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.
- 16.2 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. The Council will accept written evidence of passing the particular provider's assessment that is not more than six months old at the date of application.
- 16.3 If a licensee is subject to enforcement action in relation to their driving, on more than one occasion within a two-year period, including road traffic convictions, they will be required to undertake an enhanced driving assessment within three calendar months, unless exceptional circumstances apply. In such cases, an alternative timescale must be agreed upon with the Licensing Authority. The licence may be suspended until the assessment has been successfully completed.
- 16.4 Details of the 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.

Knowledge Test

- 16.5 All new Dual Driver applicants are required to undertake a test on their geographical knowledge of West Berkshire and the surrounding area. This test will be done by all Dual Driver applicants on initial application.
- 16.6 All Licensed Drivers are expected to have a good geographical knowledge of West Berkshire, and the surrounding area and 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.
- 16.7 If a complaint is received from a customer that a licensed driver has not taken the shortest route to a location and this is substantiated, then the driver concerned may be required to sit a geographical knowledge test at their own expense, at any point during the term of their licence.
- 16.8 All Applicants are expected to have a good knowledge of the Highway Code, the

relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Town and Police Clauses Act 1847 and the Council's current Hackney Carriage and Private Hire Licensing Policy.

Disability Awareness Training

- 16.9 All new applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to the Council.
- 16.10 The Council identifies training providers (which may include the Council itself) from time to time and applicants will be informed of the available courses at the time of application. If there is more than one provider, applicants can choose which provider they wish to use.
- 16.11 A Disability Awareness Training refresher course will be undertaken by all licensed drivers (Private Hire & Dual Drivers) every three years, by a training provided identified by the Council (which may be the Council itself).

Wheelchair Assessment Training

- 16.12 Any new dual driver applicants must undertake and pass an appropriate wheelchair assessment prior to application. The assessment certificate will only be valid for a period of six months from its date of issue.
- 16.13 All current dual and private hire licensed drivers, who drive a Wheelchair Accessible Vehicle, must complete a wheelchair assessment course by the [Date TBC], failure to do so may result in the licence being suspended.
- 16.14 All Licensed Drivers who drive a Wheelchair Accessible Vehicle must produce a copy of their most recent Wheelchair Assessment Training upon each renewal, or within an agreed time period upon request from an authorised officer.

Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Line Training

- 16.15 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. Failure to undertake this training will result in the suspension of the dual or private hire driver's licence, or for persistent offenders, in the revocation of the dual or private hire driver's licence.

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

- 17.1 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 lessee 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.

- 17.2 This section of the policy outlines the minimum requirements for vehicles licenced by the Council. This has been set down for the 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.

At First Application

- 17.3 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 the time period specified below for each vehicle type:
- A Hackney Carriage vehicle licence, which is anticipated to be plated with a grandfather rights plate i.e. a saloon vehicle, will not be granted if the vehicle was first registered more than three years prior to the date that the application is made. The vehicle must also be Euro 6 compliant.
 - A Hackney Carriage vehicle licence application, for a Wheelchair Accessible Vehicle or vehicle modified to be able to carry any disabled passengers (including Swivel Seats), will not be granted to a vehicle which was registered more than five years prior to the date that the application is made. This vehicle must also be Euro 6 compliant.
 - A Private Hire vehicle licence application will not be granted to a vehicle which was registered more than five years prior to the date that the application is made. This vehicle must also be Euro 6 compliant.

At Renewal

- 17.4 In order that a vehicle licence can be renewed vehicles must meet the following emission criteria.
- For any vehicle renewing from **[DATE TBC]** – the vehicle must be compliant with Euro 6 emission standards.
 - If the licence of a currently licensed 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. The emission limit detailed above does not apply to stretched limousines, vintage cars, or [novelty vehicles](#) which have been adapted to become a private hire vehicle.

18. Specifications and Conditions

- 18.1 The Council has adopted minimum standards that will apply to all licensed vehicles. These are set out in the below.

Single Licences

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

Accessible Vehicles

- 18.3 The Council is dedicated to fostering social inclusion and ensuring that passengers with disabilities have access to a wide range of opportunities that support a high quality of life.
- 18.4 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 vehicles). 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.

19. General Application Process for Vehicles

- 19.1 A valid application for the renewal of a licence, including all the required original documentation, is recommended to be made no later than four weeks prior to the expiry of the current licence.
- 19.2 The renewal application should be made no later than five clear working days before expiry of the current licence.
- 19.3 A valid application is one which is complete in all respects and can be processed immediately. On first applications original documents will be required to be seen. Upon renewal photocopies will be accepted if no details have changed otherwise all documents will be required to be seen again.
- 19.4 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.
- 19.5 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 licence holder and reporting the matter to other enforcement agencies including the police, if required.
- 19.6 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.
- 19.7 Transfer 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 licensed 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.
- 19.8 Applications to transfer the licence must be made on the prescribed application form and include the current licence fee.

- 19.9 For an application to be considered, the applicant must submit the following to the Licensing Authority:
- The completed and current vehicle licence application form.
 - Application Fee.
 - Full V5c or new keeper details until the new V5c is available, which then must be submitted along with a receipt showing proof of purchase.
 - Insurance Certificate (including the schedule of modifications if applicable) (for a fleet vehicle it is to include the vehicle schedule showing the vehicle).
 - MOT.
 - Council Compliance Test.
 - The applicant must provide a Vehicle Check for any vehicle application (grant or renewal) that includes the insurance category of the vehicle and all accident history for example an Hire Purchase Investigation (HPI) check.
 - Any other supporting documentation as per the relevant application form.
- 19.10 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 (Logbook/V5c), 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 V5c 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, 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). Any person who drives the vehicle, must be a named driver on the insurance. You will also be required to provide the schedule of modification in relation to your insurance policy, if applicable.
 - Confirmation from the Council appointed garages that the vehicle has passed the Council's test and vehicle examination requirements.
 - Current MOT Certificate.
 - Council vehicle compliance inspection. Vehicles licensed to carry people 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 MOT in accordance with the following table: (Please see the PPP website for details of authorised garages).

Age of vehicle	MOT requirement	Compliance test inspection
2 - 5 years of age from first registration	Annual	Annual
6 years of age from first registration are tested twice a year	Six monthly	Annual
8 years of age from first registration are tested three times a year	Four Monthly	Annual

20. Vehicle Type and Design

- 20.1 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 (IVA).
- 20.2 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 can transport such passengers. Where a vehicle has been altered, adapted or modified only Type Approval Certificates granted after alteration, adaptation or modification will be accepted. Any vehicle which has to have any of its seats amended (by way of removal or lowering) in order to be able to suitably carry wheelchair must ensure these seats are secured safely.
- 20.3 Apart from vehicles modified to carry wheelchairs and for vehicles which have been modified to include swivel seats, 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.
- 20.4 All vehicles must be right hand drive.
- 20.5 Vehicles which have been altered, adapted or modified to include swivel seats must provide an Individual Vehicle Approval certificate.
- 20.6 Only vehicles that have been manufactured to UK or EU specifications and have received one of the type approvals listed above, will be considered for licensing.
- 20.7 Vehicles imported from outside the EU must have been imported via official distribution channels or channels authorised by the manufacturer, passed an Individual Vehicle Approval (IVA) test, demonstrate full compliance with all relevant UK standards and meet any other standards deemed necessary by the Council. This does not guarantee acceptance for licensing.

- 20.8 Vehicles imported, other than via official distribution channels or channels which are authorised by the manufacturer, otherwise known as 'Grey Imports' will not be licensed.
- 20.9 Any vehicle categorised as Category A, B, N (D) or S (C) vehicles will not be licensed.
- 20.10 Any currently licensed vehicles falling within these categories will not be permitted to be re-licensed upon renewal, as of the date this policy is adopted for implementation.

21. CCTV and Security Measures

- 21.1 The DfT recommends that Councils look sympathetically upon the installation of security features, such as a screen between driver and passengers or CCTV systems, as a means of providing some protection for vehicle drivers. This Council fully supports such measures.
- 21.2 The Council does not require enhanced security or CCTV measures in vehicles. Where a proprietor installs a CCTV system, signage must be clearly displayed in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with any relevant data protection legislation or regulations. It is the responsibility of the driver/operator to ensure compliance.
- 21.3 Audio, video or recording systems which are operated within a licensed Vehicle will be maintained, registered and compliant with the Information Commissioner's Office standards. Notification of any installation will be sent to the Council.

22. Vehicle Standards/Testing

- 22.1 No vehicle will be licensed unless it:
- Has undertaken and passed the Hackney Carriage or Private Hire Vehicle Test, at a Council nominated garage.
 - Has provision for every passenger to wear a seat belt.
 - Has a 'No Smoking' sign on display.
- 22.2 A Vehicle will not be licensed for the carrying of more than eight passengers.
- 22.3 There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat.
- 22.4 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 Authority.
- 22.5 All licensed vehicles, except for private hire vehicles which are granted a dispensation or exemption from displaying signage, must meet the following requirements:
- Light transmitted through the windscreen must be at least 75%.

- All other windows (both front and rear) must allow at least 70% of light to be transmitted.

- 22.6 Where vehicles which are currently licensed, have factory tinted/privacy glass fitted and can 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.
- 22.7 No aftermarket tinted film can be attached to the windows of any licensed vehicle.
- 22.8 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 which are found on the Council website.

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

- 23.1 All dual, 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 which must contain the vehicle licence plate, driver's badge number, printed name and signature of the driver. The device must be connected, maintained, and working at all times to ensure customers are able to pay by card, other electronic means or by a digital payment link.
- 23.2 Any licensed dual or private hire driver found not complying with the requirement may have disciplinary action taken against them. All dual, hackney carriage and private hire vehicles must also display signage on all passenger doors stating that contactless and card payments are accepted. Drivers must not enter card details into their own phone or device to process a payment.

Network Data Outages

- 23.3 If there is a documented network-wide outage affecting card payment devices, affected drivers should advise passengers - before accepting a fare - that they cannot take a card payment and why. Drivers must advise passengers that cash payments can be taken and offer to take them to the nearest cashpoint or allow the passenger to take the next available hackney carriage vehicle or in the case of a private hire vehicle the driver should inform their operator that they are not able to take any card payments so that the operator can inform the passenger booking the fare before the commencement of the journey so that if necessary a replacement vehicle can be found.
- 23.4 Any driver not being able to take a card payment is to record this fact and inform the Licensing Authority at licensing@westberks.gov.uk. Private Hire Operators are also required to record this information alongside the driver's details and also inform the Licensing Authority at licensing@westberks.gov.uk

24. Roof Signs

General

- 24.1 No roof sign can be fitted to, attached, displayed, or used on any private hire vehicle.

- 24.2 A single roof sign must be fitted to each hackney carriage and meet the following conditions and specifications:
- 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 always be kept clean and in good repair and be securely mounted on the vehicle roof with the main face showing the Council logo facing forward. 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 to the foremost point on the roof, where suitable magnetic adhesion is possible.
 - The roof sign will have dimensions of 60.5 centimetres long, 17.5 centimetres wide at the middle point, 11 centimetres high at the rear middle point and 3 centimetres high at the front middle point.
- 24.3 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. No other colour is authorised to be used.
 - The front face of the roof sign must show the words "TAXI." LICENSED BY followed by the Council Corporate Logo.
 - TAXI must be in capitals in Arial font and approximately 2.5 inches (65mm) in height. The circles shall be approximately 5.5 inches (135mm) in diameter and have the number cut out, 2.5 inches (45mm) high in Arial font. The front face will not show anything else.
 - The words and the circles will be in Kelly Green (Pantone 335c).
 - All inappropriate or unauthorised signage will be required to be removed.
 - The roof sign must be connected to the taximeter 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 for Wheelchair Accessible Taxis

- 24.4 Vehicles with raised roofs which are licensed as wheelchair accessible taxis shall have a roof sign of the same dimensions and design as above in 24.2 and 24.3.
- 24.5 In the case of wheelchair accessible vehicles; the front face of the roof sign will show the words "TAXI" LICENSED BY followed by the Council Corporate Logo. The licence number shall be shown, within a circle on the off side of the sign. The sign specification shall be as above. The rear side of the sign will show a wheelchair logo in white on a blue background. The wheelchair logo will be in Reflex Blue. The logo shall be 4 inches (100mm) square.
- 24.6 The rear face of the roof sign on all vehicles shall show the licence number (once

only) to the same specifications as on the front. The number may be positioned anywhere on the rear face at the discretion of the licensee. The licensee may use the remaining space for any reasonable use. Examples of reasonable use include the word "TAXI", the name of the proprietor and the telephone number of the proprietor. This text does not have to be green, (although the number does). All inappropriate or unauthorised signage will be required to be removed.

- 24.7 It may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions. Vehicles which are purchased as custom constructed taxis 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.
- 24.8 In the event of the Council's licensing officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will be deemed to have been breached and the proprietor requested to remedy the defect. The licence holder of the vehicle may then be subject to a penalty within any points scheme (should one be in existence at the time) and if not suitably rectified, may have the sanction of law imposed.
- 24.9 Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign that is fitted into the fabric of the vehicle, must comply with the above specification.

25. Dispensation /Exemption Certificates

- 25.1 The Council will consider granting an exemption from the requirement for a private hire vehicle to display the plates and additional signage in specific circumstances as set out in 25.2 and 25.3 below. 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.

Executive Hire

- 25.2 This term is used in relation to those vehicles that are used at least 95% of the time for contracts made between an operator and other businesses (excluding sub-contracting private hire bookings). 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.

Note: The Council would normally wish to see records of the previous three months' work before considering giving any exemption.

- 25.3 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.

- 25.4 An application for an exemption 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.
- 25.5 All executive vehicles will be inspected prior to a dispensation notice being granted for a new application.
- 25.6 If an exemption certificate is granted, a notice will be issued by the Council which must be always carried in the glove compartment of the vehicle. 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.
- 25.7 The identification cards provided by the Council must be displayed in the front and rear windscreen of the vehicle.
- 25.8 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. The Council must be provided with records relating to the contracted work undertaken by that particular vehicle, when a renewal application is submitted.

Novelty Vehicles

- 25.9 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 and military vehicles but this is not an exhaustive list.
- 25.10 Any such vehicle must have passenger seats and seat belts for each seat unless these were not fitted at the time of manufacture.
- 25.11 All other requirements will apply and the vehicles will be subject to six monthly tests.

26. Private Hire Operator Licences

Requirements and Obligations

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

Grant and Renewal of Licences

- 26.3 All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

Right to Work in the UK

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

27. Operator Application Process

- 27.1 An application for the renewal of a licence is recommended to be made six weeks prior to the expiry of the licence, to enable it to be processed and renewed before the existing licence expires. Valid renewal applications should be submitted no later than five clear working days prior to expiry.
- 27.2 All original documents will be required to be seen on both a first-time application and renewal of an operator's licence. A complete and valid application form must also be submitted.
- 27.3 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 vehicles. 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.
- 27.4 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.

28. Data Protection

- 28.1 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.

29. Drivers and Vehicles

- 29.1 The operator must ensure that any dual or private hire driver, or private hire vehicle engaged by them, holds a current and valid dual or private hire driver or vehicle licence issued by the Council. The operator is required to examine the original licence and retain a copy for the entire duration that the driver or vehicle is engaged under their operation.

30. Enforcement

- 30.1 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 the Council.

- Respond to complaints.
- Support partnerships with neighbouring local authorities and other agencies such as the police and the Driver and Vehicle Standards Agency (DVSA) and HMRC.

- 30.2 All enforcement will be fair and proportionate, transparent and in accordance with the PPP's Enforcement Policy while the ultimate authority is the Court, the expectation is that enforcement will be conducted by licensing officers and the police.
- 30.3 The Council shall exercise discretion in each individual case, consider all the relevant evidence, apply appropriate weight to the evidence while balancing the interests of the public and public safety.
- 30.4 Licence holders have a clear legal duty to offer assistance and information to any authorised officer or police officer. Any person who wilfully obstructs these officers, fails to comply with any reasonable requirement of these officers, fails to provide assistance or information reasonably required by these officers, 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 for example their current insurance documents or their vehicle for inspection.

31. Action Against Licences (Revocation, Suspension, or Refusal)

- 31.1 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, had to pay an immigration penalty, or any other reasonable cause.
- 31.2 A suspension or revocation can take immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought if that is necessary in the interest of public safety under section 61(2B). In all such cases, the licence holder will be given the opportunity to make representations. These representations will be fully considered by the decision-maker(s) before a final determination is made.

32. Enforcement Sanctions

- 32.1 The Council aims to maintain a consistent approach when making all decisions in relation to Hackney Carriage and Private Hire licensing. To maintain this consistent approach, this policy is always considered alongside the Council's enforcement policy and followed where appropriate. In reaching any decision the Council will also have regard to the following:
- (a) danger to the public.
 - (b) the seriousness of any offences.
 - (c) the licensee's past history.

- (d) the consequences of non-compliance.
- (e) effectiveness of the various enforcement options.

32.2 Once the Council has considered all the evidence and relevant information, the following options will be considered:

- (a) take no action.
- (b) suspend the licence.
- (c) revoke the licence.
- (d) prosecute.

32.3 Sanctions involving revocation will be taken as a matter of last resort, usually in serious cases involving abuse of trust such as sexual abuse, dishonesty, or persistent complaints of failing acceptable standards.

33. Appeals

33.1 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 revocation of a dual driver, private hire driver's licence, a private hire vehicle licence or a private hire operator's licence.

33.2 Where an applicant is seeking to appeal, an application must be made promptly in any event and without delay and must be lodged strictly 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.

33.3 If an appeal is received out of time, it will be invalid and the Council shall seek costs, in the same way as if an appeal is made within time but later withdrawn.

33.4 In the case of a refusal for a hackney carriage proprietor's vehicle licence the appeal is directly to the Crown Court.

34. Review

34.1 This policy will be reviewed to respond to any changes and at least every five years.

34.2 The Service responsible for reviewing and maintaining this Policy is the Licensing Team within the Public Protection Partnership.

Appendix A: Hackney Carriage and Private Hire Licensing Convictions Policy

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria considered by the Council when determining whether 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, or a private hire vehicle operator's licence.
- 1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority must satisfy itself that:
- Applicants are fit and proper person.
 - Applicants do not pose a threat to the public.
 - The public are safeguarded from a dishonest person.
 - That children, young people and vulnerable adults are safeguarded.
- 1.3 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not exclusively:
- Applicants for drivers and operator licence.
 - Existing licensed persons whose licenses are being reviewed.
 - Vehicle owners.
 - Licensing officers.
 - Members of the Licensing Committee/Sub-committee (or other relevant decision makers).
 - Police colleagues.
 - Magistrates hearing appeals against local authority decisions.
- 1.4 Where licensing officers or the sub-committee have delegated powers to grant, revoke or suspend licenses, they will utilise these guidelines when making their decision. Whilst officers and the sub-committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and where the circumstances demand, the committee/officer may depart from the guidelines. Clear cogent reasons would be set out in any decision letter where there is a departure from the policy.

2. General Policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances, or alternatively where there are many or continuous offences, which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not automatically be barred from obtaining a licence but would normally be expected to:
1. Remain free of conviction for an appropriate period; and
 2. Show adequate evidence that he or she is a fit and proper person to hold a licence.

2.3 The onus is on the applicant to produce such evidence and simply remaining free of conviction, may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.4 Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

3. Powers

3.1 Sections 61 and 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence, if the application/licence holder 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 or any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the Licensing Authority to consider all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

3.3 In this policy the term "disqualification" refers to the period served, 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 to a reduction in the period of disqualification.

4. Consideration of Disclosed Criminal History

4.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle driver's licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence.

4.2 However, if an applicant has any convictions, warnings, cautions, or charges awaiting trial, the Licensing Authority will investigate:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence(s) were.
- When the offence(s) were committed.
- The date of caution/conviction.
- Circumstances of the individual concerned.
- Sentence imposed by the court.
- The applicant's age at the time of caution/conviction.
- Whether they form part of a pattern of offending.
- Any other character check considered reasonable (for example personal references).

- Any other factors that might be relevant.
- 4.3 Existing licence holders are required to notify the Licensing Authority in writing within 28 days of being arrested, receiving a driving licence endorsement, fixed penalty notice, caution, or criminal conviction.
- 4.4 Applicants can discuss what effect a caution/conviction may have on any application, by contacting the Licensing Authority in confidence, for advice.
- 4.5 Applicants for the grant of a driver's licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS).
- 4.6 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS).
- 4.7 The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information and the DBS's policy on the secure storage, handling, use, retention and disposal of disclosure information. Copies of these documents are available on request. More information about the DBS can be found on their website at: Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence.
- 4.8 However, if an applicant has any convictions, warnings, cautions, or charges awaiting trial, the Licensing Authority will investigate:
- How relevant the offence(s) are to the licence being applied for.
 - How serious the offence(s) were.
 - When the offence(s) were committed.
 - The date of caution/conviction.
 - Circumstances of the individual concerned.
 - Sentence imposed by the court.
 - The applicant's age at the time of caution/conviction.
 - Whether they form part of a pattern of offending.
 - Any other character check considered reasonable (for example personal references).
 - Any other factors that might be relevant.
- 4.9 Existing licence holders are required to notify the Licensing Authority in writing within 28 days of being arrested, receiving a driving licence endorsement, fixed penalty notice, caution, or criminal conviction.
- 4.10 Applicants can discuss further what effect a caution/conviction may have on any

application, by contacting the Licensing Authority in confidence, for advice.

- 4.11 Applicants for the grant of a driver's licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). Existing licensed drivers are required to obtain an enhanced disclosure every three years, or as required by the Licensing Authority.
- 4.12 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, will be required to obtain an Enhanced criminal record disclosure. Existing licensed operators are required to obtain an Enhanced criminal record disclosure every three years or as required by the Licensing Authority.
- 4.13 The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information and the DBS's policy on the secure storage, handling, use, retention and disposal of disclosure information. Copies of these documents are available on request. More information about the DBS can be found on their website at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.
- 4.14 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications, or 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.
- 4.15 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any particular material 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 licence will normally be refused.
- 4.16 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications, or 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.
- 4.17 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any particular material 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 licence will normally be refused.

5. Drivers

- 5.1 As the Council issues dual licenses 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.
- 5.2 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 possibly vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

5.3 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.

5.4 In most cases where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed. This places passenger safety as the priority, while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated in order that they might obtain or retain a licence.

6. Private Hire Operators

6.1 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.

6.2 Therefore, 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.

6.3 Operators must ensure that any staff within the business (whether employees or independent contractors) who are able to access any information as described above, are subject to the same standards as the operator themselves. This can be ensured by means of the individual staff member being required by the operator, to obtain an Enhanced 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.

6.4 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.

7. Vehicle Proprietors

7.1 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.

7.2 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.

7.3 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.

8. Offences

Crimes Resulting in Death

- 8.1 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.

Exploitation

- 8.2 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 an offence relating to exploitation will have their licence revoked.
- 8.3 This includes offences such as (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.

Offences Involving Violence

- 8.4 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 an offence/s involving violence will have their licence revoked.
- 8.5 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 on a police officer.
 - h. Any racially aggravated assault.

- i. Violent disorder.
- j. Resisting arrest.
- k. Common assault/battery.
- l. Affray.
- m. Obstruction.

Possession of a Weapon

- 8.6 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.

Sex and Indecency Offences

- 8.7 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.
- 8.8 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.
- 8.9 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 is placed on the Sex Offenders Register or any barred list will have their licence revoked.
- 8.10 Sexual/Indecency Offences include (this is not an exhaustive list)
- a. Rape.
 - b. Assault by penetration.
 - c. Offences involving children or vulnerable adults.
 - 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.

- 8.11 Any licence holder charged with, convicted or issued with a formal caution, for any offences of a sexual or indecent nature will expect to have their licence revoked with immediate effect.

Dishonesty

- 8.12 Drivers of hackney carriage and private hire vehicles are expected to be people 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, after taking them to the airport or railway station. For these reasons, convictions of dishonesty are treated very seriously.
- 8.13 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 offence relating to dishonesty will have their licence revoked.
- 8.14 Dishonesty offences include (this is not an exhaustive list):
- a. Theft.
 - b. Burglary.
 - c. Fraud.
 - d. Benefit fraud.
 - e. Handling or receiving stolen goods.
 - f. Forgery.
 - g. Conspiracy to defraud.
 - h. Obtaining money or property by deception.
 - i. Other deception.
 - j. Any similar offences.

Drugs

- 8.15 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.
- 8.16 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.

Discrimination

- 8.17 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 any offence of discrimination will have their licence revoked.
- 8.18 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.

Motoring Convictions

- 8.19 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.
- 8.20 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 retained.

Drink Driving/Driving Under the Influence of Drugs

- 8.21 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.

Using a Hand-Held Device Whilst Driving

- 8.22 Where a new 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 longer.

Other Motoring Offences

- 8.23 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.
- 8.24 For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than three DVLA Endorsement points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than three DVLA Endorsement points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and DVLA Endorsement points on the [Government's website](#).
- 8.25 For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. DVLA Endorsement Points that stay on a DVLA licence for four years are 'valid' for three years. DVLA Endorsement points that stay on a DVLA driving licence for 11 years are 'valid' for 10 years.
- 8.26 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has not resulted in injury to any person or damage to any property (including vehicles). Where a new applicant has seven or more DVLA Endorsement points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.
- 8.27 A licenced driver with seven to nine DVLA Endorsement points on their licence will be required to undertake a remedial driving course as approved by the Licensing Authority within a reasonable time. Failure to undertake the course without an exceptional reason may result in the suspension of the licence until the course is completed or the revocation of the licence for failure to take the course.
- 8.28 Licensed drivers with ten DVLA endorsement points on their licence will be subject to a formal review by the Licensing Authority to determine if they are fit and proper to hold a licence.
- 8.29 A major traffic or vehicle-related offence is one which is not covered above and any offence which results in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed.
- 8.30 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.

Hackney Carriage and Private Hire Offences

- 8.31 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.

Vehicle Use Offences

- 8.32 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.

9. Licences Issued by Other Licensing Authorities

- 9.1 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.
- 9.2 Licensees who are licensed by multiple authorities are expected to inform all such 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.

Appendix B: Code of Conduct for Licensed Dual and Private Hire Drivers

1. Introduction

- 1.1 The Council views 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 the district. First impressions are vital in encouraging tourism and new businesses to relocate in this area.
- 1.2 The Council has adopted a Code of 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 The Council is committed to maintaining the professional image of the trade and expects drivers to be smart in appearance, courteous and knowledgeable. This in turn will build on the reputation of the licensed trade and increase trade.
- 1.4 Drivers are required to be familiar with all parts of the Council’s policy and comply with its requirements and the conditions that form a part of their licence. Any driver who contravenes the policy or any of these conditions may be deemed not fit and proper to hold a licence This Code of Conduct should be read in conjunction with other statutory and policy requirements to ensure 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 The Council 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 Hackney Carriage drivers that have been adopted by the Council will work in conjunction with these codes of conduct.

2. Production of Documents

- 2.1 If a licensed officer of the Council, or a licensed officer of another Council with which this Council has a reciprocal arrangement or a police officer asks you, you must produce either or all, within seven days of the request being made.
 - a. your DVLA driving licence.
 - b. your Taxi Driver Licence.
 - c. the vehicle registration document.
 - d. a valid certificate of insurance, including schedule of modifications, if applicable.
 - e. MOT certificate (if relevant).

3. Driving

- 3.1 You must comply with all road traffic regulations, all legislation and conditions relating to the hackney carriage or private hire vehicle that you are driving at all times.
- 3.2 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 23h00 and 07h00.
- 3.3 Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
- 3.4 You must not drive any hackney carriage or private hire vehicle in a dangerous or inconsiderate manner 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.
- 3.5 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).
- 3.6 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.
- 3.7 You must switch off the vehicle engine if waiting for more than two minutes when picking up or dropping off passengers or waiting on a rank and at all other 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 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 always comply with the standards set out below.
- 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 would not pass a MoT or Council Compliance Check at that time, the driver should not drive the vehicle. They 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 the 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 Licensed drivers must maintain a strictly professional relationship with passengers at all times. Drivers should only contact passengers for matters directly related to the provision of passenger services, such as confirming bookings, pick-up details, returning lost property or addressing service-related issues. Any communication, including on social media, outside these professional purposes is not permitted without prior consent both when in and out of work.
- 6.7 Relationships with customers should be no more than professional, avoid:
- a. Unnecessary physical contact.
 - b. Building inappropriate personal relationships.
 - c. Talking about sensitive or intimate subjects.
- 6.8 To assist passengers, where necessary into and out of the vehicle.
- 6.9 To give reasonable assistance in removing luggage to and from the vehicle.
- 6.10 The driver must wear, at all times when working, the Council issued driver's badge, and produce their driver's badge at the request of an authorised officer of the 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 officer, the police station of your choice within seven days of the request.

- 6.11 All drivers must display in the vehicle, in full view of passengers, the other issued driver's badge.
- 6.12 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.
- 6.13 You and your passenger(s) must comply with any legislation governing smoking and vaping in vehicles generally or specifically where they relate to the use of vehicles for the transport of passengers.
- 6.14 You must drive with due care and consideration for other road users and pedestrians and shall not use a handheld mobile phone or similar device whilst driving unless permitted by law.
- 6.15 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.
- 6.16 Ensure appropriate breaks from work are taken and never drive when tired.
- 6.17 Report to the Council in writing or by email within 72 hours or as soon as is practicable at licensing@westberks.gov.uk 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 must be reported to the DVLA because it would affect your driving licence.
- 6.18 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. 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.
- 6.19 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.
- 6.20 You must charge the correct monetary fare.
- 6.21 Drivers should continue to develop and improve their knowledge of the main and shortest routes around the district. Drivers should not place sole reliance on satellite navigation equipment.
- 6.22 Undertake 'Enhanced Training' and 'Wheelchair Training' where appropriate, or as a mandatory condition of licence (for example Safeguarding Training).
- 6.23 Have regard to their surrounding environment and not cause nuisance when picking up or dropping off passengers, in particular:
- a. Switch off the engine if required to wait.
 - b. Do not play music.

- c. Pick up and drop off safely and without risk to pedestrians and other road users.
 - d. Do not leave or wait with the vehicle in a way which causes, or is likely to cause, a nuisance or obstruction.
- 6.24 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.
- 6.25 These 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.
- 6.26 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.
- 6.27 Where you suspect that the incident involves criminal behaviour you must report this to the police immediately and to the Council by email at licensing@westberks.gov.uk within 24 hours.

7. Personal Appearance and Dress Code

- 7.1 You must maintain good standards of personal hygiene and dress at all times.
- 7.2 The following 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 for example football, rugby or cricket tops or tracksuits.
 - f. The wearing of hoods or other clothing that obscures the driver's vision or their identity.
 - g. 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 this Code.

- 8.2 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.
- 8.3 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 Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

9. Vehicle Checks

- 9.1 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 on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A daily record must be made of each safety check, details of any faults recorded and any remedial action which is taken. The record must be retained by the person undertaking the safety checks for a minimum of 30 days and then for a further six months by the proprietor.
- 9.2 Every time you start driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed below the rear window, so that pedestrians and other road users can clearly read it. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.
- 9.3 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.

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, it must, unless it is claimed, be retained by your Operator, or in the case of Dual Drivers, retained by themselves. 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 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.
- 10.5 Care must be taken to ensure that all items are kept in the same condition as they were found. Every item must be labelled with the date, time and where in the vehicle it was found as well as the driver and vehicle details.

11. Taximeters in Private Hire Vehicles

- 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 where 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 locked and the machinery is 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 West Berkshire 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. 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. 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 to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort.
 - d. to give the passenger such mobility assistance as is reasonably required.
- 13.3 And mobility assistance means:
- a. enabling 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. loading 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.
- 13.4 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.
- 13.5 All licensed drivers are to be mindful of the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 which covers access to hackney carriage and private hire vehicles for disabled users. It was published on 20 June 2022 <https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>
- 13.6 The 2022 Act amends the Equality Act 2010 to place duties on Hackney Carriage and Private Hire Vehicle drivers and Private Hire Operators, so any disabled person has specific rights and protections to be transported and receive assistance when using these services without being charged extra. Drivers could face fines if convicted, of up to £1,000 if they fail to provide reasonable mobility assistance to disabled passengers taking a pre-booked vehicle.

14. Convictions

- 14.1 You must declare all convictions, cautions, warnings, reprimands, anti-social behaviour orders, fixed penalty notices, criminal behaviour orders (CBO's), community protection notices (CPNs), community service orders, restraining

orders, fixed penalties (including traffic offences), all motoring convictions, driver education courses and any disqualifications from driving to the Council on your initial application form.

- 14.2 Licensed Drivers must report in writing to licensing@westberks.gov.uk all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), motoring convictions, driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all drivers must inform the Council in writing to licensing@westberks.gov.uk within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.

15. Credit/Debit Card Payments

- 15.1 All dual, hackney carriages and private hire vehicles must carry an [electronic payment device](#) which can accept payment by credit/debit cards including contactless.

16. Legal Requirements When Driving a Hackney Carriage

- 16.1 You must not drive a hackney carriage at any time if you do not hold a taxi driver's licence, or if your licence has been suspended (Section 47 Town Police Clauses Act 1847).
- 16.2 You must not lend your taxi drivers licence to anybody else (Section 47 Town Police Clauses Act 1847).
- 16.3 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).
- 16.4 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).
- 16.5 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).
- 16.6 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).
- 16.7 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).
- 16.8 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).

- 16.9 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).
- 16.10 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).
- 16.11 You must not leave a hackney carriage unattended at a hackney carriage stand (Section 62 Town Police Clauses Act 1847).
- 16.12 You must not prevent any other driver of a hackney carriage from taking a fare or obstruct them in picking up or setting down passengers (Section 62 Town Police Clauses Act 1847).
- 16.13 When driving a hackney carriage, you must produce your Dual 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 officer (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 16.14 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).
- 16.15 You must not make any false statement or withhold any information when applying to renew your taxi driver's licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 16.16 You must return your licence and drivers badges to the Council within seven days of any suspension, revocation, or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 16.17 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).
- 16.18 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).
- 16.19 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).
- 16.20 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).
- 16.21 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 officer (s73 Local Government (Miscellaneous Provisions) Act 1976).

17. Legal Requirements When Driving a Private Hire Vehicle

- 17.1 You must not drive a private hire vehicle at any time when your Private Hire Vehicle Driver's Licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).
- 17.2 When driving a private hire vehicle, you must produce your private hire vehicle 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 officer (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 17.3 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).
- 17.4 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).
- 17.5 You must return your licence, and drivers badge to the Council within seven days of any suspension, revocation, or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 17.6 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).
- 17.7 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).
- 17.8 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 officer (s73 Local Government (Miscellaneous Provisions) Act 1976).
- 17.9 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). In West Berkshire private hire vehicles are not permitted to be fitted with roof signs.

Appendix C: Hackney Carriage Vehicle Licence Conditions

1. Introduction

- 1.1 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 District Council (hereafter referred to as the Council).

“The proprietor” means the person who has been granted the licence by the 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.

- 1.2 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.

2. General

- 2.1 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 for example 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.
- 2.2 If the vehicle is licensed by any other Council, the proprietor must immediately stop conducting any work under their West Berkshire District Council licence. They must return the licence issued by the Council to the Council’s Licensing Authority within seven days.

3. Identification Plates and Cards

- 3.1 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 seven 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.
- 3.2 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.
- 3.3 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.
- 3.4 All vehicles must display the additional signage correctly at all times.

- 3.5 All vehicles must display the licence cards provided by the Council, in the front and rear windscreen at all times.
- 3.6 Vehicles which are wheelchair accessible will indicate this on the vinyl door signage by the addition of a wheelchair symbol.

4. Maintenance of Vehicle

- 4.1 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 of the vehicle must be maintained in a clean, safe, and proper manner, to the reasonable satisfaction of the Council.
 - b. Bodywork must be kept in a clean, safe, and well-maintained condition at all times. This includes ensuring that there is no visible damage, rust, or sharp edges that could pose a safety risk and all paintwork and body panels should be intact and free from significant dents or scratches.
 - 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 not to 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 doors, windows and seats must function in accordance with the original manufacturer's specification.
- 4.2 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 on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A daily record must be made of each safety check, details of any faults recorded and any remedial action which is taken. The record must be retained by the person undertaking the safety checks for a minimum of 30 days and then for a further six months by the proprietor.
- 4.3 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.

- 4.4 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 their possession and/or those kept in the vehicle.
- 4.5 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 licenced 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.
- 4.6 The proprietor of the vehicle must provide a copy of all hackney carriage test certificates to the Council within 48 hours of receiving them.
- 4.7 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.

5. Doors

- 5.1 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.
- 5.2 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. It must also have the relevant M1 or M2 type approval certificate, in which case the rear doors may be used for loading those passengers only.

6. Ventilation

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

7. Wheelchair Accessible Vehicles (WAV's)

- 7.1 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 manufacturer's design and construction and not altered or modified in any way. All such equipment must be secured in such a position as not to obstruct any emergency exit when the equipment is not in use.
- d. The manufacturer's seat belt for the wheelchair using passengers 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.
- g. 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 conducted prior to every renewal of any licence applied for or on application if a new application.

8. Seatbelts

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

9. Tyres

- 9.1 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.
- 9.2 Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.
- 9.3 The vehicle must always be equipped with a spare wheel or other manufacturer's standard equipment for the vehicle, to deal with a punctured or damaged wheel (such as a gel or foam repair kit) or tyre.
- 9.4 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.
- 9.5 '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.

10. Alteration of Vehicle

- 10.1 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.
- 10.2 No fixtures or fittings, except those approved in writing by the Council can be attached to the outside of the vehicle.
- 10.3 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.

11. Seats and Passengers

- 11.1 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.
- 11.2 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
- 11.3 Any excess seating fixings which were removed or permanently capped before the vehicles licenced must not be replaced or exposed during the currency of the licence.

12. Advertising on Hackney Carriages

- 12.1 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, 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 the Licensing Authority. Advertising must be approved in writing by a licensing officer prior to it being included on a licensed vehicle.
- 12.2 Any advertisements on any vehicle must be legal and comply with the advertising standards agency code of practice.

13. Luggage

- 13.1 Luggage and storage areas must be kept as free space for passenger's luggage.
- 13.2 Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
- 13.3 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.

- 13.4 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.

14. Radio Equipment

- 14.1 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.

15. Taximeter

- 15.1 All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2034) or UKCA (UK Conformity Assessed) marked. The taximeter shall be maintained in a sound working condition at all times.
- 15.2 When a hackney carriage or private hire vehicle is fitted with a meter for the purpose of calculating the fare it should be clock calendar controlled and locked to ensure only the tariff in force or a lower at all times is available to be selected. The taximeter shall be set at no higher than the current tariff set by the Council. The meter shall be sealed with a tamper evident seal to prevent unauthorised adjustment of that meter.
- 15.3 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. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised officer of the Council upon request.
- 15.4 The taximeter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" 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.
- 15.5 When the taximeter is recording a fare, it must be displayed clearly, legibly, and unambiguously on the meter display. The display meter must be sufficiently illuminated to enable it to be easily read in all conditions.
- 15.6 The word "FARE" must be printed alongside the display.
- 15.7 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.
- 15.8 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.
- 15.9 The proprietor must ensure that a copy of the current tariff card supplied by the Council is always displayed inside the vehicle 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.

- 15.10 At all times, vehicles must be fitted with a roof sign that complies with the dimensions and specifications detailed in the Council's Taxi Policy, together with any other additional signage that is so specified.
- 15.11 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.
- 15.12 The taximeter must be set to a rate not exceeding that specified in the Council table of fares.

16. Insurance

- 16.1 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.
- 16.2 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 and 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. You may also be required to provide a schedule of modifications in relation to your insurance.

17. Collisions in Vehicles

- 17.1 The proprietor must, as soon as reasonably practicable (but in any case within 72 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, must notify the Council by completing the Council's collision report form, describing the damage to the vehicle and include photos of the damage if possible.
- 17.2 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.
- 17.3 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 determines 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.
- 17.4 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.

- 17.5 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 seven days.

18. Temporary Replacement Vehicle

- 18.1 If a licensed hackney carriage vehicle has been involved in a collision, or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis.
- 18.2 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.
- 18.3 Any replacement vehicle must meet the Council's specification for hackney carriages and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.
- 18.4 All temporary Hackney Carriage vehicles are required to be fitted with door signs. This signage should match the requirements of a regular licensed vehicle.

19. Disabled Access - Vehicle Standards

- 19.1 All hackney carriages and wheelchair accessible private hire vehicles, whether side-loading or rear-loading, must comply with the following specification in addition to those detailed above.
- 19.2 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 the wheelchair and occupant must be independent of each other. Anchorage 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.
- 19.3 The door and doorway, whether for side or rear access, must be constructed so 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.
- 19.4 The clear height of the doorway must be not less than 1.2 metres.
- 19.5 Grab handles (side or rear) can be placed at door entrances to assist the elderly and disabled and should be in a contrasting colour.
- 19.6 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
- be not more than 380mm from the ground, (measured at the centre of the tread width).
 - the surface shall be covered in a slip-resistant material.

- have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.
- 19.7 Should any entrance (side or rear) 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:
- not be more than 380mm in height from the ground, (measured at the centre of the step width).
 - not be less than 250mm deep.
 - the surface shall be covered in a slip-resistant material.
 - have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering.
 - not be capable of operation whilst the vehicle is in motion.
 - 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.
 - can fold or retract so that it does not project beyond the side face or rear face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
- 19.8 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.
- 19.9 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.
- 19.10 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.
- 19.11 Note: Where rear-loading wheelchair access is provided, seating layout may be adapted to ensure safe wheelchair positioning and restraint compliance.
- 19.12 A ramp for the loading of a wheelchair and occupant must be available at all times for use at, either the nearside passenger door or rear door. 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.
- 19.13 All Hackney Carriage Vehicle's which are manufactured or converted to have lifts, winches or hoists to assist in the transportation of a wheelchair or their user must be certified on a six-monthly basis and a copy of the certificate supplied to the Council within seven days of certification, which confirms the vehicle meets the requirements of the Lifting Operations and Lifting Equipment Regulations [1998].

20. Disabled Accessibility

- 20.1 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.
- 20.2 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 the Council conditions are introduced at a future date.
- 20.3 All taxis first licensed from 15th March 2005 will be granted on the condition that vehicles provide full wheelchair accessibility.
- 20.4 If a taxi proprietor transfers whole or in part their 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.

21. Vehicle Type Approval

- 21.1 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.
- 21.2 Those vehicles which have not been "type approved" to the M1 category (for example 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 Authority.

22. Access for Wheelchair Users to Hackney Carriage Vehicles.

- 22.1 See Guidance at: <https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users>

23. Deposit of Licence

- 23.1 The proprietor must not allow the hackney carriage vehicle to be driven by any person who does not hold a current dual driver licence issued by the Council.
- 23.2 If the proprietor permits or employs any person to drive the hackney carriage vehicle, that person must inspect and make a copy of that person's 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 hackney carriage vehicle, at which point it must be returned to the driver.

24. Display of Conditions

- 24.1 The proprietor of the hackney carriage vehicle must always have a copy of these conditions within the hackney carriage vehicle for inspection by any passenger.

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

Appendix D: Private Hire Vehicle Licence Conditions

1. Introduction

- 1.1 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 District Council (hereafter referred to as the Council).

“The proprietor” means a person who has been granted a licence by the 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.

- 1.2 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.

2. General

- 2.1 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 for example 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.
- 2.2 If the vehicle is licensed by any other Council, the proprietor must immediately stop conducting any work under their West Berkshire District Council licence. They must then return the licence issued by the Council to the Licensing Authority within seven working days.

3. Identification Plates and Cards

- 3.1 The plate, additional signage and licence cards always remain the property of the Council and must be returned within seven 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.
- 3.2 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.
- 3.3 An operator may choose to advertise the name of their company and their phone number, accompanied with the wording of ‘Pre-Booked Only’ on Private Hire Vehicles by way of door signs fitted to the rear passenger doors only. The

dimensions, layout and design of any door sign must be submitted to and agreed with the Licensing Authority prior to use on a licensed Private Hire vehicle.

- 3.4 All vehicles must at all times display the licence cards, provided by the Council, in the front and rear windscreen.
- 3.5 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.

4. Maintenance of Vehicle

- 4.1 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 kept in a clean, safe, and well-maintained condition at all times. This includes ensuring that there are no visible damage, rust, or sharp edges that could pose a safety risk and all paintwork and body panels should be intact and free from significant dents or 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 doors, windows and seats must function in accordance with the original manufacturer's specification.
 - j. 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.

- k. 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.

- 4.2 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.
- 4.3 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.
- 4.4 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 their possession and/or those kept in the vehicle.
- 4.5 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.
- 4.6 The proprietor of the vehicle must provide a copy of all private hire test certificates to the Council within 48 hours of receiving them.
- 4.7 If the vehicle has been involved in a collision then the proprietor must notify the Council within 72 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.

5. Doors

- 5.1 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.
- 5.2 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.

6. Ventilation

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

7. Wheelchair Accessible Vehicles (WAV's)

- 7.1 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 manufacturer's design and construction and not altered or modified in any way. All such equipment must be secured in such a position as not to obstruct any emergency exit when the equipment is not in use.
 - d. The manufacturer's seat belt for the wheelchair using passengers 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.
- 7.2 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.

8. Seatbelts

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

9. Tyres

- 9.1 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.
- 9.2 Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.
- 9.3 The vehicle must be always equipped 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).
- 9.4 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 be 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.
- 9.5 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.

10. Alteration of Vehicle

- 10.1 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.
- 10.2 No fixtures or fittings, except those approved in writing by the Council, can be attached to the outside of the vehicle.
- 10.3 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.

11. Seats and Passengers

- 11.1 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.
- 11.2 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.

- 11.3 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.
- 11.4 Any drinking vessels provided by the proprietor or driver of the vehicle must be made of either toughened glass or plastic.
- 11.5 The proprietor must ensure that there is sufficient means by which any person in the vehicle may communicate with the driver.

12. Advertising on Hackney Carriages

- 12.1 The proprietor must not display or permit to be displayed on or from the vehicle, any sign or notice which consists of or include the words "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, unless historically agreed by the Council.
- 12.2 Advertising on the outside of the vehicle is restricted to the name and telephone number of the proprietor or operator of the vehicle, as well as 'pre-booked only'. 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.
- 12.3 Any advertisements on any vehicle must be legal and comply with the advertising standards agency code of practice.

13. Luggage

- 13.1 Luggage and storage areas must be kept as free space for passengers' luggage.
- 13.2 Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
- 13.3 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.
- 13.4 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.

14. Radio Equipment

- 14.1 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.

15. Taximeter (if fitted)

- 15.1 Private hire vehicles may be fitted with a taximeter (at the discretion of the vehicle proprietor) with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2034) or UKCA (UK Conformity Assessed) marked.

- 15.2 The taximeter shall be maintained in a sound working condition at all times. When a hackney carriage or private hire vehicle is fitted with a meter for the purpose of calculating the fare it should be clock calendar controlled and locked to ensure only the tariff in force or a lower at all times is available to be selected.
- 15.3 The taximeter shall be set for the current tariff set by the Council or can be set at a continually lower tariff and shall be sealed with a tamper evident seal to prevent unauthorised adjustment of that meter.
- 15.4 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. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised officer of the Council upon request.
- 15.5 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.
- 15.6 When the taximeter is recording a fare, it must be displayed clearly, legibly, and unambiguously on the meter display. The meter display must also be sufficiently illuminated to enable it to be easily read in all conditions.
- 15.7 The word “FARE” must be printed alongside the display.
- 15.8 The taximeter must be located so that the entire display is plainly visible to any person travelling in the vehicle.
- 15.9 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.
- 15.10 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.

16. Vehicle Insurance

- 16.1 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.
- 16.2 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 and 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. You may also be required to provide a schedule of modifications in relation to your insurance.

17. Collisions in Vehicles

- 17.1 The proprietor must, as soon as reasonably practicable (but in any case within 72 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, notify the Council by completing the Council's collision report form, describing the damage to the vehicle and include photos of the damage if possible.
- 17.2 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.
- 17.3 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.
- 17.4 Failure to present the vehicle for inspection on request following a collision will result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- 17.5 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 seven days.

18. Temporary Replacement Vehicle

- 18.1 If a licensed private vehicle has been involved in a collision or is otherwise incapacitated, an application can be made for a replacement vehicle to be licenced on a temporary basis.
- 18.2 The existing vehicle licence will be suspended and the replacement vehicle will be granted with 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 except in exceptional circumstances as agreed by the Principal Licensing Officer.
- 18.3 Any replacement vehicle must meet the Council's specification for private hire vehicles and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

19. Disabled Access - Vehicle Standards

- 19.1 All hackney carriages and wheelchair accessible private hire vehicles must comply with the following specification in addition to those detailed above.
- a. 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 wheelchairs and occupants must be independent of each other. Anchorage 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.

- b. The door and doorway must be constructed so 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.
- c. The clear height of the doorway must be not less than 1.2 metres.
- d. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.
- e. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
- f. be not more than 380mm from the ground, (measured at the centre of the tread width).
- g. the surface shall be covered in a slip-resistant material.
- h. have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

19.2 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:

- a. not be more than 380mm in height from the ground, (measured at the centre of the step width).
- b. not be less than 250mm deep.
- c. the surface shall be covered in a slip-resistant material.
- d. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering.
- e. not be capable of operation whilst the vehicle is in motion.
- f. 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.
- g. 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 folded or retracted.

19.3 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.

19.4 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.

- 19.5 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.
- 19.6 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.
- 19.7 All Private Hire Vehicle's which are manufactured or converted to have lifts, winches or hoists to assist in the transportation of a wheelchair or their user must be certified on a six-monthly basis and a copy of the certificate supplied to the Council within seven days of certification, which confirms the vehicle meets the requirements of the Lifting Operations and Lifting Equipment Regulations [1998].

20. Vehicle Type Approval

- 20.1 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.
- 20.2 Those vehicles which have not been "type approved" to the M1 category (for example 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 Authority.

21. Access for wheelchair users to Taxis and Private Hire Vehicles

- 21.1 See [Wheelchair access in taxis and private hire vehicles - GOV.UK](#)

22. Deposit of Licence

- 22.1 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.
- 22.2 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.

23. Stretched Limousine

- 23.1 Stretched limousines are elongated saloon cars or multi-purpose vehicles (MPVs) They are generally used for private hire work and special occasions.

- 23.2 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.
- 23.3 The seating in the vehicle must all face either forwards or backwards and a vehicle will not be licenced if any sideways facing seats remain.

24. Funeral and Wedding Vehicles

- 24.1 There is currently no requirement for a vehicle to be licensed 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.
- 24.2 A vehicle does not need to be licensed 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 licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed; for licensed private hire vehicles, the licence plate must be displayed unless a valid exemption notice is held.

25. Display of Conditions

- 25.1 The proprietor must always have a copy of these conditions within the vehicle, for inspection by passengers, licensing officers and police officers.

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.

Appendix E: Private Hire Operator Conditions

1. Introduction

- 1.1 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 District Council (hereafter referred to as the Council).

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

2. General

- 2.1 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.
- 2.2 An operator must not wilfully obstruct an authorised officer or police officer 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 their duties under the above Act.

3. Disclosure and Barring Service (DBS) Checks

- 3.1 The requirements are set out [here](#).

4. Companies House

- 4.1 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 Authority of those changes within seven days.

5. Vehicle and Driver Licences

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

6. Record keeping – Conditions

- 6.1 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.
- 6.2 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 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.
- 6.3 The Operator must keep these records securely, in accordance with data protection legislation, for a minimum of 12 months from the date of the last entry.
- 6.4 An operator must keep records of all private hire 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 driver.
 - (c) Name, address and licence number of every private hire driver.
 - (d) Date of expiry of every private hire driver and vehicle licence.
 - (e) A valid insurance certificate for every private hire vehicle.

- (f) Dates the private hire driver and vehicle commenced or ceased working for the operator.
- 6.5 The Operator must keep these records securely, in accordance with data protection legislation, for a minimum of 12 months from the date of the last entry. These documents must be returned to the driver or proprietor when the driver or vehicle ceases to be operated by them.
- 6.6 Operators will be required upon occasion to produce their records to the police or licensing officers upon request. Operators must be able to quickly access their systems, so officers can inspect the records to carry out their enquiry or enforcement duties.
- 6.7 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 people approved by the operator in writing. A list of such people must be made available to licensing officers of the Council or a police officer on request.
- 6.8 Details of all bookings must be entered into the records to show that they have been accepted as soon as reasonably practicable. Any computerised system used must be able to produce a printed record of the details specified above. A backup of the records required is to be kept and must be made daily and is also to be kept for 12 months.
- 6.9 An operator shall notify the Council's Licensing Authority, 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.
- 6.10 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 12 months, to ensure access to the records if required by licensing officers or any police officer at all reasonable times.
- 6.11 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.
- 6.12 If operating more than five 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.
- 6.13 If operating five or fewer vehicles a manual bookings system, approved by the Council, in writing, may be used.
- 6.14 All bookings allocated to the Council's 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.

- 6.15 The information specified below shall be submitted to the Council annually in April each calendar year whilst holding an operator licence:
- (a) Registration number of each private hire vehicle operated.
 - (b) Private hire driver badge number of each driver.
 - (c) Dates the private hire vehicles and drivers commenced and ceased working for the operator.
- 6.16 Any changes to the information supplied in accordance with 6.15 above shall be notified to the Council within seven days.
- 6.17 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.
- 6.18 The operator must keep a daily record of the names of controllers engaged in the receiving of bookings and dispatching of vehicles to accepted bookings and the times that those people were so engaged. This record must be kept for a minimum of 12 months and be available for inspection by any licensing officer of the Council or any police officer, at all reasonable times. The operator shall be responsible for the conduct and actions of controllers engaged in the receiving of bookings and dispatching vehicles to accepted bookings, operating under their licence.
- 6.19 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.
- 6.20 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.

7. Standards of Service

- 7.1 The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 7.2 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 Council licenced private hire vehicle, and the driver of the vehicle is a Council licenced 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) 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.

8. Ride Sharing/Car- Pooling

- 8.1 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.
- 8.2 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 a different sex may not be added to the same booking.

9. Public Service Vehicles (PSVs)

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

10. Complaints

- 10.1 The operator or manager must initiate an investigation into any complaint received from the public within 72 hours of receipt of the complaint.
- 10.2 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 operator received the complaint.
 - (e) How the complaint was received for example by telephone or email.
 - (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.

- 10.3 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.
- 10.4 The operator must on receipt of a complaint concerning a licensed driver, notify the complainant of their right to direct their complaint to the Licensing Authority within 24 hours of receipt of the complaint.
- 10.5 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.
- 10.6 Where the Licensing Authority receives a complaint, 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.
- 10.7 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).

11. Operator's Base and Change of Address

- 11.1 The Council will not grant a private hire operator's licence for an operator with an operating base that is outside the Council's boundary. This is to ensure that proper regulation and enforcement measures may be taken by the Council.
- 11.2 An operator's licence relates to one or more addresses (bases) within the 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.
- 11.3 An operator who has more than one operating office or base within the Council area does not require a separate licence for each premises but must submit a list to the 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. A local-landline telephone number must be connected to the operator base and must be in use at all times when bookings are being invited.

- 11.4 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.
- 11.5 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 the Council's Development Control Service if required.

12. Convictions

- 12.1 You must declare all convictions, cautions, warnings, reprimands, anti-social behaviour orders, fixed penalty notices, criminal behaviour orders (CBO's), community protection notices (CPNs), community service orders, restraining orders, fixed penalties (including traffic offences), all motoring convictions, driver education courses and any disqualifications from driving to the Council on your initial application form.
- 12.2 Licensed operators must report in writing to licensing@westberks.gov.uk all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), motoring convictions, driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all operators must inform the Council in writing to licensing@westberks.gov.uk within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.

13. Advertising

- 13.1 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, historically agreed by the Council.

14. Insurance

- 14.1 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.
- 14.2 This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
- 14.3 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.
- 14.4 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.

15. Loss of Personal Data

- 15.1 The loss of personal data by theft or otherwise (including any hacking of the operators' computer systems) must be reported to the Information Commissioner's Office, for more information see: Report a breach | ICO. You should also notify the Council of any loss of personal data, as well as the police when necessary.

16. Display of Conditions

- 16.1 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.

17. Sub-Contracting

- 17.1 A private hire operator may sub-contract a booking to another licensed 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.
- 17.2 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.
- 17.3 If any booking is sub-contracted to another operator, then the operator who initially accepted the booking must inform the hirer of the sub-contract before the hiring commences.

18. Trading names

- 18.1 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.

19. Trailers

- 19.1 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.

20. Informative

- 20.1 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.

Glossary

Term	Description
Authorised officer	An officer authorised by the council under the relevant legislation governing the licensing of hackney carriage and private hire vehicles, operators and drivers
Bylaws	Locally adopted laws applicable to hackney carriage proprietors and drivers, breach of which is a criminal offence
Certificate of Good Conduct (CoGC)	Is an official document issued by a competent authority (usually a judicial or administrative body) confirming an individual's lack of a criminal record or detailing any convictions they may have. It serves as proof that an individual has a clean criminal record, or that any convictions are declared.
Clear working days	Excludes the day of submission and the day of issue. Working days do not include Saturdays or Sundays or Bank Holidays.
Compliance certificate	Test of mechanical fitness for a licensed vehicle and its compliance with the standards set out in this policy
Compliance testing centre	See MOT/Compliance Testing Centre below
Conditions	The conditions of a licence applied by the Council to a driver's, an operator's or a vehicle licence.
Convictions and cautions	Applicants should note that any reference in this document to 'conviction' includes all convictions, police warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders and fixed penalties (including traffic offences), including those that are regarded as spent under the 1974 Rehabilitation of Offenders Act (see Regulated Occupation below).
Council	West Berkshire District Council in its capacity as the Licensing Authority
DBS	Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB)
DfT	The Department for Transport
DfT guidance	The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010 and Private Hire Vehicle Licensing: Guidance Note, published in August 2011
DfT guidance on stretched limousines	The Department for Transport Guidance for Operators of Stretched Limousines, published March 2013
Dispensation	A vehicle which is used exclusively for contract/Account work

Driving Licence	A full GB driving licence issued by DVLA or EEA driving licence or acceptable equivalent as defined by DVLA or appointed agency.
Dual Driver	Driver able to drive both Hackney Carriage and Private Hire Vehicles.
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency
EEA	European Economic Area
Licensing Committee	The committee of Councillors at West Berkshire District Council which is responsible for the Council's Licensing functions including hackney carriage and private hire licensing in the district of West Berkshire.
Group 2 Medical	The DVLA Group 2 standard of medical fitness for professional drivers.
Guidance on suitability etc.	The Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018
Hackney Carriage	These are vehicles licensed to carry not more than eight passengers, and which are able to stand on a rank or ply for hire. A hackney carriage may stand at designated taxi ranks (referred to in legislation as "hackney carriage stands") and 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
HGV	Heavy Goods Vehicle
Low emission vehicle (LEV)	One with CO2 emissions of 120 g/km or lower
Licensing Sub Committee	A Taxi Licensing Panel of Committee members drawn from the Licensing Committee who are responsible for dealing with hackney carriage and private hire licensing in the district of West Berkshire.
Licence Plates	The plates issued by the Council for the purposes of identifying the vehicle as a Hackney Carriage or Private Hire Vehicle licensed with the Council.
Licensee	The person named as such in the Licence
Licensed Driver	a person licensed by the Council to drive vehicles of
MoT	An annual test of vehicle safety, roadworthiness aspects and exhaust emissions.
MOT/Compliance testing centre	One of the designated test centres located within the district boundary where vehicles may be MOT and compliance tested.

Passenger	Any person hiring the Vehicle and where the context permits includes any person entitled to be conveyed in the vehicle pursuant to the hire of it
Private hire vehicle	These are licensed to carry no more than eight passengers and must be booked in advance through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.
Private hire operator	A person who makes provision for the acceptance of private hire bookings to undertake themselves or pass on to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle
PSV	Passenger Service Vehicle
Regulated occupation	The principles of the Rehabilitation of Offenders Act 1974 do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence. See also Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
Taxi	This word has no meaning in law but is routinely used in government documents to describe hackney carriages and Private hire vehicles. To avoid confusion, the use is limited to instances where reference is made to other documents which have used it.
Taximeter	Is the device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles.
Ultra-low emission vehicle	An ultra-low emission vehicle is a vehicle that produces less than 75g/km of CO ₂ .
Vehicle or licensed vehicle	Both a hackney carriage and private hire vehicle.
WAV	Wheelchair Accessible Vehicle
WBDC	West Berkshire District Council

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