



Taxi Licensing **Procedures and Conditions**

Terms of Approval, Licence conditions and application procedures for private hire and hackney carriage licences.

Version Control

Private Hire and Hackney Carriage Procedures and Licence Conditions

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Please note that there is currently no section H or I.

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

Photo

As the Chair of the Regulatory Committee I have been involved in the development of the Milton Keynes Council Taxi Licensing Policy since 2014.

The aspirations expressed in the Policy will reassure residents and visitors that the Council takes their safety seriously. However, it is the role of the Regulatory Committee to achieve those aspirations and ensure that those granted licences meet the overarching objective of the Policy.

The Hackney Carriage and Private Hire (Taxi) Licensing Procedures and Conditions sets out how the Regulatory Committee will achieve this.

Granting licences to

those working in the Taxi industry places an enormous responsibility on the Council. The potential risk to members of the public can be severe if the Council makes the wrong decision.

That is why great care and scrutiny has been applied to these procedures and the licence conditions throughout regular review by the Regulatory Committee over the last 4 years. Every requirement, procedure or condition contained in this document is considered reasonably necessary by Milton Keynes Council to protect the public.

The number of times that the Policy, procedures and conditions have been reviewed by the Council in the last 4 years is unprecedented anywhere in the Country. This demonstrates the Council's commitment to continuing to improve public safety and supporting our licensed trade with the proper regulation. No other Council has been as responsive to the modern day challenges of licensing the hackney carriage and private hire industry, and enforcing high standards, than Milton Keynes Council over the last 4 years.

Solutions that satisfy everyone are not always easy to reach and the changing "taxi" industry will continue to present challenges. This means that the Council's requirements will always be under review. This document has been revised to clearly separate "policy" from procedure, conditions and regulation to allow the Regulatory Committee to respond much quicker and more efficiently to future challenges.

I am grateful to Officers, members of the Regulatory Committee and Cabinet and the licensed trade for their continued contributions in the review of both Policy and procedure as we all seek to make travel by hackney carriage and private hire vehicle in Milton Keynes the safest in the Country.

Councillor Catriona Morris, Chair of the Regulatory Committee

Licensed Vehicle Specifications

A1 Introductions –Initial Terms of Approval

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

A2 Conditional Licensed vehicle specifications

A2.1 Vehicle Safety Certification and approvals

A2.2 All vehicles licensed by the Council must be certified by the Vehicle Certification Agency (VCA) and be of M1 classification (i.e. have 4 wheels, seat no more than 8 passengers and be built to carry passengers). The Vehicle should ordinarily have EC Whole Vehicle Type Approval (ECWTA) which 98% of all vehicles meet. If a vehicle does not have ECWTA it should have Individual Vehicle Authorisation (IVA).

A2.3 Vehicles without ECWTA or IVA will generally not be licensed. Certain specialist vehicles may be licensed if they have UK National Small Series Type Approval (NSSTA).

A2.4 Vehicles must be of the manufacturers' original specification, construction and design unless a proprietor can evidence that any modifications made have been carried out to the relevant legal safety standards. Any modification made to a vehicle before it is licensed must be done in accordance with a program approved by the original vehicle manufacturer and the proprietor must have documentary proof. The relevant IVA certificate must be submitted with the application. Modifications cannot be made to a vehicle whilst it is licensed without the approval of the Council.

A2.5 It is the responsibility of the proprietor of a vehicle to ensure it meets the above and produce the relevant documentary evidence if requested by the Council.

A2.6 Standard Vehicle Requirements

A2.7 All vehicles must:

1. Seat at least 4 and no more than 8 passengers
2. Have at least 4 doors
3. Have a seatbelt for each passenger seat.

4. Not to be left-hand drive.
5. Have an engine capacity equivalent to at least 1600 cc.
6. Not be convertible.
7. Have reasonable luggage space sufficient for the maximum number of passengers that the vehicle is licensed for and physically separated from the passenger seating.
8. Be within the requirements of the Council's Licensed Vehicle Age Policy.

A2.8 Doors

A2.9 All doors must be capable of being opened from the inside. The rear passenger compartment must have an openable door on either side of the vehicle.

A2.10 Seating

A2.11 The Council will ensure that:

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

A2.12 The passenger carrying capacity that a vehicle will be licensed for will not necessarily be that indicated on the DVLA V5 log book.

A2.13 The number of passengers that a vehicle will be licensed to seat will never be more than that stipulated on the DVLA V5 logbook.

A2.14 The seating arrangement within a vehicle must:

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

A2.15 Engine Capacity

A2.16 Vehicles must have an engine capacity equivalent to 1.6 CC (cubic centimetres). This includes vehicles badged by the manufacturer as "1.6" models. The Council may be satisfied that the engine of a vehicle is equivalent to this by reference to other forms of measurement, such as HP

(horsepower). Vehicles that have been “chipped” to perform equivalent to 1.6 CC may be licensed even if the engine itself is badged as being less than 1.6 CC.

A2.17 Hybrid, electric or other environmentally friendly vehicles can be of any engine size provided that the Council is satisfied that it is otherwise safe and suitable to be licensed.

A2.18 Continued Maintenance of the Vehicle and appearance

A2.19 Whilst licensed the Vehicle must comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to, the Motor Vehicle (Construction and Use) Regulations 1986 which currently apply.

A2.20 All paintwork must be professionally finished and the vehicle free from dents and damage to either bodywork or fittings.

A2.21 Bare metal, primer paint, visible rust and perforations are not permitted.

A2.22 The interior of the vehicle must always be in a clean and tidy state and fit for the purpose of conveying passengers in reasonable comfort.

A2.23 The seat covering must be clean and in a good state of repair.

A2.24 Carpets, upholstery and cloth trim must be clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.

A2.25 All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.

A2.26 All doors, locks and windows are to be in full working order and in good condition.

A2.27 All interior lights and fascia illumination are to be in full working order and in good condition.

A2.28 Boot space/luggage areas must be kept clean and vehicle equipment properly stowed.

A2.29 Dashboard warning lights must be in working order. If any warning light is lit the vehicle shall not be permitted to be used as a licensed vehicle.

A2.30 Tyre Safety

A2.31 The vehicle must have a minimum tread depth of 2 mm across the central three quarters width of the tyre and meet the VOSA required standard of 1.6 mm in all other parts of the tyres.

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A2.32 Tyres, or parts of a tyre, must be in a safe and suitable condition at all times and with no damage that would be deemed an MOT failure or would present a public safety risk of further deterioration (for example cuts and bulges, foreign bodies in a tyre such as screws; nails etc.)

A2.33 Second hand, part worn; tyres must not be fitted to the vehicle.

A2.34 Vehicles must carry a suitable spare tyre if the vehicle was designed and manufactured to carry one and the means to change that tyre. Space saver tyres are acceptable if part of the original design and manufacture of the vehicle but must be kept and maintained in accordance with that manufacturer's specification.

A2.35 If a vehicle has not been designed to carry a spare wheel an appropriate inflation device must be kept in the vehicle at all times unless appropriate run flat tyres are fitted to all the wheels of the vehicle.

A2.36 Due to limits on speed and distance imposed by manufacturers on space saver tyres, passengers must not be carried when using a space saver wheel other than to strictly complete a hire commenced prior to the space saver needing to be fitted, provided that it is safe to do so, and alternative transport cannot be arranged.

A2.37 Windows and Tints

A2.38 All windows must be kept free of dirt, grime and marks.

A2.39 Nothing shall be placed on the windows of a licensed vehicle that will obscure the view into or out from any passenger seats other than items required by relevant legislation or licensing conditions.

A2.40 Adhesive window tints of any shade are not accepted for any licensed vehicle.

A2.41 The Road Vehicles (Construction and Use) Regulations 1986 (as amended) requires there to be a set level of visual light transmission (VLT) through the windscreen and front side windows of a vehicle. This is set as 75% for the front windscreen and 70% for each and any front side window.

A2.42 All Side and rear windows will not have a visual light transmission restriction provided that the side and rear windows were installed by the vehicle's manufacturer and are certified by the vehicle manufacturer.

A2.43 Miscellaneous

A2.44 A safety screen is permitted to be installed provided it is done so to the satisfaction of the Council.

A2.45 Roof racks, roof mounted luggage boxes and similar items are not permitted under the terms of the vehicle licence.

A2.46 Tow Bars are not permitted and must be removed except for where the tow bar forms an integral part of the design of the vehicle rendering its removal unsafe. In such instances the proprietor will be advised of the relevant steps necessary to comply with this condition and ensure that the tow bar cannot be used.

A2.47 Electric/Hybrid Vehicles

A2.48 Vehicles that are electric or hybrid vehicles must be PAT tested and evidence of this provided to the Council.

A4.1 Wheelchair Accessible Vehicles

A4.2 WAVS must be manufactured or adapted to carry at least one wheelchair passenger whilst the passenger is seated in the wheelchair.

A4.3 Loading of the wheelchair may be from the side or from the rear.

A4.4 There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn and sufficient space for a wheelchair to travel facing forward or rearward.

A4.5 The vehicle must have appropriate wheelchair tie down and occupant restraint system (WTORS) fitted to it in order to secure the wheelchair and ensure the safety of the passenger.

A4.6 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.

A4.7 Wheelchair internal anchorage and WTORS must be of the manufacturer's design and construction and secured in such a position so as not to obstruct any emergency exit.

A4.8 Wheelchair internal anchorage and WTORS must be installed and fitted by a competent person able to verify in a professional capacity that it has been fitted in accordance with all relevant legislative safety standards and requirements and that it complies with The Road Vehicles (Construction and Use Regulations) 1986 (as amended).

A4.9 Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.

A4.10 Ramps and lifts must be securely stored in the vehicle before it may move.

A4.11 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I.

1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

A4.12 The proprietor of a WAV must ensure that the vehicle is only driven by a person who has passed a relevant taxi driving test (that includes the wheelchair exercise) or other recognised assessment of a driver's ability to load and unload a wheelchair safely. Confirmation of this must be given to the Council.

A5 HACKNEY CARRIAGES

A5.1 Hackney Carriages must be

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

A5.2 Taximeters

A5.3 Hackney Carriages must be fitted with a sealed calendar controlled taximeter approved by the Council and that meter shall;

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

A5.4 The proprietor shall obtain, keep, maintain and produce upon request such certificate of calibration evidencing that the meter has been correctly calibrated to the Council's Hackney Carriage Table of Fares.

A5.5 If a taxi meter fitted to the vehicle is repaired, adjusted or if, for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle, or if alterations are made to the vehicles transmission gearing ratio, the taxi meter must be re-calibrated and subsequently re-sealed.

A5.6 Exemptions.

A5.7 Some individual licence holders have been granted Hackney Carriage licences and given protected rights and exempt from some of the above conditions.

A5.8 Individuals with protected rights may licence a Hackney Carriages that:

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

A6 **Private Hire Vehicles**

A6.1 In addition to the above vehicles licensed for private hire must:

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

B Vehicle Licence Application and Testing Procedures

- B1.1 Applications for new/ renewals of a vehicle licence and Applications for Transfers etc.**
- B1.2 Applications (including renewals) for private hire or hackney carriage vehicles must be made to the Council and paid for either through the Council's dedicated online service or in person at any time the online service is not in operation. Where applicable the applicant must book a vehicle test at the time of application (see B1.20). The applicant must upload copies of the documents below and provide the originals to the Council at the time of their vehicles test:
- a. The Vehicle Registration Document
 - b. Motor Insurance certificate
 - c. Mot Certificate
 - d. Calibration Certificate (if hackney carriage)
- B1.3 If the above cannot be provided, or the Council does not have the means of otherwise verifying the documentation, a licence cannot be granted. Copies of the original documents will be retained. The above documents are detailed below.
- B1.4 The Vehicle Registration Document issued by the DVLA is required to confirm that the vehicle belongs to the applicant(s). Other proof of ownership may be accepted where the vehicle has just been purchased, such as a new keeper supplement or bill of sale. In rare circumstances the Council may allow an applicant to licence a vehicle they do not own provided that they produce a letter of consent signed by the owner of the vehicle.
- B1.5 The applicant must provide evidence that a policy of insurance (or a temporary insurance cover note) is held in respect of the vehicle to cover, as a minimum, third party risks. The insurance must cover the vehicle for the number of passengers to be conveyed in the vehicle, the named driver(s) of the vehicle, the carriage of the number of wheelchairs for which the vehicle is adapted and the correct licence category (private hire or public hire).
- B1.6 An MOT certificate must be provided in support of a hackney carriage that is 1 year old or a private hire vehicle that is 3 years old. Alternatively the applicant may consent to the Council checking this information online.
- B1.7 The applicant must confirm that his vehicle is correctly taxed or has been registered as exempt from tax.
- B1.8 The applicant must provide the vehicle compliance pass certificate to the Council. The details of the test are stated below and the applicant must

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ensure that a completed application is submitted within 7 days of the vehicle passing its test. If a complete application is not made within 7 days the vehicle will need be tested again before it is licensed.

- B1.9 Applicants for a hackney carriage vehicle licence must provide evidence that the installed taxi meter has been calibrated by a competent person to the table of fares set by the Council.
- B1.10 Where a complete application has been made to the Council, the fee has been paid, the vehicle meets the Council's requirements and has satisfactorily passed its vehicle compliance test the Council will grant a licence to the vehicle.
- B1.11 The licence granted to the vehicle will be for a maximum duration of 12 months. The Council expects to grant vehicle licences for the full 12 month period but may, at its discretion, grant a licence for a shorter duration.
- B1.12 Once a licence has been granted the proprietor of the vehicle will be conditioned to present that vehicle for a further compliance test or tests on such a date as the Council may specify in line with criteria indicated further below.

B2.1 Vehicle Compliance Testing

- B2.2 All vehicles must undergo a Council vehicle compliance test prior to the grant of a licence and at the intervals as conditioned by the Council.
- B2.3 The vehicle will be tested on all matters outlined in the MOT to ensure that it meets the standards required by the Road Vehicles Construction and Use) Regulations 1986 and further tested for its compliance with the matters set out in Appendix A of this Policy, conditions of licence, and where applicable, other legislation that may apply to the vehicle if licensed.
- B2.4 When testing the standard and safety of the vehicle the Council shall consider the objective of this policy (public safety) and will consider not only the condition and suitability of the vehicle on the day it is tested but on the impact of further usage of that vehicle. As such, any fault on the vehicle which would not fail an MOT may be failed by the Council if it is of the opinion that the fault is likely to worsen during the course of a licence and require repair.
- B2.5 All vehicles will be conditioned to undergo a Council vehicle compliance test at least every 6 months but may be subject to more frequent testing as outlined in appendix A.
- B2.6 The Vehicle compliance test will be booked as part of the application process. Where conducted online the applicant will be required to pick a suitable available time slot. If at any time the online process is not

available the applicant may contact the Council's vehicle testing centre by telephone or email to book a test of the vehicle. The Applicant must bring original copies of the documentation required in B1.2 to the test. The Council may not require sight of some documentation for licence renewals if it has previously seen a copy and the applicant has confirmed that no changes have occurred.

B2.7 Failing to attend to have a vehicle tested

B2.8 Any vehicle not presented for its compliance test by the expiry of the date it is conditioned to have been presented will have their licence suspended with immediate effect.

B2.9 Officers of the Council have the power at all reasonable times to inspect and test a vehicle for the purpose of ascertaining its fitness. If the Council are unable to inspect the vehicle or consider the vehicle to be unfit for use the Council will suspend or revoke the vehicle licence.

B3.1 Change of licensed vehicle

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

B3.3 In the case of a hackney carriage where the individual licence holder has protected rights (i.e. 100 plate) the replacement vehicle must be of a similar type benefiting from the same protected characteristics unless the replacement vehicle meets the criteria for a new hackney carriage.

B3.4 A vehicle can only be substituted to replace an already existing licensed vehicle (i.e. the vehicle licence has not lapsed).

B3.5 Temporary Hire Vehicles

B3.6 On occasion it is necessary for the proprietor of a vehicle to use a hire car. This is usually when the proprietors own vehicle is currently unable to be used either due to damage or needing repair.

B3.7 Hire vehicles are permitted to be licensed provided that they meet the requirements of Appendix A of this Policy. Such vehicles are usually supplied by a "hire company".

B3.8 The hire company is required to apply for the licence and will be the licence holder responsible for compliance with the legislation and the Council's conditions. It will be the Hire Company's responsibility to ensure that the driver of the vehicle complies with those conditions.

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- B3.9 Vehicles intended to replace a private hire vehicle can be licensed in the same way as any other private hire vehicle following the procedure set out above.
- B3.10 Vehicles intended to replace a hackney carriage on a temporary basis must follow a stricter procedure whilst the Council has set a limit on the number of hackney carriages it will licence.
- B3.11 This strict procedure requires the licence plate of the hackney carriage being replaced (the original vehicle) to be presented to the Council to be suspended or revoked prior to any new licence being granted. This will ensure that the Council does not licence more hackney carriages than that set by the demand limit.
- B3.12 The original vehicle licence plate will only be returned to the proprietor when the temporary licence plate is returned to the Council.
- B3.13 A temporary licence will be granted for 12 months and the hire company entitled to surrender the licence plate back to the Council when the vehicle has ceased to be used. Once a temporary hire vehicle is licensed by Milton Keynes it cannot be licensed by any other authority. Hire companies are therefore requested to return the plate to the Council and request its revocation after it is no longer to be used if it is intended to licence that vehicle with another Council.
- B3.14 Hire companies are expected to manage their affairs appropriately to ensure that at all times they inform the Council of where their hire vehicle is and who is driving it. Any failure by a hire company to comply with the Council's expectations may result in the Council considering that they are not suitable to be the proprietor of a licence.
- B4.1 Application and to transfer ownership of a licensed vehicle (Change of owner)**
- B4.2 The proprietor of a licensed vehicle must notify the Council in writing within 14 days of any transfer in the ownership of that vehicle to another person. The proprietor(s) named on a licence remain legally responsible for the vehicle's compliance with the 1976 Act, 1847 Act, bye-laws and licence conditions.
- B4.3 The licence will be conditioned to lapse 14 days after the interest in the vehicle is transferred.
- B4.4 If the vehicle has been transferred to another person who wishes to continue to use the vehicle as a licensed vehicle an application to transfer the licence must be made within 14 days of the change in ownership and before the new proprietor takes possession of, and uses the vehicle, for licensed purposes.

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- B4.5 In order to transfer the licence into the name of a new proprietor an application should be submitted to the Council and payment of the relevant fee made.
- B4.6 The new proprietor of a vehicle should ensure that they are aware of the full history of the vehicle they are taking ownership of. For instance, the fact that the vehicle is licensed only indicates that it was suitable at the time its last application was processed. The previous proprietor may have been given a variety of advice, suspensions or notifications by the Council and the fact that it holds a licence does not mean that the vehicle will be licensed again.
- B4.7 It is important that the new owner of the vehicle applies for a transfer of the licence so that he or she can use the vehicle legally, provide to the Council updated documents such as insurance, log book and MOT's and receive reminders of when the vehicle needs to be tested or apply to renew the licence.
- B4.8 To transfer the licence the applicant must pay the relevant fee and complete, in full, the necessary application form accompanied by proof of ownership, insurance and proof that road tax has been obtained.

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

B5.1 Speciality vehicles

- B5.2 A proprietor may apply to the Council for a private hire licence in respect of a vehicle that is intended to be used as either a speciality vehicle or for discreet corporate work.
- B5.3 The Council may depart from the requirements of Appendix A where the vehicle is a speciality vehicle, such as a limousine.
- B5.4 The applicant will need to satisfy the Council that the customers intending to use the speciality vehicle are able to book that specific vehicle in advance.
- B5.5 The applicant will also be required to agree to the following conditions:
- a. No passengers will be conveyed in the front compartment of the vehicle.
 - b. The proprietor will not permit any alcohol to be sold or supplied, or regulated entertainment to be provided, without the appropriate licences being held and will ensure compliance with the relevant age restrictions and classifications in place.
 - c. The proprietor will risk assess the activities carried out in the vehicle and ensure that any glassware in the vehicle is either shatterproof glass or plastic,

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- d. The proprietor will comply with any reasonable direction of the Council including displaying and maintaining any notices in a conspicuous position.

B5.6 Plate exempt

B5.7 An applicant may apply for a vehicle to be exempt from displaying its plate but the applicant must satisfy the Council that there are substantive reasons to support the exemption given the Council's overriding objective of protecting members of the public.

B5.8 Such evidence may be of the appropriate business contracts and clientele or the applicants' terms and conditions for hire. The applicant will be responsible for completing the Council's application form and providing such evidence as the Council may require in order to be satisfied that the vehicle and its proposed use meets the requirements of the Council's Policy.

B5.9 If a licence is granted the Council will require the licence holder to provide evidence that they continue to meet the grounds of the Council Policy upon request and at each renewal.

B5.10 The licence holder will be required to maintain the licence plate and a copy of the paper licence and exemption certificate that identifies the vehicle as a private hire vehicle in the car at all times.

B5.11 A proprietor using a vehicle granted "plate exempt" status for circuit work will have the plate exemption benefit revoked.

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

Vehicle standard and specification

1. This licence is granted to the proprietor of the licensed vehicle on the assumption that the proprietor has read, understands and will ensure compliance with the Council's Vehicle Specification and Schedule of Conditions in Appendix A of the Council's Statement of Hackney Carriage and Private Hire (Taxi) Licensing Policy and the conditions set out below.
2. The proprietor of the vehicle shall ensure that at all times the vehicle is in compliance with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.

Maintenance of this licence

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

Transfer of licence

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

Named drivers

9. The proprietor shall ensure that the vehicle is only driven by the driver(s) notified to the Council and as named on this licence.
10. Where the proprietor wishes for the vehicle to be driven by a person not named on the licence he shall make an application to so notify the Council and request the licence details to be amended within 7 days of such notification being made.

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11. The proprietor shall remain responsible for any breach of these licence conditions committed by any driver of the vehicle.

Change of Address

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

Change of vehicle details

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

External Licence Plate

15. The proprietor of the vehicle must ensure that the licence plate provided and allocated to them by the Council shall be affixed externally to the rear of the vehicle, on or adjacent to the rear bumper, or in such other position as may be approved by the Council, by screws or bolts or some other form of permanent fixture.
16. The proprietor shall inform the Council immediately should the licence plate be lost, broken, destroyed or defaced and if a replacement is required pay the relevant fee.
17. The Proprietor shall not cause or permit the vehicle to be used without the plate affixed to the vehicle in the manner outlined above or be operated with the said plate in such condition that any figure or identifying feature is illegible.

Interior Markings

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

Number of Passengers

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

Criminal Cautions and Convictions

21. The proprietor of the vehicle must immediately (and where it would be unreasonable to do so immediately, no later than 14 days) disclose to the Council in writing the details of any criminal cautions or convictions (including any motoring offences and fixed penalties), Court Orders injunctions, community protection notices, County Court Judgments, High Court Judgements and Fixed Penalty

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Notices imposed upon him or her, (or in the case of a company or partnership, on any of the directors or partners), during the period of the vehicle licence being held.

22. The Licence holder will support the Council's safeguarding duties and report to the Council immediately upon becoming aware of an allegation or accusation made against them involving any offence in paragraphs E3, E4 and E5 of Appendix E of the Council's Policy or if the licence holder is a party in public law to any child care proceedings.

Insurance

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

Dual Licensing

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

Safe storage of luggage

28. All luggage stored within the vehicle shall be done so safely and risk assessed to prevent any danger or injury to passengers. Where the driver of the vehicle is not the proprietor the proprietor is responsible for ensuring that the driver complies with this condition.
29. Luggage in the boot must not be stacked higher than the height of the rear passenger seats unless the vehicle is designed, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.
30. Luggage must not be stored in such way as to prevent the driver from operating vehicle safely and in compliance with the relevant national legislation.

Smoking is not permitted in the vehicle

31. The Proprietor shall ensure that the requirements of the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 are complied with which set out

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that the following persons have legal duties to cause any person who is smoking in a smoke free vehicle to stop smoking:

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

Maintenance, Appearance and Condition of the Vehicle

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

Fire Extinguisher & First Aid Kit

33. The vehicle must carry an appropriate first aid kit and a 0.75kg dry powder fire extinguisher, both of which must be in a serviceable condition and within any expiry or recommended expiry date.

Accidents and Vehicle Damage

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

Proprietor's responsibility towards drivers

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

D Driver & Operator Licence Procedures

D1. Application requirements

D1.1 The standard that the Council expects applicants to meet in order for a licence to be granted is set out in its Policy and provides that an applicant must:

- a) Be suitable in terms of age and experience
- b) Have held a driving licence for more than 12 months
- c) Have a suitable driving standard
- d) Be medically fit to carry out a licensed drivers duties
- e) Be of suitable character as evidenced by their criminal record history

D1.2 The Council will check and assess the following:

- a) Criminal record (including an overseas check);
- b) Driving record;
- c) Driving standard;
- d) Medical history;
- e) Identity and Right to work entitlement;
- f) Suitability of the applicant in his or her understanding of their duty as a licensed driver.

D1.3 This document sets out the process to enable an applicant to satisfy the Council of the above in order to demonstrate that they are fit and proper to hold a licence.

D1.4 An applicant is responsible for ensuring that they can satisfy the Council of the requirements of this procedure before submitting an application.

D2. Applying for a licence

D2.1 An application must be made to the Council via its online service system and the relevant payment made at the time of submission. If the online service is not in operation the application can be made in person.

D2.2 Despite the use of an online form an applicant will on at least one occasion during their application process be seen in person by the Council for an appropriate identity check to take place and to assess their suitability to be licensed.

D2.3 The applicant will submit their application on the Council's prescribed form and shall:

- a) Confirm their name, current address and 5 year address history;
- b) Provide their driving licence entitlement;
- c) Submit a passport photograph;
- d) Confirm their national insurance number;
- e) Upload copies of their identity documents and entitlements;
- f) Provide details of any licence they have previously held and if such a licence has been suspended or revoked or any disciplinary action taken;

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- g) Confirm their criminal record and driving history;
- h) Agree to notify the Council of any convictions, cautions, endorsements, allegations, official police warnings, charges or grants of bail after the submission of the application and until the application is determined.

D2.4 Once the application has been submitted the applicant will be directed to obtain (if they do not already hold) the following:

- a) DBS enhanced disclosure
- b) DVLA shared driving licence code
- c) Group 2 Medical
- d) Relevant Driving Test
- e) Certificate of conduct (if applicable)

D2.5 The applicant may upload any of the documents listed in D2.4 that they already hold provided that they comply with the further requirements of this appendix. Original documents must be produced to the Council before a licence will be granted.

D2.6 The applicant will be required to book and attend the Council's Driver Assessment Suitability (DAS). Original identity documents must be produced by the applicant at this stage. The applicant must attend the DAS no later than 3 months after the submission of their application. Failure to do so will result in either the withdrawal of their application or a requirement to repeat some stages of the application process.

D2.7 All required documents must be submitted and DAS passed before an application will formally be accepted as complete and able to be determined by the Council.

D2.8 Administrative assistance via appointment will be made available to enable an applicant to apply for a licence. The Council shall levy an additional charge for this. An applicant will remain responsible for the information given and arranging for relevant documentation to be obtained and provided.

D2.9 If an applicant fails to complete the application process within 6 months of the submission of their application, the application will be considered incomplete and withdrawn. Extensions to this period may be allowed if the Council is satisfied that an applicant intends to, and can, complete the process within a reasonable future timescale. The applicant may be required to complete some stages of the application process again.

D3 Driving Licence

D3.1 The applicant will be required to produce their original DVLA licence during the application process. Ordinarily the applicant will produce their photo card driving licence, however, where an applicant has not yet been issued with a photo card their original paper licence will be accepted.

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- D3.2 The licence must show that the applicant is authorised by the DVLA to drive the relevant vehicle category covering a hackney carriage and private hire vehicle.
- D3.3 Non UK licences must be converted to a UK DVLA licence before an application can be accepted as the driving licence is an important identification document and allows the Council to check the applicant's endorsement history. Subject to any future legislative changes due to the withdrawal of the United Kingdom from the European Union, EU driving licences will not need to be converted if an applicant has sufficient other documents to confirm identity and another method to enable the Council to check their driving licence history (this may require extra payment from the applicant).
- D3.4. 'Automatic only' licences are acceptable subject to the applicant being able to fulfil the role of a taxi driver in its wider meaning. If such a driving licence is granted the licensed driver would be responsible for ensuring that they only licence and drive an automatic vehicle.

D4. Enhanced DBS Disclosure

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

D5 Overseas criminal record or Certificate of Conduction

- D5.1 Where an applicant has, since the age of 18, resided in a Country outside of the UK during the 10 years prior to his or her application, a criminal record certificate, equivalent to a DBS check, must be provided from that Country (or Countries).
- D5.2 The responsibility for obtaining the above certificate rests with the applicant. The applicant will be directed to the Home Office website for the relevant application procedure or required to contact the relevant embassy

of the Country in which the applicant resided. The applicant is responsible for obtaining and supplying the necessary documentation and paying any fee that is required to obtain the certificate.

D5.3 An applicant may be permitted to submit a statutory declaration instead of a Certificate of Conduct provided that the Council is satisfied that either:

- 1) The Country from which the certificate is sought is one from which the Home Office currently confirm is unable to provide such certificates **AND/OR** all reasonable attempts have been made by the applicant to obtain the certificate; **OR**
- 2) The applicant, for reasons of which he or she has been granted asylum in the UK, cannot return to, or contact, his or her home Country for a criminal record disclosure or certificate of conduct.

D5.5 **Reasonable Attempts to obtain**

D5.6 In order to satisfy the Council that all reasonable attempts have been made the applicant must:

1) Where there is a home office procedure

- a) Follow and complete the set procedure;
- b) Follow the timescales set out in that procedure;
- c) Follow any “appeal” or “escalation” criteria set out in that procedure or contact the relevant body to request an escalation;
- d) Allow a reasonable time, based on the Home Office published turnaround times, for a response.

2) If there is no Home Office procedure:

- a) Write to the relevant embassy in the UK and/or relevant police station or governmental department in the area(s) of the Country in which the applicant resided;
- b) Submit a further request in writing 4 weeks later if no acknowledgment is received or, if an acknowledgement is received, submit a further request 4 weeks after that or any time scale provided to the applicant by the relevant police station, embassy or governmental department.
- c) Wait a further four weeks following the further request.

3) Where the applicant has claimed Asylum

- a) The applicant must satisfy the Council that he or she is unable to contact their home Country or any Country that the applicant has resided in for more than 6 months in the last 20 years due to reasons for which he or she was granted Asylum.
- b) In order for the Council to be satisfied that the applicant cannot contact any Country due to an Asylum claim, the applicant must

provide the full documentary evidence of their Asylum claim and the decision notice granting Asylum. If this cannot be provided the Applicant should contact the Home Office.

- D5.7 The applicant must be able to provide written evidence of any requests sent and acknowledgements received. It is strongly advised that where possible communication is done by email. Further to the above procedures, applicants may be required to provide written references from either their Home Office caseworker or another professional person or employer to verify their character.
- D5.8 If an exemption is made to allow an applicant to provide a Statutory Declaration and it later becomes possible for a certificate to be obtained, the Council reserves the right to insist that the applicant obtains and provides that certificate.
- D5.9 Where a statutory declaration is permitted it will be on the proviso that should any information contrary to the declaration be received the Council will review any licence granted to the applicant.

D6 Medical Certificate

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

D7. Assessment of Driver Suitability

- D7.1 In order for a new applicant to satisfy the Council that they are fit and proper it is important for them to understand the relevant legislation and conditions that apply to them. An assessment will be carried out of new applicants to check their knowledge and understanding and provide an opportunity for advice to be given to them about their duties as a licensed driver.
- D7.2 The Driver Assessment Suitability (DAS) process is an introduction to being a licensed driver in Milton Keynes and is not a substitute for an applicant taking their own steps to understand the laws and conditions that may apply. The topics covered will vary depending on the changing nature of the trade, the law and Policy but as a minimum shall cover:
- The applicable legislation
 - Compliance with licence conditions
 - Disability awareness
 - Safeguarding and CSE
 - English speaking
 - Customer service

- The area of Milton Keynes

D7.3 A number of questions will be asked of applicants to assess their ability to converse in spoken English. If it is considered by the Officer conducting the DAS that the applicant does not possess an acceptable standard of English the applicant will be required to undertake English for Speakers of Other Languages Course (ESOL) course and return when their ability has improved.

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

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

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

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

D7.7 Licence holders will be expected to undertake CSE and safeguarding training as a condition of their licence. If, a course is reasonably available to an applicant, prior to the grant of their licence, the applicant will be expected to undertake that. Failure to do so may indicate the applicant is not fit and proper and the application may be refused.

D8 Identity documents and proof of entitlements

D8.1 The applicant will need to provide to the Council their original DVLA issued driving licence, documents to prove their identity and their right to work in the UK. The documents needed to confirm an applicant's identity will be those required by the DBS for an enhanced disclosure. The documents needed to confirm an applicant's right to work will be those that are approved by the Home Office. An updated list of these will be maintained by the Council.

D8.2 In general the documents required will be:

- DVLA Driving Licence
- Passport
- Travel permit, Visa or Residence card.
- Utility bill or finance statement

D8.3 It will be a condition of any licence granted that the applicant must provide up to date copies of these documents following their expiry. Failure to do so will result in the suspension of a licence.

D8.5 **Right to Work**

D8.6 Amendments made to the 1976 Act by the Immigration Act 2016 prevent the Council from granting a licence beyond the expiry date of a right to work entitlement. Applicants need to ensure that any right to work entitlement enables them to be self-employed in in the United Kingdom. If an applicant does not evidence that they have the appropriate documentation a licence will not be granted.

D8.7 Failing to satisfy the Council that appropriate right to work entitlement is held will result in the refusal of an application or, if after a licence is granted the suspension or revocation of a licence. Applicants are advised to ensure that they update and renew any right to work entitlement in good time to avoid delays that will prevent them from working. Applicants may be required to consent to a check with the Home Office and provide relevant home office case work reference numbers to enable the Council to check their entitlement.

D8.9 Applicants with European Union passports have the right to work in the UK and will be granted a licence provided that their passport is in date. If the passport has expired the applicant may be required to provide other means to confirm their nationality and entitlement. This is subject to any legislative changes that take precedence once the United Kingdom withdraws from the European Union.

D9. **Determination**

D9.1 If all the application stages are successfully passed and there are no convictions, cautions, driving endorsements or relevant enforcement history to suggest otherwise, the applicant will be considered to be a “fit and proper person” and the relevant licence granted.

D10 **Private Hire Vehicle Operator Licence Applications**

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- D10.1 The application process will enable an applicant to satisfy the Council that they are fit and proper.
- D10.2 Applicants for an Operator's licence may be an individual, more than one individual (joint applicants), partnerships, organisations, or limited or publicly limited companies.
- D10.3 Where the applicant is more than one individual or is its own legal entity (for example a company, partnership, or other organisation) the requirements of this part apply to all individuals forming that entity, the partners or directors, and the term 'applicant' should be construed as referring to each individual, partner or director where appropriate.
- D10.4 An application must be made to the Council via its online service and payment made at the time of submission. If at any time the online service is not in operation the application can be made in person. The applicant will be required to confirm and evidence their criminal record, licence history, financial history and if relevant, company history.
- D10.5 Where the applicant is a Milton Keynes Licensed driver or an existing licensed Operator further identity documents will not be required to be uploaded if already held by the Council. New applicants will be required to confirm their identity.
- D10.6 **Evidence of Criminal Record**
- D10.7 A criminal record disclosure must be provided for each individual, partner or director. Where a large company is involved the Council may only require criminal record checks from those directors or managers with an operational involvement in ensuring compliance with the relevant applicable legislation.
- D10.8 The following documents can be submitted as evidence of an individual's criminal record provided that they are no older than a month:
- Basic Disclosure from the DBS
 - Subject Access Search (ACRO SAR1)
 - Enhanced disclosure (if the applicant wishes).
- D10.9 Where the applicant is a Milton Keynes licensed driver a further criminal record check may not be necessary unless there has been any change to it since it was last considered.
- D10.10 Applicants must provide evidence of their criminal record for any Country in which they have resided for duration of 6 months or longer in the last 10 years.
- D10.11 Where a licence is granted, the Operator must inform the Council of any change in owner, partner, director etc. and the Council will require a criminal record check of that new owner, partner, director etc.

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D10.12 The applicant will agree to notify the Council of any convictions, cautions, endorsements, allegations, official police warnings, charges or grants of bail after the submission of the application and until the application is determined.

D10.13 Further requirements of Operators

D10.14 Applicants must declare any bankruptcy, disqualification of directorship or prosecutions resulting from previous trading activities.

D10.15 Company applicants must declare any insolvency of the applicant, or previous companies in which the directors of the current applicant have been involved in; the disqualification of any directors, or any prosecutions or cautions against the company, or any previous company that any director has been involved with.

D10.16 Applicants must confirm that they understand that their operating address may need planning permission and they are responsible for this.

D10.17 The Operator must produce an appropriate public liability insurance certificate if members of the public will be permitted on to its premises.

D10.18 The applicant may be requested to produce a written statement or policy confirming how customer data is stored and be required to comply with any recommendations made by the Council.

D10.19 The applicant may be requested to sit a knowledge test designed for private hire operators to ensure that they understand the legal requirements relating to the operating of private hire vehicles.

10.12 Where the applicant intends to licence a number of vehicles in its own name the Council may require the applicant to agree to a set arrangement for the testing and re-licensing of those vehicles.

10.13 The licence application fee must be paid. Fees will be determined annually and published separately.

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

Licence is not transferable

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

When the Licence must be produced

- E2. This licence must be produced by the Licensee on demand to any police officer or a duly authorised officer of the Council. The licence must be returned to the Council on its revocation or discontinuance or for renewal.

Reporting of loss, defacement etc.

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

Display of badge

- E4. The Licensee shall at all times when acting in accordance with this licence wear in such a position as to be plainly and distinctly visible the badge issued by the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976 and where so directed display a secondary badge within a licensed vehicle so as to be clearly and distinctly visible to passengers conveyed within.

Change in name or address.

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

Arrest, bail, convictions, driving endorsements etc.

- E6. The Licensee must notify the council within 14 days of any of the following:
- a. The driver's conviction for any criminal or road traffic offence (including fixed penalty offences).
 - b. Any grant of bail to the driver (conditional or unconditional) by any court or police station.
 - c. Any court cases pending against the driver.
 - d. Whether the driver has been cautioned or received an official warning from the police.

Six Months outside the UK

- E7. If the Licensee is outside of the United Kingdom for a period of 6 months or more the Licensee shall notify the Council upon their return to the UK and prior to undertaking any licensed activities authorised by this licence.

Right to work in the UK

- E8. The Licensee shall produce such documentation as the Council may require in accordance with its Policy to ascertain if the Licensee has the legal right to remain, reside

and work in the United Kingdom or any other document that the Council may reasonably require the licence holder remains a fit and proper person.

Driving Licence

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

Medical Certificates

- E10. The Licensee shall disclose to the Council in writing, within five days, details of any serious illness or injury (for example, head injury, heart attack, stroke, broken limbs, diabetes, etc.) sustained and may be required to undergo an additional medical examination or produce written confirmation from his/her own medical practitioner or hospital consultant as to his/her continued fitness.
- E11. The Driver shall ensure that he or she undertakes a medical examination to the standard required by the Council in its Policy at such frequency and at such times as the Council may stipulate in its Policy.

Touting

- E12. The Licensee shall not by calling out or otherwise, entice any person to hire their vehicle and shall not make use of the services of any other person for that purpose.

Attend Punctually

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

Behaviour and ensuing safety of passengers

- E14. The Licensee shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

To carry and assist with luggage

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

Safe Storage of luggage

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

To drive by shortest route

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

To check for lost property

E18. Immediately after the termination of any hiring or as soon as practicable thereafter the Licensee shall carefully search the vehicle for any property which may have been accidentally left therein by a person having been conveyed in that vehicle and if any property is found the Licensee shall

- a. Within 24 hours attempt to return the property to the rightful owner or
- b. within 24 hours take the lost property to the nearest Police Station and leave it in the custody of the person in charge and obtain a receipt for it.

To carry an Assistance Dog

E19. The licensee shall carry an assistance dog belonging to a passenger free of charge and the assistance dog must be allowed to remain with the passenger.

E20. The Licensee shall not refuse to carry an assistance dog unless prior to such refusal the Licensee has been granted an exemption by the Council.

To Provide copy of this licence to Operator

E21. The Licensee shall provide the duplicate copy licence provided to the Private Hire Operator from whom he intends to take bookings and permit said Operator to retain that licence and take a copy of the licence holders badge for the operator's records. Should the driver decide to cease to take private hire bookings from the Operator or terminate the employment or subcontract arrangement the driver shall be permitted to obtain the paper licence from the Operator and must notify the Council within 2 working days of such occurrence. Further copies of the paper licence will not be issued to a driver without confirmation that the document is no longer held by an Operator.

Safeguarding duty

E22. Where the licence holder believes that a child (person aged 17 or less) may be at risk of being sexually, physically or emotionally exploited they must report their concerns immediately to Crimestoppers on 0800555111 or 01908 253169 or email children@milton-keynes.gov.uk. Should a licence holder fail to report a concern then they will be investigated and may have their licence revoked or suspended.

E22A “The licence holder shall attend a training session on Safeguarding and Child Sexual Exploitation, as directed by the Council, at the first available opportunity after the grant of this licence unless, prior to its grant, the licence holder has already provided to the Council a certificate confirming that they have previously attended an approved training session on Safeguarding and Child Sexual Exploitation. Failure to attend the course directed by the Council will result in a review of this licence”

E23. The Licence holder will support the Council's Safeguarding duties and report to the Council immediately upon becoming aware of an allegation or accusation made against them involving any offence in paragraphs E3, E4 and E5 of Appendix E of the Councils Policy or if the licence holder is a party in public law to any childcare proceedings.

To not ply for hire in a private hire vehicle

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

To ensure private hire journeys are pre-booked

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

To comply with hackney carriage bye-laws

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

To comply with conditions, code of conduct and penalty points

- E27. The Licensee shall comply with the code of conduct and the Council's penalty point's warning scheme contained within the Council's Policy and as may be updated by the Council from time to time with at least 28 days' notice by the Council, which shall be, as a minimum via the Council's website.

Setting down

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

Plate to be fixed to Vehicle

- E29. When driving a licensed vehicle in accordance with this licence the licence holder shall ensure that the licensed vehicle plates are affixed securely to the vehicle and displayed in such manner as may be specified by the Council.

Observance of vehicle licence conditions

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

Number of passengers to be carried

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

Vehicle must be fit for use

- E31. The licensee shall not drive a licensed vehicle for the purposes of conveying passengers at any time in which the vehicle is not fit for use in compliance set out in Annex A of the Council's Policy.

Mobile Devices.

- E32. The licensee of the vehicle shall not use any mobile devices including phones, tablets and laptops or any similar item whilst driving. Drivers must comply with the Road Traffic Act, Highway Code and Road Traffic Regulations at all times in order to ensure the safety of the travelling public. The driver shall not use a hands free kit whilst conveying a passenger

No Smoking

- E33. The licensee shall ensure that the vehicle complies with requirements of the Health Act

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2005 and its subordinate legislation and ensure that no person, including the licensee, smokes in a licensed vehicle and correct signage is displayed on that vehicle when licensed.

- E34 The licensee shall ensure that no person, including the licensee, smokes an electronic cigarette or similar device in a licensed vehicle.

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

The headings above each condition are included to assist in the understanding of the conditions by the Licence holder but do not form part of the conditions.

F Hackney Carriage Byelaws

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

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

- F1 Throughout these byelaws 'the council' means the Council or Borough of Milton Keynes and 'the District' means the Borough of Milton Keynes
- F2. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage or on plates affixed thereto.
- (b) A proprietor or driver of a Hackney Carriage shall:
- (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.
- F3. The proprietor of a Hackney Carriage shall:
- a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - b) cause the roof covering to be kept water-tight;
 - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - d) cause the seats to be properly cushioned or covered;
 - e) cause the floor to be provided with a proper carpet, mat or other suitable floor covering;
 - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
 - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- F4. The proprietor of a Hackney Carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the taximeter;

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- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

- a) when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) as soon as the carriage is hired by distance and before beginning the journey bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957 and also at any time at the request of the hirer.

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

F7. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:

- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf.
- (b) If a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it proceed to the next.
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it station the carriage immediately behind the carriage or carriages on the stand and so as to face the same direction;
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

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

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- F9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- F10. The proprietor or driver of a Hackney Carriage who has agreed or had been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- F11. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- F12. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- F13. If a badge had been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for hire and when hired, wear that badge in such position and manner as to be plainly visible.
- F14. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
- a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

- F15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list –

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

- F16. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Council table, the rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a Hackney Carriage furnished with a taximeter shall be hired, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council table which it may not be possible to record on the face of the taximeter.

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

- F17. a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures.
- b) The proprietor of a Hackney Carriage shall, where such carriage is hired by time, cause a statement of any tariff operated by him otherwise than for a hiring by distance in accordance with the byelaw in that behalf to be exhibited inside the carriage in clearly legible words and figures.

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- c) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- F18. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
- F19. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:
- (a) carry it as soon as possible and in any event within forty eight hours, if not sooner claimed by or on behalf of its owner to a Police Station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.
- F20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

G - Code of Conduct for Licensed Individuals

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

1. COMPLY WITH THE LAW

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

2. DISPLAY PROFESSIONAL CONDUCT

- a) Be polite, helpful and fair to all members of the public.
- b) To not discriminate against any member of the public and to take all reasonable adjustments to assist any person with a disability.
- c) Respect authorised Officers during the normal course of their duties.
- d) To behave civilly and orderly with members of the public, Council officers and persons working as hackney carriage or private hire drivers or operators.

3. PORTRAY A PROFESSIONAL IMAGE

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

4. DRIVE SAFELY

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

5. BE A GOOD NEIGHBOUR

- a) Not cause unnecessary disturbance to residents
- b) Not sound the horn or other audible warning instrument on the vehicle other than in accordance with the Highway Code to attract the attention of passengers
- c) Not permit the volume of any music players, radios and/or other audio/visual devices within a vehicle to cause a disturbance to residents

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- d) To take particular care to avoid any noise during the hours of 11pm- 7.30am in residential areas.
- e) Switch off the vehicle's engine when waiting
- f) Park correctly and safely
- g) Provide all reasonable assistance to the Council when investigating offences and complaints and to provide a witness statement if requested.

Code of Conduct for Licensed Operators

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

- (i) Take steps to ensure that the drivers of all vehicles operated by them comply with the law and this code of conduct.
- (ii) Take steps to ensure that the drivers of, and, all vehicles operated by them reflect positively on the image of Milton Keynes and the licensed trade of Milton Keynes.
- (iii) To take all reasonable adjustments necessary to ensure that their customers with a disability have the same opportunities to use private hire services within Milton Keynes.
- (iv) Provide all information required by the Council in a timely and accurate manner.
- (v) To not unreasonably withhold any information from the Council.
- (vi) To be committed to improving and bettering the licensing regime within Milton Keynes.
- (vii) To be committed to providing the residents of Milton Keynes with safe and suitable vehicles driven by safe and suitable drivers licensed by Milton Keynes Council.
- (viii) To provide all reasonable assistance to the Council when the Council is investigating offences and complaints and to provide a witness statement if requested.

J - Private Hire Operator's Licence Conditions

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

Licence not transferable

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

Licensed premises

J3 The premises licensed in the course of the licence holders business for the provision and acceptance of bookings for private hire vehicles to be despatched under the terms of this Operating Licence shall be [as specified on the front of the licence].

J4. The Licence Holder shall ensure that at all times in which the operating licence is being used for the provision and acceptance of private hire bookings and the despatch of private hire vehicles there shall be a person able to immediately access and provide all the information conditioned to be recorded and kept by the licence holder.

Acceptance of bookings

J5 The operator shall not accept any person as a passenger in a private hire vehicle operated under the terms of this licence unless the passenger or someone on his or her behalf previously requested the hiring by telephone, letter, email, text, personal call to the office or business premises of the proprietor or by some other electronic communication means designed for the purpose of inviting and accepting bookings.

J6 The operator shall not by calling out or otherwise, entice any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.

Despatch of vehicles

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

Confirmation of bookings

J8 The licence holder must confirm to the customer requesting a private hire vehicle the registration number, make and colour of the vehicle and its licence plate number and licensing authority details prior to at the time that the

vehicle is despatched. These details must be provided in writing to the customer by SMS, through an APP or e-mail.

Records to be kept of private hire bookings

J9 The licence holder shall keep a permanent record of every booking of a private hire vehicle invited and accepted by them, whether direct from the hirer or by undertaking the bookings at the request of another operator. The record entries must be made before the commencement of each journey and shall include:

- The time and date of the booking
- The time; date and location of pickup point
- Details of the destination (if possible)
- The name (or other identifying mark such as a reference number) and contact details of the hirer (if possible)
- The registration number of the vehicle and the driver allocated for the journey.
- If a booking accepted is sub-contracted to another operator, details of the operator to whom it is sub-contracted
- If a booking is accepted from another operator, the details of the operator from whom it was received.

Records to be kept of licensed drivers

J10 The operator shall:

- (i) Keep written or electronic records of the particulars of all private hire vehicles operated under the terms of this licence and shall include details of the proprietors, registration number and any radio call sign used.
- (ii) The licence holder must record and, submit to the Council upon request, the following details relating to any driver used by them:
 - The drivers' start date
 - Drivers full name and address, mobile telephone number and email address
 - The type and number of the drivers licence badge number held
 - The expiry date of that badge
 - Finish date (when known)
- (iii) The operator will not employ or use any driver, employee or other person to whom they sub-contract to, without first verifying that they hold a licence granted by the Council.
- (iv) The Operator shall keep detailed records of any booking that is sub-contracted to another private hire operator, including the licence details of the other private hire operator and the vehicle and driver despatched by the other private hire operator.

Records to be kept - Dangerous Incident Log

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

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

Records to be kept – Complaints

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

Duration for records to be kept

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

Storage of records

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

Vehicle standards and signage

J15 The operator shall exercise all due diligence to ensure that the vehicles operated under the terms of this licence are compliant with the Council's policy on vehicle standards and ensure that at all times the vehicle including its seating, flooring and fittings are kept in a clean and tidy condition.

J16 The operator shall exercise all due diligence to ensure that the external licence plate issued and allocated by the Council is affixed to the outside of any private hire vehicle operated under the terms of this licence on or adjacent to the rear bumper, or in such other position as may be authorised by the Council.

J17 The operator shall exercise all due diligence to ensure that the internal licence plate issued and allocated by the Council is affixed to the inside front windscreen of any private hire vehicle operated under the terms of this licence, or in such other position as may be authorised by the Council.

J18 The operator shall exercise all due diligence to ensure that any other signage required by law or conditions, including but not limited to, no smoking signs

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and CCTV signage, are affixed to any private hire vehicle operated under the terms of this licence in such position as may be required by law or condition or otherwise authorised by the Council

J19 The operator must ensure that all licensed vehicles operated under the terms of the licence comply with the Council's requirements that appropriate signage is displayed on a vehicle and includes very clearly the words "ADVANCE BOOKING ONLY" or "PRIVATE HIRE ADVANCE BOOKING ONLY". The door sign may also include the name of the Operator, its logo, the means for booking that vehicle, website, email address and the Milton Keynes telephone number belonging to the operator.

J20 The operator shall not display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material that is not permitted by the Council's signage or advertising policy and/or conditions.

Code of Conduct

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

Changes to the Operator or method of operation

J22 The operator shall notify the Council forthwith of any intended change in the use of a licensed vehicle, of any relevant change of particulars supplied at the time of application, any variation in the methods used for accepting bookings than those disclosed at the time of application, any change in ownership (including addition and removal of directors, partners or other individuals previously listed on an application as involved in the operation) or the office or number of vehicles stated on this licence.

Keeping of this Licence

J23 This licence must be kept in the possession of the operator and must not be altered or defaced in any way and must not be passed to any unauthorised person. It must be produced when requested by any authorised officer of the Council or any police officer.

J24 In the event of loss or damage or defacement to this licence the Taxi Licensing Section of the Council must be informed immediately so that a replacement licence can be issued. A charge for a replacement licence may apply.

Providing a service to persons with a disability

J25 The operator shall comply with the relevant provisions of the Equality Act 2010 and ensure that the driver of any private hire vehicle operated by them under the terms of this licence shall not refuse to accept a passenger in a wheelchair, where that vehicle is suitable to take that passenger or a passenger with an assistance dog.

J26 Where the licence holder is aware that a passenger has a disability the licence holder must take reasonable steps to ensure that the passenger has access to the same level of service as a customer who does not have a disability.

J27 Where the licence holder is aware that a passenger has a disability the licence holder must request that the driver of any private hire vehicle despatched takes such reasonable steps as are necessary to ensure the collection and safe transportation of that person.

J28 No extra charge may be made by the operator because a passenger is travelling in a wheelchair or is travelling with an assistance dog.

Change in vehicle numbers

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

Condition not to accept bookings direct from driver

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

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

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

Requirement to make certain arrangements reporting

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

Serious allegations

J33. Should the licence holder be aware of any allegation or complaint made about a Milton Keynes licensed driver which relates to a sexual or violent offence or other conduct which indicates that the driver poses a public safety risk the licence holder report this to the Council as soon as reasonably possible and not later than 72 hours after first becoming aware of the allegation.

J34 Where the operator is aware of any allegation or complaint made about a Milton Keynes licensed driver that relates to a sexual or violent offence or which may otherwise indicate that a driver poses a public safety

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risk, the operator shall cease to operate that driver until they and the Council are both satisfied that the driver does not pose a public safety risk.

The headings above each condition are included to assist in the understanding of the requirements of this code by the Licence holder but do not form part of the conditions.

Appendix K

Penalty Point Warning and Education System

- K1.1 The Council's objective is to protect the public and ensure that only "fit and proper" individuals are hackney carriage or private hire vehicle drivers, proprietors or operators. It is often not in the public interest for the Council to prosecute, suspend or revoke for minor or technical offences. By issuing a warning and proportionate penalty points or taking other educational steps the Council is able to remind licence holders of their duties and identify frequent minor breaches which may indicate that an individual needs assistance in understanding their licensed duties.
- K1.2 The penalty point warning and education system (PPWES) identifies a number of breaches of conditions, byelaws and/or statutory provisions which may be committed by a driver, proprietor or operator and attributes a point value to be invoked should a breach be proven to have occurred. The implementation of points will take place following the appropriate investigation of the offence, which could be a simple observation of an offence by an authorised Officer, based on clear documentary evidence, receipt of formal proceedings (including those conducted elsewhere by another agency e.g. the police), or the receipt of witness statements.
- K1.3 The PPWES is to be used by Officers of the Council to identify minor breaches of behaviour and their frequency. Members of the Regulatory Committee or its sub-committee when determining applications for the revocation, suspension, renewal or grant of a licence cannot impose a warning or penalty points as on these occasions they sit to determine if an applicant is "fit and proper" to be licensed. A committee will however take into account points previously given or the amount of points that may be given for an offence.

K2 The details of how the scheme operates

- K2.1 Penalty points will be applied by Officers following an investigation of the relevant breaches of conditions, requirements or Policy and / or relevant statutory provisions for vehicles; drivers and operators.
- K2.2 A formal warning with proportionate penalty points will be confirmed in writing to the licence holder.
- K2.3 The number of penalty points issued will be in accordance with the tariff reproduced below (see K4).
- K2.4 The Council retains the discretion to issue warnings and subsequent penalty points to drivers, proprietors and operators for a joint contravention if the circumstances warrant it i.e. the breach is one where it is considered joint responsibility is held. Any discretion will be exercised in accordance with the Council's Enforcement Policy.

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

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

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

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

K3.1 On the accumulation of 12 or more penalty points in a 12-month period a licence holder will have their licensed reviewed. An individual reaching this threshold will have their licence reviewed by a Regulatory Sub-Committee.

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

K3.3 The options open to Council Officers/Committee are explained below.

K4 Steps on Review

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

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

K4.2. Alternative Disciplinary Sanctions

K.4.3 Where the Council requires the licence holder to evidence that they are fit and proper by showing that they understand the Council’s requirements of then Officers or the Committee may issue an alternative disciplinary sanction:

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

K4.4 The above sanctions may be imposed with either a strict, but appropriate time limit to comply. Where there are concerns that the applicant is not fit and proper but an opportunity to demonstrate that he or she can be is considered appropriate, the licence may be suspended any of the above steps are completed satisfactorily.

K.4.5 Penalty points will continue to be live following a review when they are still in the relevant 12 month period or, if an alternative sanction is imposed for a further 12 month period. If the licence holder receives further penalty points after a review or alternative sanction is given a further review will occur and it would be expected that the Council will revoke the licence.

K4.6 If a licence holder reaches or exceeds the specified points total within a separate relevant period a further review will occur. However, unless a significant amount of time has elapsed following the first review and the points are for different offences a revocation will normally occur.

K4.6 There is no appeals mechanism against the imposition of penalty points. Licence holders who disagree with the imposition of points against them are asked to record their objection in writing. This will then be noted and presented to the regulatory sub-committee should the applicant reach the specified points total and face a disciplinary hearing.

K5 Penalty Point Tariff

Abbreviations: PH = Private Hire, HC = Hackney Carriage

K5.1 The penalty points tariff is displayed in the table below and applies to drivers, proprietors and operators. The first column details the administration code of the offence, the second column details the offence, the third column details the source of the offence and the final column details the points that will be awarded.

K5.2 The source of the offence is listed as either "A" – where the offence stems from a legislative provision under the 1847 Act, the 1976 Act or any other legislation, "B" – where the offence stems from the Hackney Carriage bye-laws, "C" – where the offence stems from a condition of a licence, "D" – where the offence stems from a breach of the code of conduct applicable to all drivers.

Offences committed by Driver where penalty points may be issued			
No.	Offence	Source	Points awarded

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D1	<i>Knowingly or recklessly made false declaration on application/renewal of licence (section 57 offence)</i>	A	10*
D1A	False declaration on application/renewal of licence not made knowingly or recklessly.	A/P	5
D2	Obstruction of an authorised officer.	A	6
D3	Behaving in a rude, abusive, offensive or obstructive manner or other conduct failing to be civil and orderly, whether to customers, authorised officers, Council staff, or members of the public.	C	4
D3A	Behaving in a manner that is rude, offensive, obstructive or not civil and orderly with other licence holders.	P	4
D4	Failure to notify the Council of any conviction, caution, motoring offence, civil or other enforcement action or any pending action of the same, within 14 days	C	6
D5	Failure to display licence holders driver badge in such opposition as to be plainly visible to customers.	A, C	4
D6	Failure to notify the Council of change of address within 7 days for a private hire driver and 14 days for a hackney carriage driver and for every further 7 days that elapses without notification to the Council.	C, B	3
D7	Smoking and/or failing to prevent smoking in licensed vehicle contrary to Health Act 2005. Reduced to 3 points if a fixed penalty notice has been served.	A	6
D8	Smoking and/or failing to prevent the smoking of an electronic cigarette in a licensed vehicle.	A	3
D9	Failure to display required no smoking Signs under the Health Act 2005.	A	3
D10	Failure to comply with the Code of Conduct	D	3
D11	Failure to maintain a reasonably clean and respectable appearance when conveying members of the public in a licensed vehicle or otherwise working in a capacity as a licensed driver.	D	3
D12	Drinking or eating without the express consent of the hirer.	D	3
D13	Failure to give reasonable assistance to a passenger to or from any place at which the driver may pick up or drop off.	D	3
D14	Failure to check a vehicle used by the driver for the carriage of passengers for lost property after each fare.	C,B	3
D15	Refusing to carry a guide dog or assistance dog without a licensed driver's exemption certificate.	A, C	10*
D15A	Failing to take reasonable steps or endeavours to facilitate the journey of a person with a disability.		
D16	Failure to provide up to date documents as requested by the Council such as driving licence, passport, medical, work permit etc.	C	4
D17	Failure to ensure and display a vehicle licence plate in authorised manner.	A, C	4
D18	Failure to convey or assist with carrying luggage.	C	3
D19	Failure to deliver lost property to police.	C, B	3
D20	Failure to display tariff card in the vehicle.	B,C	3
D21	Interfering with a taximeter.	A, B,	4
D22	Failure to display vehicle licence plate in authorised manner.	C	3

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D23	Failure to return vehicle licence plate at request of authorised officer following expiry, revocation or suspension of licence.	A, C	6
D24	Using unlicensed vehicle or using a vehicle without insurance.	A,C	10*
D25	Carrying more passengers than permitted by vehicle licence.	A, C	8
D26	Refusal to carry passengers without reasonable excuse.	B,C	6
D27	Failure to notify the Council of serious injury or illness.	C	10*
D28	Failure to keep proper records as required by conditions of licence.	C	6
D29	Refusing to take a fare without good reason.	B, C	6
D30	Charging or attempting to charge more than the agreed or legal fare.	B, C	6
D31	Permitting a vehicle other than a Hackney Carriage to wait on a Hackney Carriage stand.	A, B	6
D32	When driving a Hackney Carriage charging or attempting to charge more than the metered fare (whether for private hire or not).	A, B	6
D33	Failure to comply with any other licence condition imposed on the drivers licence not specifically detailed in this scheme.	C	2
D34	Failure to comply with any other legislative provision, or bye-law not detailed in this scheme.	A, B	3
D35	Plying for hire in a private hire vehicle.	A	10*
D36	Failure to report a Safeguarding Concern	C	10*
D37	Failure to notify change of employment/sub-contract status to Operator	C	6
D38	Working for an Operator without producing original paper licence	C	6
D39	Driving a vehicle not in compliance with the conditions of that vehicle licence.	C	4
D40	No Fire Extinguisher	C	3
D41	No First Aid Kit	C	3
D42	Driving a vehicle without a valid MOT, Insurance or Council compliance certificate without reasonable excuse.	C	6
D43	Failure to display any notice required by legislation or condition (i.e. table of fares, no smoking sign etc.)		
D44	Driving a vehicle with tyres with tread below 2mm (each tyre)	C	2
D45	Driving a vehicle with tyres below legal limit	A,C	6
	PROPRIETORS		
P1	Failure to notify transfer of vehicle licence interest within 14 days.	A	4
P2	Proprietor of licensed vehicle failing to report accident damage to vehicle within 72 hours.	C	4
P3	Failure to produce insurance documents at request of authorised officer.	A,C	4
P4	Unauthorised advertising on vehicle.	C	6
P5	Permitting a hackney carriage to be driven with a defective taxi meter.	A, B	6
P6	Vehicle not well maintained, kept clean or comfortable	A,C	6
P7	Failure to present vehicle for mechanical inspection upon request.	C	4
P8	Failure to present vehicle for mechanical inspection following booking.	C	4
P9	Permitting a vehicle to be used without a current compliance	A, C	10*

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	certificate in place.		
P10	Permitting a vehicle to be used that is unfit for use as a Hackney Carriage or Private Hire vehicle.	A,C	4
P11	Employing or permitting a vehicle to be driven by a person not holding a drivers licence with the Council.	A	10*
P12	Using a vehicle subject to a suspension or prohibition order issued by an authorised Officer, or by the police	A	10*
P13	Failure to comply with requirement to undertake works following a section 60 Suspension notice.	C	3
P14	Intentional or Knowingly making a false declaration on application/renewal of licence.	A	10*
P14A	False declaration on application/renewal of licence not made knowingly or recklessly.	A	5
P15	Obstruction of an authorised officer.	A,C	6
P16	Behaving in a rude, abusive, offensive or obstructive manner or other conduct failing to be civil and orderly, whether to customers, authorised officers, Council staff, or members of the public.	C, D	4
P17	Failure to notify the Council of change of address within 7 days and for every 7 days that elapses following a Change in the licensed drivers address for which the driver fails to notify the Council.	C	3
P18	No Fire Extinguisher	C	3
P19	No First Aid Kit	C	3
P20	Driving a vehicle without a valid MOT, Insurance or Council compliance certificate without reasonable excuse.	C	6
P21	Failure to display any notice required by legislation or condition (i.e. table of fares, no smoking sign etc.)		
P22	Permitting a vehicle with vehicle with tyres with tread below 2mm (each tyre)	C	2
P23	Driving a vehicle with tyres below legal limit	A,C	6
	OPERATOR		
O1	Operating a Vehicle not licensed as a private hire vehicle.	A	10*
O2	Operating a vehicle driven by a person who does not hold a private hire drivers licence.	A	10*
O3	Failure to operator provide records to the Council within 7 days of request.	C	5
O4	Failure to hold correct and orderly records of all licensed drivers driving vehicles operated by the Operator.	C	7
O5	Failure to keep records in the manner specified by Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 and as specified by the Conditions of licence.	A,C	5
O6	Obstruction of, or failing to comply with the requirements of, an authorised officer.	A	5
O7	Operating/sub-contracting a vehicle that is not fit for use as a licensed vehicle where evidence by an enforcement/ mechanical check conducted by the Council.	A,C	3
O8	Refusing or otherwise failing without good reason to provide a vehicle to carry a passenger with an assistance dog.	A,C	6

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O9	Refusing or failing to provide a wheelchair accessible vehicle to a customer without good reason.	A,C	6
O10	Failure to notify the Council of any caution or conviction or fixed penalty notice imposed, received or accepted by the operator or if the operator is a company, by a director of the company.	C	6
O11	Intentional or Recklessly made false declaration on application/renewal of licence.	A	10*
O11A	False declaration on application/renewal of licence not made knowingly or recklessly.	A	5
O12	Obstruction of an authorised officer.	A, D	10*
O13	Behaving in a rude, abusive, offensive or obstructive manner or other conduct failing to be civil and orderly, whether to customers, authorised officers, Council staff, or members of the public.	C,D	4
O14	Failure to notify the Council of change of address within 7 days and for every 7 days that elapses following a Change in the licensed drivers address for which the driver fails to notify the Council.	C	4
O15	Failure to notify Council of new drivers (employed & sub-contracted)	C	4
O16	Failure to notify Council of drivers who have left employment/sub-contract arrangement	C	4
O17	Operating a vehicle without valid insurance without exercising all due diligence.	C	4
O18	Operating a vehicle without a valid MOT without exercising all due diligence.	C	4
O19	Operating a vehicle without a valid licence without exercising all due diligence.	C, L	4
O20	Operating a vehicle driven by a driver without an appropriate licence or who is suspended without exercising all due diligence.	C,L	4
O21	Failing to comply with any condition imposed or agreed on the operator's licence.	C	4

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

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