



**Statement of Hackney Carriage
and Private Hire (Taxi)
Licensing Policy
January 2017 - 2020**

DRAFT

Date	Version	Author	Comments
26.06.2013	1.0	E Fisher	Draft approved for consultation by Regulatory Committee
08.09.2014	2.0		Adopted at Executive
04.11.2014	3.0		Draft following internal review
18.11.2014	3.1		Revised draft following internal audit service investigation and call over process
09.12.2014	3.2		Adopted at Executive
08.07.2015	3.3	A Ward	Draft approved at Regulatory Committee 8 July 2015 subject to amendments
01.09.2015	3.4	A Ward	Adopted at Executive
30.09.2015	3.5	A Ward	Draft to be adopted at executive following Regulatory Committee amendments of 23 Sep 2015.
30.11.2015	3.5	A Ward	Adopted at Cabinet 30 November 2015.
7. 12.2016	3.6	A ward	Draft for Regulatory Committee 7 December 2016
17.3.2017	3.7	A Ward	Final draft for Regulatory Committee March 2017
4.4.2017	3.8	A Ward	Final draft for adoption at Cabinet April 4 2017

CONTENTS

Section	Title	Page number
1	Executive Summary	3
2	Definitions	3
3	Aims and objectives	5
4	Introduction	5
5	Vehicles	8
6	Drivers	18
7	Operators	27
8	Disciplinary and Enforcement Measures	30
9	Delegated Powers	34
10	Fares and Fees	35
11	Taxi Ranks	35
12	Complaints	36
	Appendices*	36
Appendix A	Hackney Carriage and Private Hire Vehicles Specification and Schedule of Conditions	37
Appendix B	Hackney Carriage and Private Hire Vehicle Licensing Procedures	48
Appendix C	Additional conditions for Private Hire Limousines, Speciality Vehicles and plate exemption vehicles	55
Appendix D	Driver and Operator licence procedures	59
Appendix E	Guidelines Relating to the Relevance of Convictions	69
Appendix F	Hackney Carriage Byelaws	81
Appendix GA	Code of conduct applicable to hackney carriage drivers	85
Appendix GB	Conditions applicable to private hire drivers and combined licence holders	89
Appendix H	Code of conduct for Licensed Drivers/Operators	94
Appendix J	Private Hire Operator Licence Conditions	96
Appendix K	Penalty Points Warning Scheme and other Disciplinary Acton	102

* Please note there is no appendix "I".

1. Executive Summary

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

2. Definitions

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

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

“The DfT”	Means the Department for Transport, including previous names under which that Department has been known.
“The DfT Guidance”	Means The Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010.
“The Committee”.	Means the Regulatory Committee or Regulatory Sub-Committee of the Council.
“Driver”	Means a person with a licence issued by Milton Keynes Council to drive either a Private Hire Vehicle or a Hackney Carriage vehicle licensed by Milton Keynes Council.
“Taxi”	Is often used generically by members of the public and the trade to describe both hackney carriages and private hire vehicles. Legislation issued later than the Local Government (Miscellaneous Provisions) Act 1976 only refers to Hackney Carriages as “Taxi’s”. For the avoidance of doubt the term is not used in this Policy other than to refer to both types of Licensed Vehicle.
“DVLA driving licence”	Means a full original UK driving licence issued by the DVLA.
“DVLA”	Means the Driver and Vehicle Licensing Agency and any previous or subsequent names by which it may be known.
“Seatbelt”	Means a three point belt which restrains the upper and lower parts of the torso including lap belt. The belt is anchored at not less than three points, and is designed for use by an adult.
“Policy”	Means this Policy and its appendices.
“Assistance Dog”	Means, (a)a dog which has been trained to guide a blind person; (b)a dog which has been trained to assist a deaf person; (c)a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; (d)a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;
“Conditions”	Means the conditions of licence applied by the Council to either a driver licence, operators licence or vehicle licence.
“WAV”	Means a wheelchair accessible vehicle.
“The primary licensing legislation”	Means the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
“The 1976 Act”	Means the Local Government (Miscellaneous Provisions) Act 1976.

“The 1847 Act”	Means the Town and Police Clauses Act 1847.
“Controlled District”	Means an authority that has adopted the provisions of the 1976 Act.
“Date of first registration”	In respect of a vehicle means the date shown as the date of first registration on the vehicles log book issued by the DVLA.
“Relevant Taxi Driving Test”	A test of an individual’s ability to drive a taxi as conducted and assessed by a qualified driving instructor employed by the Council or such organisation as may be approved by the Council for that purpose

3. Background

3.1 Aims and Objectives

- 3.1.1 The aim of licensing hackney carriage drivers and vehicles and private hire drivers, vehicles and operators is primarily to protect the public. For this reason the main objective of this Policy is public safety and public safeguarding.
- 3.1.2 The Council recognises that the trade plays an important part in local transport provision and it is important that the Council's licensing responsibility is used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required and that drivers are fit and proper to undertake the role. This includes minimising crime and disorder and the fear of crime.
- 3.1.3 Due regard will be given to the Transport Vision and Strategy for Milton Keynes where appropriate.

4. Introduction

4.1 Powers and Duties

- 4.1.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended) which place duties on the Council to carry out its licensing function.
- 4.1.2 The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote well-run, safe and responsible businesses that display sensitivity to the wishes and needs of the general public. This includes the licensing of drivers; vehicles and operators.
- 4.1.3 Vehicles will only be licensed for the carriage of a maximum of eight passengers. Vehicles that are required by an applicant to carry more than eight passengers for hire and reward fall outside the legislation governing private hire and hackney carriages and require a public service vehicle licence from the Traffic Commissioners. The Council has no involvement in the licensing of these vehicles.

4.2 Policy Status

- 4.2.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this Policy.
- 4.2.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is

appropriate for the Council to depart substantially from its Policy, clear reasons will be given for doing so.

- 4.2.3 Nothing in this Policy will prevent an applicant or licence holder from requesting that the Council considers the individual merits of their case and give reasonable consideration to departing from its Policy. Such request may either be in writing to, or made orally before, the Regulatory Committee or a Regulatory Sub-Committee, or Officers of the Council as deemed appropriate in the circumstances of the case.
- 4.2.4 This Policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines. The Council recognises it may need to consider applications outside the scope of this Policy.
- 4.2.5 This Policy shall be kept under review and revised as appropriate and in any event not less than every four years from the date of its last adoption.
- 4.2.6 Any changes requested to be made to the Policy must be made to the Regulatory Committee, in writing via the Taxi Licensing Service (address given at the end of this Policy), providing full details as to why the change is requested and providing substantive evidence or reasons as to why the change is appropriate and its effect on the primary objective of the Policy.
- 4.2.7 The Council condemns incidents of harassment whether racist, religiously motivated, homophobic, or due to gender or disability. The Council will investigate all such complaints made about its licensed drivers and where warranted appropriate enforcement action will be taken. The Council has separate policies and procedures for dealing with any such complaints made against members of staff or Councillors and further information about these will be provided to complainants. The Council does not have the power to regulate the behaviour of members of the public who use licensed vehicles but will give as much support and assistance to licensed drivers as possible to help them deal with or report such incidents.
- 4.2.8 This Policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption or as may be enacted after the adoption of this Policy. Where there are any subsequent changes made to the applicable legislation, or its interpretation by the Courts, that conflict with this Policy, the conflicting elements of this Policy shall not apply and will be amended at the earliest opportunity.

4.3 The Licensing Regime

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

transport members of the public to their chosen destination in return for reward.

4.3.2 The Legislation creates three types of licence:

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

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

4.4 **The Differences between Hackney Carriages and Private Hire Vehicles**

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

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

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

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

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

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

5. Vehicles - (Hackney Carriage & Private Hire)

5.1 Limitation on Numbers

- 5.1.2 Section 48 of the 1976 Act provides that the Council cannot refuse an application for a private hire vehicle for the purposes of restricting numbers.
- 5.1.3 Section 37 of the 1847 Act, as amended by Section 16 of the Transport Act 1985, does permit the Council to refuse to licence a Hackney Carriage for the purpose of limiting numbers if satisfied that there is no significant demand for the services of hackney carriages which is unmet. Any limit on hackney carriage numbers will be expressed in Annex A.

5.2 Specifications and Conditions

- 5.2.1 Section 47 of the 1976 Act permits the Council to require a hackney carriage to be of such design and appearance as it wishes to specify and impose such conditions as it considers to be reasonably necessary. Section 48 of the 1976 Act requires the Council to be satisfied that a private hire vehicle is suitable in type, size and design and impose such conditions as it considered to be reasonably necessary.
- 5.2.2 The Council has adopted minimum vehicle specifications and conditions as set out in Appendix A to ensure that licensed vehicles are suitable for members of the public.

5.3 Accessibility of Vehicles

- 5.3.1 An accessible public transport system where people with disabilities have the same opportunities to travel as other members of society is the aim of this and other Council transport strategies and policies. The Council expects that drivers and operators of licensed vehicles give detailed consideration to the service that they provide to ensure that they provide a service to all members of society without discrimination.
- 5.3.2 The Equality Act 2010 allows for the Government to make regulations to be made that set standards for wheelchair accessible private hire and hackney carriages to ensure that the aims expressed by the Council in paragraph 5.3.1 are achieved nationally. Such regulations have not yet been made by the Government and the Council will therefore take into consideration the aims expressed in the above paragraph and the intention of the Equality Act 2010 when setting the standards it considers

appropriate for the vehicles it licences. These are shown at Appendix A of this Policy.

- 5.3.3 Under the Equality Act 2010 disability is defined as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a person's ability to do normal daily activities. Licensed drivers and operators have a legal duty of service not to discriminate against people who have a disability; this includes discrimination (both direct and indirectly), harassment and/or victimisation.
- 5.3.4 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements in relation to the treatment of persons with an Assistance Dog. Neither drivers nor operators of licensed vehicles should make any extra charge or refuse to carry such passengers nor their Assistance Dogs.
- 5.3.5 The Council takes all complaints of discrimination seriously and will have due regard to its duty to eliminate discrimination and the provisions of the Equality Act 2010 when considering the fitness of an individual to hold a hackney carriage or private hire licence. Licence holders who are found to have not complied with the above provisions will face enforcement action.
- 5.3.6 Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Council for an exemption certificate from those duties. The Council must issue an exemption certificate to that licensed driver if satisfied that it is appropriate to do so on medical grounds or, in respect to assisting wheelchairs, on the grounds that the drivers physical condition makes it impossible or unreasonably difficult for a person to comply with the duties. It is the driver's responsibility to apply to the Council for such an exemption and to satisfy the Council at his or her own cost of the medical grounds. A driver has no defence against these offences, even if a medical ground or other physical condition exists, if he has not been issued an exemption certificate.
- 5.3.7 The Council is of the view that persons who chose to provide one of the services regulated by this Policy, whether as hackney carriage driver, private hire driver or private hire operator, must provide that service to all members of society and cannot pick and choose for their own convenience. Those who do not comply with the legislative duties of the Equality Act 2010, or the Council conditions will have the appropriate enforcement action being taken against them
- 5.3.8 The standards at Appendix A indicate what is required in respect of wheelchair accessible vehicles licensed by the Council.

- 5.3.9 All vehicles presented for a new hackney carriage licence must be wheelchair accessible. The Council will continue to recognise those Hackney Carriages with protected rights.
- 5.3.10 The Council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to take such steps to advertise that these vehicles are available through them and to make clear that there is no additional cost that can be levied by them or their driver for the conveying of a passenger in a wheelchair or any other disabled passenger.
- 5.3.11 The Council endeavours to monitor the provision of wheelchair accessible vehicles and shall, if deemed insufficient, consider imposing further requirements on operators, drivers and proprietors of vehicles to ensure the sufficiency of the provision.

5.4 Vehicle Age Policy

- 5.4.1 The Council has adopted an age policy in respect to the vehicles that it will licence. Vehicles intended to be licensed by the Council for the first time (new vehicles) must be under a specified “maximum new vehicle age”. Once a vehicle is licensed it shall be permitted to continue to renew its licence up to a set “maximum licensed vehicle age”. These ages are specified in Appendix A of the Council Policy.
- 5.4.2 A vehicle licence is conditioned to be renewed prior to its expiry. If a licence expires it cannot be renewed and any subsequent application to licence that vehicle will be treated as a new application and any maximum age limit on licensing that vehicle for the first time will apply.
- 5.4.3 The Council recognises that licensed vehicles can be used heavily whilst in service and undertake considerably more miles than domestic vehicles. This means that the parts of a vehicle will age and deteriorate more rapidly and need replacing more often. The Council’s Vehicle Age Policy will ensure that the vehicles utilised by licensed drivers in Milton Keynes remain in suitable condition to convey members of the public.
- 5.4.4 If a vehicle proprietor believes that exceptional circumstances exist for their vehicle to be licensed beyond the age policy limit of 10 years then they can make an application for an exemption. The vehicle will then be subject to a special test which will involve the standard Council 45 minute compliance test under Section 50 of the 197 Act and then a further 45 minute examination to determine whether the vehicle is in exceptional condition. Officers shall also consider the previous history of the vehicle and previous tests carried out under Section 50 by Council as well as enforcement operations in respect to that vehicle. The vehicle proprietor must meet the full costings of these tests and will not be reimbursed should the Council decide that the vehicle should not be exempted from its Vehicle Age Policy and is not licensed. Should it be determined that the vehicle can be

exempted then it will be licensed and subject to a further compliance test each and every 6 months.

5.5 Vehicle Testing

5.5.1 All vehicles must undergo a vehicle compliance test so that the Council can be satisfied with the mechanical suitability of the vehicle before a licence is granted. Vehicles will be conditioned to be tested a minimum of each and every 6 months. Details of the Compliance test are set out in Appendix A.

5.5.2 If a vehicle is not presented for a compliance test within the timescales it has been conditioned to be so, the licence will be suspended by the Council. Continued breaches of such a condition by a driver or proprietor will result in further disciplinary action by the Council.

5.6 Signage; Advertising and Livery

5.6.1 Members of the public can often confuse private hire vehicles with hackney carriages and it is therefore important that the public are able to easily distinguish each type of vehicle.

5.6.2 Clear identification of a private hire vehicle is necessary to ensure that a positive statement is made to the public that the vehicle cannot be immediately hired through the driver and secondly because it is in the interests of public for a private hire operator to be able to state on the vehicle the contact details for hiring. The Council's requirements are detailed in Appendix A.

5.6.3 Both hackney carriages and private hire vehicles are required by law to display a licence plate on the rear of the vehicle. Milton Keynes Private Hire vehicles display blue plates and Milton Keynes Hackney Carriages display white plates to help the public distinguish one type from another.

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

5.6.5 Hackney carriages licensed by the Council after 1 April 2013 have been required to be black and not permitted to have full livery third party advertising. Hackney carriages are permitted to retain any advertising and/or colour approved by the Council prior to 1 April 2013 but cannot change the existing advertising and/or colour to anything other than black paintwork. This right exists only in respect to the vehicle licensed and is not transferable.

5.7 Exemption from displaying plates

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

5.7.2 The open display of the identifying licence plates is intended by the primary licensing legislation and is important in terms of protecting the public and supporting the taxi trade by identifying it as a regulated business. However, there are occasions when the display of such identification may have the opposite effect and undermine customer safety or create commercial implications for the operating business.

5.7.3 The operation of chauffeured, executive and limousine vehicles is such a case. Identification of the vehicle as a licensed vehicle may allow “high risk” passengers to be more readily targeted putting both them and the driver at risk. The display of the Council’s licence plates externally may also deter some customers from using a specific service. For this reason the Council may, upon application, exempt a licence vehicle from displaying its licence plate. Such vehicles are known as “plate exempt” vehicles and further details are provided at Appendix C.

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

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

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

- 5.7.6 The Council does not think it is appropriate to specify the types of use that it considers would show a legitimate business or service need. It would however expect an applicant to show an identified customer or customers who wish to use the vehicle in question exclusively without the display of a licence plate. This may be done either by the provision of the relevant contracts or booking allocations or the applicants own market research. The Council would ordinarily expect the applicant for a plate exempt vehicle to be despatched by a private hire operator exclusively operating the vehicle applied for (and, if applicable, other vehicles) solely for business use stated. Applicants intending to work with Operators that also despatch vehicles for general private hire circuit work would need to satisfy the Council that both the Operator and the applicant can ensure that the plate exempt vehicle would not be used for any circuit work.
- 5.7.7 As the provision of a private hire vehicle to a customer forms a private hire contract between the customer and the private hire operator it may be of assistance to the Council for the applicant to provide evidence of a contract signed by the customer confirming their requirement for the vehicle to be plate exempt and that the customer absolves the operator of any liability to their safety arising from such status.
- 5.7.8 When considering the specified business use of the vehicle the Council will ensure that the business use is not simply one of convenience for the applicant but is in fact a significant requirement or need of specified customers. The Council does not consider routine private hire work booked in the usual fashion without a written contact, including journeys to airports, to be sufficient to qualify for plate exempt status.
- 5.7.9 When considering the suitability of the vehicle the Council will take into account both the business requirement outlined by the applicant and the safety of the member of the public. Where an applicant intends to operate an executive type of chauffeuring business it is reasonable that the vehicle is of a high quality specification. Where the business use identified is not for chauffeuring business clients the applicant must satisfy the Council that there is demand for another type of vehicle by providing evidence of this. For instance, wheelchair accessible vehicles or specific types of speciality vehicle may also be acceptable.
- 5.7.10 If the Council is satisfied that the vehicle is suitable the licence will be granted and the vehicle exempt from the condition to display its plate provided that the vehicle is only used for the purpose identified by the applicant, that the operator record conditions and any specific condition imposed in respect of the vehicle are fully complied with. The granting of plate exempt status is a discretionary decision made by the Council to assist certain businesses and is not a right. The Council therefore reserves the right to revoke the plate exempt status at any time where the licensed vehicle proprietor, operator or driver fails to comply with any requirement imposed by the Council or the vehicle ceases to be used exclusively for purposes meeting the requirements of this Policy.

5.8 Security & Closed Circuit Television (CCTV)

- 5.8.1 The DfT Guidance recommends that licensing authorities look sympathetically at the installation of security measures in licensed vehicles, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
- 5.8.2 The Council does not require enhanced security or CCTV measures to be in vehicles at this time as it is considered that the taking of such measures should be left to the judgment of individual operators, owners and drivers. Whether CCTV or other enhanced security measures are installed or not, the hackney carriage and private hire vehicle trades are encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships or equivalent.
- 5.8.3 However, the Council wishes to support the trade in taking sensible measures to protect drivers and passengers in licensed vehicles. The Council recognises that there are benefits to the trade (as well as passengers) where CCTV is installed in licensed vehicles and as such strongly encourage drivers, proprietors and operators to consider the installation of CCTV in their vehicles.
- 5.8.4 CCTV in a licensed vehicle benefits the trade by deterring and preventing criminal activity within a licensed vehicle, reducing the number of customers who fail to pay or abuse drivers and, where incidents have occurred, CCTV assists the police in taking action. Insurance companies investigating insurance claims are also assisted by CCTV and this may have the added benefit to drivers by reducing their insurance premiums.
- 5.8.5 Whilst the Council supports the use of CCTV in licensed vehicles the Council is also mindful of the fact that there are data protection concerns arising from the use of such surveillance. Proprietor's of licensed vehicles are responsible for ensuring that installed CCTV conforms to the Council's requirements and relevant applicable legislation, such as the Data Protection Act 1998.
- 5.8.6 To assist the trade and protect the public the Council expect that, where CCTV is installed in a licensed vehicle, the Proprietor will ensure:
1. That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 1998 and is responsible for ensuring compliance with that Act and associated legislation.
 2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO).
 3. The footage must remain "tamperproof" and be accessible only to a responsible third party (i.e. Council or Police) rather than the driver, proprietor, operator or members of the public.

4. Vehicles must display relevant signage informing members of the public that CCTV is in operation and that they are being filmed.
5. Access provisions and agreements must be in place in order for the footage to be used by the relevant bodies and agencies.
6. CCTV is not to be installed in a licensed vehicle, or where it is already installed, not altered or replaced, until it has been approved by the Council in writing.

5.9 Application Procedures

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

5.10 Consideration of Applications

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

5.11 Grant and Renewal of Licences

- 5.11.1 Hackney carriage and private hire vehicle licences will be granted for a period of 12 months. A licence may be granted for a shorter period, should this be appropriate in the circumstances. Vehicle licenses can be renewed up to one calendar month before expiry with no loss of licence benefit.

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

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

- 5.11.4 Late application will be allowed in exceptional circumstances. The Council will take into account the time between the expiry of the licence and the time that the applicant has had to apply for the renewal. The fact that the office is closed on the date of expiry will not be considered as an exceptional circumstance as the application could have been made before that date.

5.12 Environmental Considerations

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

5.13 Stretched Limousines & Speciality Vehicles

- 5.13.1 Stretched limousines and other speciality vehicles (which may include vintage or themed vehicles) are often used for special occasions. Applications to licence such vehicles will not be refused simply if the vehicle does not comply with appendix A of this Policy. Each application will be considered on its individual merits and the Council will consider the applicant's legitimate right to operate a business to meet public demand and the need to protect public safety.
- 5.13.2 Vehicles that have been adapted, converted or imported or which otherwise do not hold the relevant safety certificates explained in Appendix A will be required to provide an Individual Vehicle Authorisation (IVA) certificate from VOSA. Further inspection and documentation will be necessary and no licence will be granted unless the Council is satisfied that the vehicle is safe and suitable. Anyone wishing to licence such a vehicle should discuss the matter with the Council prior to purchasing a vehicle.

5.14 Funeral and Wedding Vehicles

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

5.15 Courtesy Cars

- 5.15.1 Vehicles used to transport the customers of a business from one location to another, for reasons ancillary to that business, may fall within the primary licensing legislation and require a licence. Council officers will deal with each case on an individual basis and will obtain legal advice when necessary.

6. Drivers - (Hackney Carriage & Private Hire)

6.1 General

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

6.2 Fit and Proper

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

6.3 Age and Experience

- 6.3.1 There is no minimum or maximum age limit for drivers provided that an applicant can satisfy the Council that they are fit and proper by completing the relevant stages of the application procedure as required by the Council.
- 6.3.2 The above is subject to the legal requirement that an applicant must have held a driving licence for at least 12 months.
- 6.3.3 Licensed drivers will be on the road more frequently than most other people. Therefore the Council expects that they can evidence that they have a higher standard of driving ability than other people. New applicants are therefore required to have passed a relevant taxi driving test before applying.
- 6.3.4 Applicants who intend to drive a licensed WAV must pass a relevant taxi driving test designed for “taxi” drivers that includes a wheelchair exercise or some other form of recognised training in terms of loading and unloading passengers in wheelchairs safely. The Council expects proprietors of a licensed WAV to ensure that is driven by someone who has been suitably trained.
- 6.3.5 To ensure fairness and a level standard, drivers licensed before the adoption of this Policy will be expected to have undertaken a relevant taxi driving test by 1 September 2018 unless such a condition is waived by the Council.

6.4 Application Procedure

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

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

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

6.5 Medical Examination

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

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

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

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

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

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

- 6.5.7 Ordinarily, meeting the group 2 requirements will be sufficient to satisfy the Council that an applicant or driver is physically and medically fit to be licensed. However, there may be occasions where an applicant or licence holder passes a group 2 medical but further information is present which may result in the Council being unable to be satisfied that the driver is suitable, either at the present time or at some point in the future. For example, a medical condition that is being treated but may deteriorate in future or a previous medical condition that may reoccur.
- 6.5.8 Where the Council is not satisfied as to the medical fitness of an applicant, the Council will require the applicant to undergo and pay for a further medical examination, at an appropriate medical facility, conducted by either the applicants GP or other qualified medical practitioner with access to the applicant's full medical records to certify in writing that the applicant meets the relevant standard to act as a licensed driver.
- 6.5.9 Where there remains any doubt about the fitness of any applicant or licence holder the Council will review the medical evidence and, if necessary, put further questions to the relevant medical practitioner (such costs to be borne by the applicant or licence holder), before making any final decision in light of the medical evidence available.
- 6.5.10 In some cases the Council may grant a licence with a condition that the licence holder provides more frequent group 2 medical assessments and/or notes from his or her GP as to his or her suitability to be licensed.
- 6.5.11 Applicants and licence holders must notify the Council as soon as it is practicable of any deterioration in their health that may affect their ability to drive a licensed vehicle and/or their suitability to be a licensed driver. The Council expects licensed drivers to not continue to drive following any deterioration in their health until approved by both a medical assessment and the Council.
- 6.5.12 The Council will take a stern view of any licence holder continuing to drive if that driver is aware of, or as a licensed driver should be aware of, any health problems that could endanger the lives of their passengers.

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

- 6.6.1 In order to satisfy the Council that an applicant is fit and proper to hold a licence the applicant is required to provide an enhanced DBS disclosure of their criminal record.
- 6.6.2 A criminal record check on a driver is an important safety measure and the Council will require at least a continuous criminal record history of 20 years or more or, where an applicant is younger than the age of 36 their criminal record from the age of 16.

- 6.6.3 DFT Guidance is that the once licensed, a licence holder should not be required to have their criminal record checked more than once every 3 years and the Council will therefore require applicants to provide a DBS disclosure at their standard 3 year renewal.
- 6.6.4 However, the Council encourages applicants to join the DBS update service which allows the applicant to keep the Council informed of their criminal record history at all times. It is believed that all responsible and professional licensed drivers will do this.
- 6.5.5 The Council may, at its discretion, require additional DBS and criminal record checks within the standard three year cycle.
- 6.6.6 A DBS disclosure will only be accepted by the Council as evidence of an applicant's criminal record or lack of a criminal record if it has been applied for through the Council for the purpose of working in the capacity of a licensed driver and is dated no more than 3 months after the issue date on the disclosure. The Council will not accept a disclosure that has been applied for by any other body or organisation.
- 6.6.7 As the Council is an approved body, applicants can deal with the DBS process through the Council but the Council supports the on line DBS update service as an alternative system, or any future online facility or organisation that the Council may approve and nominated for the purpose.
- 6.6.8 The Council will retain the DBS disclosure (or copies) and other relevant information on licence holders and applicants in line with the Council's retention policy or such lesser duration as it may deem appropriate after a licence holder ceases to be licensed or an application refused. Information obtained by the Council will be maintained in accordance with the provisions of the Data Protection Act and only provided to third parties in the circumstances permitted by that Act.

6.7 Evidencing Criminal Record – foreign offences

- 6.7.1 Where an applicant has either not lived in the UK continuously for 20 years or more, or has spent more than 6 continuous months living outside of the UK at any time in the last 20 years, the applicant is required to satisfy the Council that they have not been convicted of any offences in a foreign jurisdiction.
- 6.7.2 An applicant will therefore be required to provide an equivalent to the DBS disclosure (for example certificate of good conduct duly authenticated) completed by the relevant Embassy, Consulate or policing authority for each country in which the applicant has lived for 6 months or more in the last 20 years.
- 6.7.3 If an applicant does not provide this information the Council cannot be satisfied that the applicant is fit and proper to hold a licence.

6.8 Convictions and Cautions and additional information

- 6.8.1 The Council will consider each case on its merits but its overriding consideration is that of public safety. The Council will take a particularly cautious view where an applicant has been convicted of, investigated for, or otherwise had some involvement in offences involving violence, dishonesty and sexual related matters. Such offences are at odds with the role and responsibility of a licensed driver and the Council is very unlikely to grant licences to such applicants.
- 6.8.2 The Rehabilitation of Offences Act 1976 does not apply to the role of a licensed driver and applicants have no right to be granted a licence. However, the Council is aware that a person convicted of an offence may evidence themselves as fit and proper to the Council's satisfaction after a number of years have elapsed since the commission of an offence.
- 6.8.3 It is not the Council's role to prove that an applicant is, or is not, fit and proper. It is the applicant who is responsible for evidencing that they are fit and proper to the Council's satisfaction. This evidence will be considered by the Council on its own merits. Where the Council is making a decision to suspend, revoke or refuse to renew a licence the onus is on the Council to be satisfied that the applicant is not fit and proper.
- 6.8.4 The mere fact that an applicant has remained conviction free for a certain period of time does not automatically qualify them as fit and proper, however, guidance as to how criminal convictions are considered is provided in Appendix E. In general terms, the more recent, serious and relevant to public safety the offence is, the less the likelihood that an application will be granted.
- 6.8.5 Licensed drivers will be expected to agree to either sign up to the DBS update service or consent to providing a further DBS disclosure upon the request of the Council during the course of a 3 year licence where the Council deem it appropriate to check that a driver has not been convicted of any offence that has not been disclosed to the Council.
- 6.8.6 Licensed drivers are required to report in writing all new convictions, official cautions, and fixed penalty notices to the Council within 14 days of their notification or occurrence. This includes any motoring offences. A similar declaration is required as part of the three yearly licensing process. Drivers are required to notify the Council immediately if they have been accused of the offences in appendix E3-E5 or are a party in public law, childcare proceedings.

6.9 Driving Licence Records

- 6.9.1 The Council will carry out a check of DVLA records when considering if a driver is a fit and proper person to be licensed. This is to ensure that the information submitted by the applicant is in accordance with the information held by DVLA and so that the Council are aware of any

endorsements shown on the applicants drivers licence. Licensed drivers will spend the majority of their working time in a licensed vehicle on British roads with members of the public as passengers. An applicant's driving record is therefore relevant to the determination as to whether an applicant is fit and proper as the Council must be satisfied that licensed drivers have due regard and appreciation of the legislative provisions designed to protect all road users and pedestrians.

- 6.9.2. Applicants are required to make use of the DVLA's online Shared Driving Licence Service to enable the Council to check their driving licence record.
- 6.9.3 Checks may also be made by the Council, requiring the applicant or licensed driver to provide a shared DVLA driving licence code at other times. This will either be where the Council believes an applicant or licence holder has been convicted of an offence not previously declared, there has been a delay in the application process and the Council wish to ensure they have updated details before determining an application or, as part of periodical compliance checks of licensed drivers.
- 6.9.4 If an applicant is unable to, or chooses not to, use the Shared Driving Licence Service, the applicant will be required to give written consent to the Council to apply to the DVLA in writing. The applicant must pay the reasonable administrative fees of the Council as well as those of the DVLA. Utilising this service will result in long delays in the Council processing an application. As the use of the shared driving licence service is free of charge and easy to use the Council do not expect that this alternative method of checking records shall be necessary.
- 6.9.5 Existing licence drivers will be expected, and conditioned, to provide a shared driving licence code upon the request of the Council during the course of a 3 year licence where the Council deem it appropriate to check that a driver has not received any endorsements that have not been disclosed to the Council.

6.10 Renewals

- 6.10.1 Drivers must apply to renew their licences at least 3 months before the expiry of their licence. This is the licence holder's responsibility and as someone who has been deemed "fit and proper" to hold the licence, is expected to comply with this provision.
- 6.10.2 Responsibility for ensuring a renewal application is made remains with the licence holder. If an application is received late or is incomplete there may be insufficient time to process the application before an existing licence expires. The licence holder therefore runs the risk of be unlicensed to drive for a period of time until such a licence is granted.
- 6.10.3 Any application made after the expiry of a licence will be treated as a new application.

6.10.4 Unless the applicant has already passed the DVSA taxi driving test (its predecessor the DSA test) or, after 1 October 2016 a relevant taxi driving test, an applicant for renewal must ensure that he provides evidence of having passed a relevant taxi driving test within 6 months of his first renewal.

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

6.11 Conditions of Licence

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

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

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

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

6.12 Code of Conduct and Dress Code

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

6.12.2 Failure to comply with any aspect of the Code of Conduct will be addressed as part of enforcement action. Breaches of the Code of Conduct is evidence that a driver is not fit and proper and may lead to advice, warnings, the issue of penalty points or more serious consequences including, if necessary, the refusal to renew, or suspension or revocation of licences.

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

6.12.4 In order to promote public confidence in licensed drivers the Council will, by 1 January 2017, issue a duplicate badge to drivers which will be conditioned to be displayed clearly in a licensed vehicle facing towards the

passengers. This will be in addition to the badge that a driver is legally required to wear on his person under the 1976 Act.

6.13 Duration of Licences

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

6.13.2 Once the Council is satisfied that an applicant is “fit and proper” it will ordinarily grant the licence for a period of 3 years from the date of grant, except for where restricted by any other legislative provision.

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

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

6.13.5 Where a licence holder fails to provide updated documents to the Council during the term of their licence and in such manner as required by the conditions of licence, the licence will be suspended or revoked.

6.13.6 The Council may, however, as an alternative to granting a licence for 3 years deem it appropriate to only grant a shorter licence if an applicant indicates that they do not wish to consent to or agree to, signing up to the DBS update service, providing further DBS enclosures upon the reasonable request of the Council, providing a DVLA shared driving licence code or up to date medical certificate.

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

7. Private Hire Operators

7.1 Requirements & Obligations

- 7.1.1 Any person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle must be licensed as a private hire operator. A private hire vehicle may only be despatched to a customer by a licensed private hire operator.
- 7.1.2 The Council recognises that there is a limited exemption for public service vehicle (PSV) licence holders to operate private hire vehicles but in most cases, this exemption will not apply.
- 7.1.3. Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward will require a licence. The acceptance of bookings may be provided for by a variety of methods, such as, being in person, by telephone, e-mail, internet, smart phone applications, in writing or by any other communication means.
- 7.1.4 The objective in licensing private hire operators is the safety of the public who will be using the operators' premises; vehicles, and drivers arranged through them.
- 7.1.5 Applications for operator's licences must be made on the Council's prescribed form, together with the requisite fee. Applications can be made by individuals as well as partnerships, companies, or other organisations. Incomplete applications will be rejected.

7.2 **Fit and Proper**

- 7.2.1 The Council will not grant a licence unless satisfied that the applicant is "fit and proper" to hold a licence.
- 7.2.2 Whilst the licensed operator is not the individual driving members of the public in the private hire vehicle and therefore, not an immediate physical risk to the passengers, the operator is responsible for despatching a vehicle and driver to its customer. For this reason it is imperative that those licensed as operators are fit and proper and the guidelines expressed in Appendix E of this Policy apply to operators as they do to drivers.
- 7.2.3 Many private hire operators are also licensed as private hire drivers and will have been assessed as being fit and proper to drive. However, being fit and proper to drive a licensed vehicle does not necessarily mean that an individual is fit and proper to be an operator, nor that a person who is a licensed operator is fit and proper to be a licensed driver. The Council would not, however, expect to grant a private hire operator licence to an individual who it has considered not to be fit and proper to be a driver, either following a refusal of an application for, or revocation or suspension, of a private hire or hackney carriage driver's licence.

- 7.2.4 Operators are required to comply with a number of legislative requirements and conditions of licence regulating how they run their business. The Council needs to be satisfied that an applicant understands their duties and responsibilities.
- 7.2.5 An applicant for an operator's licence must provide a standard criminal record check upon application to satisfy the Council that they are a fit and proper person to hold such a licence.
- 7.2.6 Operators must be licensed in the same district as the district in which they have their operating base, and may only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence subject to any legal exemption allowed for by legislation.

7.3 Conditions

- 7.3.1 The Council has the power to impose such conditions on an operator's licence as it considers reasonably necessary. The standard conditions set out in Appendix J are those considered as a minimum to be reasonably necessary. The Council may impose further conditions than these if considered reasonably necessary.

7.4 Insurance

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

7.5 Licence Duration

- 7.5.1 The 1976 Act as amended by the Deregulation Act 2015 requires private hire operators' licences to be granted for a maximum of five years from the date of grant. Where it is appropriate the Council may grant a licence for a shorter period. The Council consider that it would be appropriate to grant a shorter term licence if requested by the Operator.
- 7.5.2 It is the responsibility of the licence holder to ensure that they renew their licence. Renewal applications should be received by the Council at least two months in advance of the licence expiry date to ensure that a renewal application can be processed and a licence issued in time.
- 7.5.3 If an application is received too close to its expiry date, or is incomplete, there may be insufficient time to process the application before the existing licence expires and the operator concerned may be unlicensed for a period of time.

7.6 Address from which an Operator may operate and telephone numbers

- 7.6.1 An operator's licence will specify the address from which the operator may operate. This will be the premises where the records required are kept and where bookings are made. This means that depending on the nature of the operation there can be occasions when an operator will require more than one operator licence for different locations within the Borough.
- 7.6.2 The Council will not grant a licence to an operator whose premises are located outside the borough. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.
- 7.6.3 It is the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose.
- 7.6.4 The Council will condition an operator licence to only use the landline telephone number and dialling code applicable to the area in which that licensed premises is based or permit the operator to use a number beginning with the prefix 01908 associated with the geographical region of Milton Keynes.

7.7 Sub-contracting

- 7.7.1 Section 55A of the 1976 Act, inserted by the Deregulation Act 2015 permits Operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another local authority.
- 7.7.2 However, regardless of which operator fulfils a booking, the operator can only despatch a vehicle licensed by the same Council that licences the operator and driven by a driver licensed by that same Council.
- 7.7.3 For example, if an Operator licensed by Milton Keynes Council choses to sub-contract a booking to an operator licensed by Liverpool City Council, that operator must despatch a vehicle with a driver licensed by Liverpool City Council. Or in, reverse, if a Liverpool licensed Operator sub-contracts a booking to a Milton Keynes Council licensed operator, the vehicle despatched, and its driver, must both be licensed by Milton Keynes Council.
- 7.7.4 Operators that accept a booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as normal and the fact that it was sub-contracted and accepted by another Operator.
- 7.7.5 Customers who book through a licensed operator expect a vehicle to be provided that is directly controlled by that operator and not one that is licensed in another district. The Council aims to have the highest standards possible as appropriate for its district. Other local authorities have different

standards appropriate for their district and the vehicles and standards of drivers may differ.

7.8 Cross Border Hiring

- 7.8.1 In relation to private hire vehicles, the 1976 Act permits members of the public to contact and book a private hire vehicle through any licensed private hire operator regardless of in which district they are licensed. Private hire bookings are private contracts between the hirer and the operator and are not a matter for the Council to regulate. In this regard, the Act leaves the selection of an operator entirely to market forces and the freedom of choice to the customer.
- 7.8.2 The Council intends to encourage its private hire operators and their Milton Keynes licensed vehicles are of the highest standard and provide an exemplary service so that Milton Keynes licensed operators and vehicles are the first choice for its residents.
- 7.8.3 The Council does however recognise that members of the public may be confused by the appearance of vehicles licensed by other authorities working in Milton Keynes. The Council therefore encourages its residents to understand the difference between private hire vehicles and hackney carriages and the requirement that private hire vehicles, regardless of which authority licences them, must be booked in advance.

8. Disciplinary and Enforcement Measures

8.1 Enforcement

- 8.1.1 Legislation installing a licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the Council. For this reason, the Council has dedicated taxi enforcement Officers.
- 8.1.2 The Council will take appropriate disciplinary action upon receipt of evidence that an offence has been committed by a hackney carriage or private hire driver, a private hire operator, private hire or hackney carriage vehicle proprietor or in relation to a hackney carriage, private hire vehicle or operator's licence.
- 8.1.3 Offences may be committed either contrary to the legislation enforced by the Council, the conditions imposed on licences granted by the Council, the adopted bye-laws regulating hackney carriage proprietors and drivers, or this Policy.
- 8.1.4 Drivers, operators and proprietors of vehicles who have committed offences under legislation outside of that applicable to taxis will also be investigated in order to establish whether they are still fit and proper to hold a licence.

- 8.1.5 The Council will undertake targeted enforcement operations (including out of normal office hours) based on intelligence received as well as for compliance purposes.
- 8.1.6 The Council will investigate complaints received in respect of licensed and unlicensed vehicles; operators and drivers in accordance with the Police & Criminal Evidence Act 1984 and the Council's Enforcement Policy.
- 8.1.7 The Council will undertake regular compliance checks of the records of Operators, drivers and vehicle proprietors and may request any documentation from those holding licences with the Council in order to ensure compliance with the legislative provisions, conditions of licence, bye-laws and this Policy.
- 8.18 The Council will share information with other agencies in respect of potential illegal activities and enter into joint enforcement operations with other agencies and authorities. This may include taking enforcement action in respect of drivers and vehicles licensed by other Authorities where agreements and necessary delegations are in place. Officers of the Council may also enter into joint warranting with neighbouring authorities to enable enforcement activities to take place in respect of vehicles and drivers licensed by those neighbouring authorities but operating in Milton Keynes.
- 8.19 The Council has an enforcement policy, available on the Council website or provided on request, regulating how enforcement measures are taken by the Council. This states that any action shall be proportional, reasonable, transparent and appropriately directed. Details on enforcement action taken will be shared with other appropriate agencies and other Council services.

8.2 Disciplinary Action

- 8.2.1 There is a range of disciplinary action which the Council may take following the outcome of an investigation. This includes prosecution, revocation, refusal or an informal disciplinary sanction.
- 8.2.2 Where there is no evidence of wrongdoing no further enforcement action will be taken. However, an advisory letter may still be appropriate. Where there is evidence of wrongdoing the Council will take what it shall deem as appropriate action.
- 8.2.3 Prosecutions will be taken where it is in the public interest. However, there are some instances where the revocation or suspension of a licence is a more effective and immediate remedy than prosecution. Licence holders successfully prosecuted by the Council for offences that put public safety at risk will have their licence revoked.
- 8.2.4 The Council will revoke, suspend or refuse to renew a licence where the licence holder has committed offences that put public safety at

risk or for persistent non-compliance with the relevant legislation or licence conditions. In addition, a licence holder who fails to sufficiently safeguard the public, especially children and vulnerable adults, or is alleged or accused of a similar offence, may have their licence suspended or revoked.

- 8.2.5 Minor offences which do not put the public at risk or do not call into question the fitness of the licence holder will be dealt with informally under the Council's penalty point warning scheme. The frequency or nature of minor offences may be such that the penalty point warning scheme is not considered appropriate and another sanction is necessary, such as suspension or revocation.
- 8.2.6 Action taken in respect of vehicle licences, such as suspension or revocation, will be dealt with by Officers guided by the requirements of the Local Government (Miscellaneous Provision) Act 1976 (including sections 60 & 68), Town Police Clauses Act 1847 (including section 50), Council Enforcement Policy, and this Policy.
- 8.2.7 Action taken in respect of drivers or operators that fall outside of the penalty point warning scheme will be dealt with by Officers unless referred to a Regulatory Sub-Committee.
- 8.2.8 One of the functions of the Regulatory Sub-Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take appropriate action under the circumstances. The Regulatory Sub-Committee affords a licence holder the opportunity to plead their case to elected members.

8.3 Penalty Points Scheme

- 8.3.1 Whilst the operation of a successful hackney carriage and private hire vehicle trade is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use those services.
- 8.3.2 The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to minimum standards and to apply these standards in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions, codes of conduct or byelaws adopted by the Council and in this policy. Together they identify what is required of the trade and help to ensure that a consistent approach is taken.
- 8.3.3 The Council believes that an effective means of applying conditions at a local level is through a penalty point warning scheme. This acts as a first step in ensuring compliance with conditions, and serves as an "early warning" system to drivers, vehicle proprietors, and

operators who see fit to ignore their responsibilities or fail to meet the requirements of their licence.

- 8.3.4 Points are accumulated on a sliding scale dependent upon the type of breach that has occurred. These penalty points then remain "live" for a determined period on the drivers, proprietors or operators record from the date they are imposed. Where a driver, proprietor or operator accumulates a specified number of points within the determined period they will be requested to attend a disciplinary hearing before the Regulatory Committee or a Regulatory Sub-Committee. The Committee has the power to either suspend or revoke the licence, should it so choose.
- 8.3.5 It is believed that a warning based penalty point's scheme does assist the trade in maintaining standards but it does not compromise the Council's ability to take other enforcement action for breaches of statute or licence conditions should an offence warrant such action.
- 8.3.6 The penalty points scheme is further detailed at Appendix K. The scheme is aimed at dealing with breaches and offences not otherwise dealt with (and generally not as serious as those set out) in Appendix E – "Guidelines on Relevance of Convictions". The Council however is not obligated to follow this scheme where it is of the opinion that it is appropriate for it to use its powers under the legislation to either suspend, revoke or refuse to renew a licence, or to prosecute.
- 8.3.7 Enforcement Officers will issue warnings and penalty points in accordance with this policy and the principles and guidelines set out in the Council's Enforcement Policy.

8.4 Public Safeguarding and Child Sexual Exploitation

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

9. Delegated Powers

9.1 Delegated Functions

- 9.1.1 Amendments to this Policy will be made in accordance with the Council's relevant Scheme of Delegation published separately and reviewed annually.

9.2 Appeals

- 9.2.1 Where an applicant or licence holder is aggrieved by the Council's decision to refuse an application, or to revoke or suspend a licence, or impose conditions on a licence, the applicant or licence holder has a right of appeal to the Magistrates Court within 21 days of the applicant being notified of the Council's decision, except for two specific instances as described in paragraph 9.2.2 below.
- 9.2.2 Appeals against the refusal of an application for a hackney carriage proprietor's licence must be made to Crown Court and where a vehicle has been suspended under section 68 of the LGMPA no right of appeal exists.

10. Fares & Fees

10.1 Fares

- 10.1.1 The Council has the power to set Hackney Carriage fares for journeys started within its district but cannot regulate fares for private hire vehicles. Where the fares have been set for Hackney Carriages they shall be readily available from the Council. All Hackney carriages licensed by the Council must display the table of fares.
- 10.1.2 Hackney Carriage fares are a maximum, and so in principle are open to downward negotiation between passenger and driver. There are no provisions which prevent the driver of a hackney carriage from charging less than the fare shown on the meter. However, even when a fare is agreed the hackney carriage meter must always be engaged.
- 10.1.3 The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council for trips within the Council area.
- 10.1.4 The operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

10.2 Licence Fee Structure

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

11. Taxi Ranks

11.1 Appointed Ranks

11.1.1. A number of ranks for hackney carriages have been designated within the Council area and these will be clearly; properly and appropriately signed. Details of the location of the ranks will be published on the Council website and updated regularly.

11.2 Waiting on Stands

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

12 Complaints

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

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

**Statement of Hackney Carriage
and Private Hire (Taxi)
Licensing Policy
January 2017–2020**

APPENDICES

Appendix A

Licensed Vehicle Specification and Conditions

A1 Introduction

- A1.1 When licensing hackney carriage and private hire vehicles the Council must consider first and foremost the need for public safety. Once a vehicle is licensed its proprietor or driver has the ability to operate that vehicle in rural, urban and motorway environments. Licensed vehicles must be capable of performing in all such environments and provide convenience and comfort to all types of passengers when doing so.
- A1.2 The type of vehicle, its safety, its size and suitability, its engine size and capacity, its appearance, condition, mechanical suitability, facilitates for the storage of luggage and arrangements for passengers to be seated in comfort are all of relevance.
- A1.3 Vehicles must be of the manufacturers' original specification, construction and design unless a proprietor can evidence that any modifications made have been carried out to the relevant legal safety standards stated below.
- A1.4 It is the responsibility of the proposed licensed proprietor to ensure that they are familiar with these requirements before purchasing a vehicle and presenting it to the Council.
- A1.5 Vehicles licensed prior to the original commencement of certain aspects of this Policy may be exempt from some requirements provided that the licence granted to the proprietor concerned never lapses.
- A1.6 Certain Hackney Carriage vehicles (identified by the issue of a 100 plates) have historical permissions (Protected Rights) and can continue to be licensed provided that the vehicle is "continually licensed" and the licence granted to the proprietor concerned never lapses.
- A1.7 A licence will be deemed to have lapsed if the licence expires prior to an application being made to renew it. A proprietor is permitted to surrender their plate (and licence) to the Council prior to its expiry.
- A1.8 This appendix 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 conditions will not be licensed. Once licensed vehicles are conditioned to continue to meet these specifications.
- A1.9 When a vehicle is presented for its vehicle compliance test the Council will check that the vehicle complies with the specifications set out in this part. More details about the Vehicle Compliance Test and its frequency are explained in Appendix B.

A2.1 Conditional Licensed vehicle specifications

A2.2 Vehicle Safety Certification

A2.3 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 have EC whole vehicle type approval or, if not, Individual Vehicle Authorisation (IVA).

A2.4 EC Whole Vehicle Type Approval

A2.5 EC Whole Vehicle Type Approval (ECWTA) is regarded as the highest standard of safety and 98% of all passenger cars entering service in Great Britain have this type of approval to meet harmonised European legislative standards.

A2.6 Individual Vehicle Authorisation

A2.7 Vehicles that do not have ECWTA must have an IVA certificate.

A2.8 Vehicles that do not have ECWTA or IVA

A2.9 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).

A2.10 Vehicle Modifications

A2.11 Any modification made to a vehicle before it is tested by the Council or 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.

A2.12 Modifications cannot be made to a vehicle whilst it is licensed without the approval of the Council.

A2.13 It is the responsibility of the proprietor of a vehicle to ensure it meets the above standards and to produce the relevant documentary evidence if requested by the Council.

A2.14 Standard Vehicle Requirements

A2.15 All vehicles must:

1. Be for the Carriage of at least 4 and no more than 8 passengers.
2. Have a seatbelt for each passenger that can be seated in the vehicle.
3. Not to be left-hand drive.

4. Have an engine capacity of at least 1600 cc (including vehicles badged by the manufacturer as “1.6” models) unless a hybrid or electric vehicle.
5. To have windows to the side and rear providing natural light to the passenger compartment.
6. Not be convertible.
7. Have a current and valid MOT certificate at all times.
8. Luggage space must be reasonable and sufficient for the maximum number of passengers that the vehicle is licensed for and must be physically separated from the passenger seating.
9. Must be within the requirements of the Council’s Licensed Vehicle Age Policy (below).

A2.16 Doors

A2.17 In the interest of safety all vehicles must have a minimum of 4 doors which are capable of being opened from the inside. The rear passenger compartment must have an openable door on either side of the vehicle.

A2.18 Seating

A2.19 Seats and seating configurations are an essential safety requirement and the Council will give due consideration to them to ensure that they are:

1. 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.

A2.20 The passenger carrying capacity that a vehicle will be licensed for is at the discretion of the Council not necessarily that indicated on the DVLA V5 log book.

A2.21 The number of passengers that a vehicle will be licensed to seat will never be more than that stipulated on the DVLA V5 logbook.

A2.22 Multipurpose vehicles (MPV’s) or people carriers offer a number of seat configurations designed for domestic families and not professional taxi proprietors. It is necessary to examine these seating arrangements carefully to ensure that in the event of a collision or fire there is unobstructed egress from the vehicle and that passengers can be seated in comfort for all types of journey

A2.23 The seats and seating arrangement within the vehicle must meet the following requirements:

1. Be able to seat a minimum of 4 passengers in comfort.
2. All individual seats to be licensed must have a minimum width of 405 millimetres (16 inches per person).
3. All seats must be fitted with fully operational seat belts.

4. There must be a minimum 'leg room' distance of 300 mm in front of a seat and a minimum height of 864 mm between the top of any passenger seat and the roof.
5. The seat covering must be clean and in a good state of repair.
6. The depth and width of the foot well must be sufficient to accommodate adult passengers in safety and comfort.
7. The Council will not permit "child seats" or seats designed for temporary use to be included as part of a licence.
8. There must be no alteration to the seating configuration without first notifying, and receiving confirmation from, the Council in writing, or unless otherwise requested by the Council

A2.24 Maintenance, Appearance and Condition of the Vehicle

A2.25 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 which currently apply.

A2.26 The Vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.

A2.27 At all times the vehicles must be safe, tidy and clean.

A2.28 Exterior Appearance

A2.29 All paintwork must be professionally finished and the vehicle free from dents and damage to either bodywork or fittings.

A2.30 Bare metal, primer paint, visible rust and perforations are not permitted.

A2.31 Interior Appearance

A2.32 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.

A2.33 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.

A2.34 All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.

A2.35 All doors, locks and windows are to be in full working order and in good condition.

A2.36 All interior lights and fascia illumination are to be in full working order and in good condition.

A2.37 Boot space/luggage areas must be kept clean and vehicle equipment properly stowed.

A2.38 All dashboard warning lights should be in working order. If any warning light is lit to indicate a problem the vehicle shall not be permitted to be used as a licensed vehicle.

A2.39 Tyre Safety

A2.40 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.

A2.41 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.)

A2.42 Second hand, part worn, tyres must not be fitted to the vehicle.

A2.43 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 types 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.

A2.44 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.

A2.45 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.

A2.46 Windows and Tints

A2.47 All windows must be kept free of dirt, grime and marks.

A2.48 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.

A2.49 Adhesive window tints of any shade are not accepted for any licensed vehicle.

A2.50 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 side window.

A2.51 Tinted or mirrored glass that restricts all views into the passenger compartment is not accepted on licensed vehicles.

A2.52 All side and rear windows must be maintained to allow a minimum of 70% light to be transmitted through them.

A2.53 Limousines and plate exempt vehicles may be exempted from the requirements of A2.52 and A2.53 as are all vehicles licensed before adoption of this policy providing they are kept continually licensed and alterations to the windows are not made.

A2.54 Miscellaneous

A2.55 A safety screen is permitted to be installed provided it is done so to the satisfaction of the Council.

A2.56 Roof racks, roof mounted luggage boxes and similar items are not permitted under the terms of the vehicle licence.

A2.57 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.

A2.58 Electric/Hybrid Vehicles

A2.59 Vehicles that are electric or hybrid vehicles must be PAT tested and evidence of this provided to the Council.

A2.60 Advertising

A2.61 Vehicles are not permitted to display any form of advertising externally or internally subject to A2.62 below.

A2.62 In order to support the use of environmentally friendly vehicles (such as low or zero carbon vehicles) the Council will permit the display of information on a vehicle that highlights it as being environmentally friendly. The Council will refuse such advertising where it goes beyond a simple statement of the vehicles nature and is considered to form a commercial advertisement.

A2.63 Hackney carriages may only display a door sign indicating that it is a hackney carriage licensed by Milton Keynes Council and available for public hire in Milton Keynes. No other door signs will be permitted.

A2.64 Further details are contained within the specifications for hackney carriages (para A5) below.

A2.65 Further details are contained within the specifications for private hire vehicles (para A6) below.

A2.66 Interior Markings

A2.67 The proprietor must not display any signs, notice or similar item that contains anything of a religious or political nature or contain any matter likely to cause offence.

A2.68 The proprietor is permitted to allow a small discreetly placed, symbolic item that is reflective of a personal belief that it will keep a driver safe. This should not be directly in the line of sight of any passenger and must not present a risk to the safety of the driver or passenger (for example by being inadequately fixed).

A3.1 Age limits on vehicles to be first licensed.

A3.2 The Council has a maximum age limit for a vehicle to be first licensed and a maximum age limit after which a vehicle will not be licensed.

A3.3 The age of a vehicle will be calculated by reference to the date of its first registration as indicated on its logbook. Where a vehicle has not been registered in the same year that it was manufactured, or has been imported, the Council will calculate its age from its year of manufacturer by using its Vehicle Identity Number.

A3.4 Minimum age for a licensed vehicle

A3.5 From the 1 January 2018 the Council will not grant a new licence in respect of private hire vehicles or hackney carriages that are over 6 years of age.

A3.6 Maximum age for a licensed vehicle

A3.7 From 1 January 2018 the maximum age for a licensed vehicle will be ten years.

A3.8 Exemption to Maximum Age Limit of 10 years

A3.9 From 1 January 2018 all vehicles that are over the age of 10 years will not be licensed under the Council's standard renewal procedures. However, if a vehicle proprietor believes that exceptional circumstances exist for their vehicle to be licensed beyond the age policy limit of 10 years then they can make an application for that vehicle to be exempt from the Maximum Age Policy.

A3.10 Where an application is made for a vehicle over the age of 10 years the Council will determine whether exceptional circumstances exist to depart from its Policy.

A3.11 The vehicle will be subject to a special test which will involve the standard Council compliance test under Section 50 of the 1976 Act and then a further Council examination to determine whether there are exceptional circumstances

A3.12 Officers will also check the history of the vehicle, its previous tests and any enforcement action previously taken in respect of it. The vehicle proprietor must meet the full cost of these tests and the application and these costs will not be reimbursed should the Council decide that the vehicle cannot be exempted and is not to be licensed. Should it be determined that the vehicle can be exempted then it will be licensed for a further period of 12 months and subject to a further compliance test no later than 6 months from the grant of the licence.

A4.1 Wheelchair Accessible Vehicles

A4.2 Wheelchair accessible vehicles 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 From the 1 January 2017 the proprietor of a wheelchair accessible vehicle will ensure that it is only driven by a person who has passed the Driver and Vehicle Standards Agency (DVSA) enhanced practical driving test or a relevant taxi driving test (that includes the wheelchair exercise or a relevant taxi driving test including a wheelchair exercise).

A5 HACKNEY CARRIAGES

A5.1 Further specifications and conditions in addition to the above applicable to Hackney Carriages are as follows:

A5.2 Hackney carriages must be vehicles manufactured for purpose of being a hackney carriage, unless exempt (under paragraph 5.12).

A5.3 Hackney carriages must be wheelchair accessible and load a wheelchair from the side or from the rear.

A5.4 Hackney Carriages must be painted black.

A5.5 Hackney carriages must be fitted with an approved roof sign which:

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

A5.6 Taximeters

A5.7 Hackney Carriages must be fitted with a sealed 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.

A5.8 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.

A5.9 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.

A5.10 The Council supports the use of calendar controlled meters. All new vehicles presented for licensing as a hackney carriage must have fitted to it a calendar controlled meter calibrated to the Council's table of fares.

A5.11 The taximeter shall be set for up to the current maximum tariff agreed by the Council and no unauthorised adjustment of the meter shall be made.

A5.12 Exemptions for Hackney Carriages with protected rights.

A5.13 Hackney Carriages that hold protected rights will hold a licence numbered in the range of 100 to 199.

A5.14 Hackney Carriages with protected rights that are not wheelchair accessible (Saloon Hackney's) may continue to be licensed provided that they comply with all other requirements applicable to Hackney Carriages except where expressly excluded in this Policy.

A5.15 Limits on Hackney Carriage Numbers

A5.16 The Council has a limit on the number of hackney carriages that it will licence. This number is set at 138 hackney carriages. The Council will maintain a waiting list for those wishing to licence a hackney carriage. Where there are less hackney carriage licences in existence than this specified number the Council will offer the opportunity to licence a hackney carriage to the first named person on that list. If the offer is refused or not accepted within 1 calendar month the Council will offer the opportunity to the next person on the list. This process will continue until someone on the waiting list licences a hackney carriage.

A6 Private Hire Vehicles

A6.1 Further specifications and conditions in addition to the above applicable to private hire vehicles are that the vehicle 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) Not display any form of advertising on the outside of the vehicle.
- 4) Display a non-reflective sign on the exterior surface of each front door ("door sign") – stating the words "ADVANCE BOOKING ONLY" or "PRIVATE HIRE ADVANCE BOOKING ONLY". The door sign must also include the name of the Operator despatching that vehicle and may include the logo, website, email address and the Milton Keynes telephone number belonging to that Operator.

5) Not display inside of the vehicle in such a manner to be conspicuous from the outside any signs, telephone numbers or other advertising material e.g. business cards on the dashboard.

A6.1 Private hire vehicles licensed before the adoption of this policy with advertising that does not comply with the above may be permitted to continue with that advertising so long as the vehicle concerned remains continually licensed; the advertisements do not change and the relevant conditions above are complied with.

A9 Speciality Vehicles

A9.1 Additional Specifications and Conditions for speciality vehicles and those used for executive hire (plate exempt) vehicles.

A9.2 The Council may, upon the separate application of a proprietor of a Stretched limousine or other speciality vehicles and if satisfied that there is no risk to public safety permit the following:

- That a vehicle may be right hand drive.
- Sideways facing seating may be permitted.
- Tinted windows may be permitted to the rear windows of the vehicle.

A10 Vehicle Compliance Testing

A10.1 All vehicles must undergo a Council vehicle compliance test prior to the grant of a licence.

A10.2 All vehicles less than 10 years old must undergo a Council vehicle compliance test no later than 6 months after the granting of the licence. A vehicle that is not tested within the 6 month period must be suspended with immediate effect until a test has been undertaken.

A10.3 Regular failures (i.e. 2 or more) of Council compliance tests may result in the Council refusing to continue to licence a vehicle where the evidence is such that the Council cannot be satisfied that the vehicle is safe and suitable for use by members of the public. Council officers may direct that a vehicle be tested at any time should there be clear evidence that it is not fit for use and public safety maybe compromised should the test not be undertaken.

Appendix B

Hackney Carriage and Private Hire Vehicle Licensing Applicant and Testing Procedures

B1.1 Applications for new or renewal of a vehicle licence

B1.2 To licence either a private hire or hackney carriage vehicle the proposed proprietor must complete and submit the relevant application form accompanied by the following original documents:

- a. The Vehicle Registration Document (B1.4)
- b. Motor Insurance certificate
- c. Mot Certificate
- d. Proof of Road Tax
- e. Calibration Certificate (if hackney carriage)
- f. Vehicle Compliance Test certificate
- g. The Fee

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 taken and 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 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 for, as a minimum, third party risks covering 'hire and reward' for private hire (if a private hire vehicle) or public hire (if a hackney carriage). The insurance must cover the vehicle for the number of passengers to be conveyed in the vehicle, the named driver(s) of the vehicle and the carriage of the number of wheelchairs for which the vehicle is adapted.

B1.6 An MOT certificate must be provided where, in respect of a hackney carriage, 1 year has elapsed from the date of its first registration or, in respect of a private hire vehicle, 3 years has elapsed from the date of its first registration. Alternatively the applicant may consent to the Council checking this information online.

B1.7 Proof of Road Tax must be provided at the time of application or the applicant may consent to the Council checking this information online.

- 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 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 The application fee and the fee for Council compliance tests and re-tests are determined annually and publicised separately.
- B1.11 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.
- B1.12 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.
- B1.13 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.
- B1.14 The conditions attached to the vehicle are those contained within Appendix C. However the Council has the ability to place further bespoke conditions onto a vehicle licence where it is reasonably necessary.
- B1.15 Vehicle Compliance Testing**
- B1.16 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.
- B1.17 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.
- B1.18 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 a 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.

B1.19 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.

B1.20 The Vehicle Compliance Test can be booked by contacting the Council's Vehicle Testing Centre.

B1.21 Failing to attend to have a vehicle tested

B1.22 Any vehicle not presented for its compliance test on or within the month before the date it is conditioned to have been presented will have their licence suspended with immediate effect.

B1.23 Authorised Officers of the Council have the power at all reasonable times to inspect and test a vehicle for the purpose of ascertaining its fitness. If the Council are unable to inspect the vehicle or consider the vehicle to be unfit for use the Council will either suspend or revoke the vehicle licence.

B1.24 The Council has the power to suspend or revoke a licence if the vehicle is unfit or if there is non-compliance with the 1976 Act by the operator; the proprietor, or the driver, or for any other reasonable cause.

B1.25 Renewals, Revocations and Suspensions

B1.26 Complete applications for the renewal of a vehicle licence should be received by the Council at least 5 working days before its expiry to ensure a new licence is granted before the current licence expires.

B1.27 An application to renew a vehicle licence made after that licence has expired will be treated as a new application.

B1.28 The Council has the power to suspend a vehicle licence under the 1976 Act at any time when it is not satisfied that the vehicle is fit for use. The Council may choose to suspend the vehicle with immediate effect or issue a delayed suspension.

**B1.29 Application to transfer ownership of a licensed vehicle
(Change of owner)**

B1.30 Section 49 of the 1976 Act provides that 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 vehicles compliance with the 1976 Act, 1847 Act, bye-laws and licence conditions.

B1.31 The above section does not allow the owner of a vehicle to transfer the licence. The licence is granted to the named proprietor and on the basis that the proprietor owns the vehicle and is suitable to be granted a licence. The licence will be conditioned to lapse 14 days after the interest in the vehicle is transferred.

B1.32 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 transfer in ownership and before the new proprietor takes possession of, and uses the vehicle, for licensed purposes.

B1.33 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.

B1.34 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.

B1.35 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.

B1.36 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.

B1.37 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.

B1.38 Change of licensed vehicle

B1.39 The Proprietor of a licensed vehicle may apply to the Council to substitute the vehicle presently licensed with another vehicle provided that the said other vehicle is not already licensed and meets the requirements set out in Appendix A of this Policy.

B1.40 An application under this part will require the proprietor to remove the existing plate on the current vehicle and submit it to the Council with the relevant application form and the documents set out in B1.2 (above). The applicant will need to present the vehicle to be tested by the Council

and pay the relevant administration fee and the fee for the vehicle compliance test.

B1.41 In the case of a hackney carriage that has protected rights (i.e. a with a 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.

B1.42 A vehicle can only be substituted to replace an already existing licensed vehicle (i.e. the vehicle licence has not lapsed).

B1.43 Temporary Hire Vehicles

B1.44 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.

B1.45 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”.

B1.46 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.

B1.47 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.

B1.48 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.

B1.49 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. This will ensure that the Council does not licence more hackney carriages than that set by the demand limit.

B1.50 The original vehicle licence plate will only be returned to the proprietor when the temporary licence plate is returned to the Council.

B1.51 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.

B1.52 Speciality vehicles

B1.53 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.

B1.54 The Council may depart from the requirements of Appendix A where the vehicle is a speciality vehicle, such as a limousine, in the limited circumstances stated in that Appendix.

B1.55 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.

B1.56 The applicant will also be required to agree to the following conditions:

- a. No passengers will be conveyed in the front compartment of the vehicle.
- b. The proprietor will not permit any alcohol to be sold or supplied, or regulated entertainment to be provided, without the appropriate licences being held and will ensure compliance with the relevant age restrictions and classifications in place.
- c. The proprietor will risk assess the activities carried out in the vehicle and ensure that any glassware in the vehicle is either shatterproof glass or plastic,
- d. The proprietor will comply with any reasonable direction of the Council including displaying and maintaining any notices in a conspicuous position.

B1.57 Plate exempt

B1.58 The display of a vehicle licence plate is an important public safety measure but a proprietor may be exempt from the requirement to display the plate at the discretion of the Council.

B1.59 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.

B1.60 Such evidence may be of the appropriate business contracts and clientele or the applicants' terms and conditions for hire. The applicant will be responsible for completing the Council's application form and providing such evidence as the Council may require in order to be satisfied that the vehicle and its proposed use meets the requirements of the Council's Policy specified in part 5.7.

- B1.61 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.
- B1.62 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.
- B1.63 A proprietor using a vehicle granted “plate exempt” status for circuit work will have the plate exemption benefit revoked.

Appendix C

Conditions to be attached to a vehicle licensed as either a private hire vehicle or a hackney carriage

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.
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 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 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.

Appendix D

Driver & Operator Licence Procedures

D1. Application Pre-requisites

- D1.1 Applicants must complete the Council application form and the procedure detailed in this appendix in order to evidence that they are a fit and proper person.
- D1.2 The applicant will need to ensure that prior to application they can produce the following:
1. Possession of a full UK Drivers licence held for at least 12 months (subject to D3.1 below).
 2. A medical certificate dated within the last calendar month confirming that the applicant meets the DVLA Vocational Group 2 Standards.
 3. A relevant taxi driving test pass certificate.
 4. Evidence of the applicants criminal record from any Country outside of the UK in which they have resided for 6 months or more.
 5. Councils induction pass certificate.
 6. Councils knowledge test pass certificate.
 7. Evidence of passing such training courses as the Council may reasonably require as part of the application process, such as customer care, disability and vulnerable person awareness and communicating in English.
- D1.3 The above pre-requisites will be required to be completed by an applicant in advance of an application being accepted and are the responsibility of the applicant to arrange and complete. Where appropriate the Council will provide relevant documentary advice in completing the above. The Council may levy an extra administrative charge for applicants who require significant assistance with the above.

D2. Applying for a licence

- D2.1 Where an applicant is ready to proceed with the above they must complete and submit the relevant application form and provide it with the following:
1. A completed application form for a Disclosure and Barring Service (DBS) Enhanced Disclosure of the applicant's criminal record or the applicants DBS update service certificate number.
 2. DVLA shared driving licence code or, where necessary, consent to a DVLA Data Subject Check form that permits the Council to confirm the individual's driving history.
 3. Appropriate documentation to confirm the applicant's identity and address. As documents vary, the Council shall provide an updated list of acceptable documents for applicants.

4. A valid passport, travel document, EU national identity card and, for non EU/EEA residents proof of the right to work in the UK as a licensed driver.
 5. National Insurance number.
 6. A passport photograph of the applicant.
 7. Evidence of passing the number of pre-requisites listed above in D1.2.
 8. The application fee must be paid before the licence can be granted.
- D2.2 Where an applicant fails to complete the application process within twelve months the application will be considered as withdrawn and a new application will need to be submitted. This is because the Council considers one year from the date of application to be sufficient for an applicant to complete the process. If an applicant fails to attend an interview with an officer or a regulatory sub-committee without a reasonable excuse the application will also be considered withdrawn.
- D2.3 Where applications are withdrawn there is no automatic refund entitlement of fees paid and if refunds are given the authority may charge an administration fee in so doing.

D3 Driving Licence

- D3.1 The applicant must produce their current driving licence at the time of application. The applicant must have held their entitlement to drive for at least 12 months prior to application. Ordinarily the applicant will produce their photo card driving licence, however, where an applicant has not yet been issued with a photo card their original paper licence will be accepted.
- D3.2 The licence must show that the applicant is authorised by the DVLA to drive the relevant vehicle category covering a hackney carriage and private hire vehicle.
- D3.3 Non UK licences must be converted to a UK DVLA licence before an application can be accepted as the driving licence is an important identification document enabling the Council to apply for an enhanced DBS and allows the Council to check the applicant's endorsement history.
- D3.4. 'Automatic only' licences are acceptable subject to the applicant being able to fulfil the role of a taxi driver in its wider meaning. If such a driving licence is granted the licensed driver would be responsible for ensuring that they only licence and drive an automatic vehicle.

D4. Enhanced DBS Disclosure

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

then, with the consent of the applicant, take a copy of the disclosure certificate.

- D4.2 An application for an enhanced DBS check will not be necessary where the applicant can produce an appropriate DBS certificate from another arm of the Council or is a member of the DBS update service.
- D4.3 An applicant with a record of criminal convictions, cautions, or other enforcement or civil penalties will not prevent a person from submitting an application. Such offences will only be considered when determining whether an applicant should be granted a licence. This consideration may include consultation with, and consideration of evidence from, the Police and any other relevant agency where there are relevant convictions. Details of Council guidelines can be found in Appendix E.
- D4.4 The Council may require another DBS disclosure to be applied for at any time if a further check is considered necessary.

D5 Certificate of good conduct

- D5.1 Where an applicant has, in the last 20 years, resided in a Country outside of the UK for a period of 6 months or more an equivalent DBS check (for example a Certificate of Good Conduct) from the relevant embassy, consulate or police force for each Country in which they have resided will be required.
- D5.2 The requirement that an applicant provides evidence of their criminal record from other countries in which they have resided is an important public safety measure and ensures that applicants that have not lived in the UK for a period of 20 years have their criminal history checked as substantively as those who have lived in the UK for that period of time.
- D5.3 The responsibility of obtaining the above certificate rests with the applicant who will be required to contact the relevant embassy for advice on obtaining the necessary documentation and paying any fee that is required.
- D5.4 Applicants must make all reasonable attempts to obtain a certificate of conduct from all Countries outside of the UK in which they have resided in for more than 6 months in the past 20 years. An exemption from this requirement will be allowed where the Council is satisfied that:
 - 1) The Country from which the disclosure is sought is one from which the Home Office currently confirm are unable to provide such disclosures **AND**
 - 2) All reasonable attempts have been made by the applicant to obtain the certificate by following the procedure itemised under Procedure A below **OR**

- 3) The applicant, for reasons of which he 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. The Council will be required to be satisfied of this under Procedure B.

D5.5 Procedure A

- 1) All reasonable attempts must include as a minimum; writing to the relevant embassy in the UK or following the guidance published by the Home Office and completing in full any procedure set by either.
- 2) Where there is no UK embassy or published procedure the applicant must write to the relevant police station in the area(s) in which the applicant has resided or, a relevant governmental department.
- 3) If the applicant has not received a response to any letter after a period of 8 weeks the applicant must write a second follow up letter.
- 4) If a procedure published by the Home office has not been completed within the timescales suggested by the Home Office, or where no timescale exists within 8 weeks, the Applicant must write a follow up letter.
- 5) Where any letter has been written the applicant must send this recorded or registered post in order to provide the Council with evidence that this has been done and keep a copy of the letter he has sent.
- 6) Where any response has been received the applicant must provide a copy of it to the Council.
- 7) If an applicant has not been able to receive any response after 8 weeks of a follow up letter he may provide a written statutory declaration stating that that he has followed the procedure required by the Council in full and has been unable to obtain further information from that country and declare whether or not he has or has not been convicted of any foreign offences.
- 8) Where a statutory declaration is permitted it will be on the proviso that should any information contrary to the declaration be received the Council will suspend or revoke any licence granted to the applicant.

D5.6 Procedure B

- 1) The applicant must satisfy the Council that he 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.
- 2) In order for the Council to be so satisfied 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 Further to the above procedures, Applicants will be required to provide written references from either their Home Office caseworker or another professional person or employer to verify their character

D6 Medical Certificate

D6.1 The applicant must ensure that they are 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.

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

D7. Induction and Knowledge test

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

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

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

Depending upon circumstances some free courses may be available and details will be provided by the Taxi Licensing service.

- D7.4 The applicant will be required to sit and pass a knowledge test either before or after application. The knowledge test will allow the applicant to show their understanding of the matters discussed on the induction course and their understanding of the Councils Policy. Part of the test will allow the applicant to evidence their knowledge of villages, major routes and places of interest and note within the borough of Milton Keynes (including schools, public houses etc.) as well as the Highway Code (including traffic signage).
- D7.5 If the applicant fails their knowledge test they will be able to re-take it a further 2 times provided a period of 21 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.
- D7.6 If the applicant is unsuccessful on their third attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.
- D7.7 A fresh application can be made but a period of 12 months is required to elapse before another attempt can be made to enable the applicant to develop the necessary skills. The Council believes that this policy is necessary to ensure that applicants do not continue to take the knowledge test to their own financial detriment when they do not have the necessary understanding to pass. However, if an applicant can evidence that exceptional circumstances exist that it would be fair and reasonable to allow a further test to be taken within a period of 12 months from the 3rd failure the Council may depart from this Policy. If a driver is not able to satisfactorily complete the test due to difficulties with spoken or written English they may be required to take an ESOL course.
- D7.8 Where a former licensed driver has allowed their licence to lapse or it has been surrendered or revoked, the applicant may apply for a new licence and may be exempt from sitting parts of the induction test if they still retain the relevant pass certificates but must re-sit the knowledge test.

D8 Identity documents and proof of entitlements

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

D9 Renewal applications

- D9.1 Licences will normally be granted for 3 years unless the Council have considered it appropriate to grant a shorter licence. The majority of this Appendix will apply for renewals as with new applications.
- D9.2 Drivers should be aware that the Council can refuse a renewal where:
- a) The driver has since the grant of the licence been convicted of an offence involving dishonesty, indecency or violence
 - b) The driver has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;
 - c) The driver has been convicted of an offence under the 1976 Act or 1847 Act or failed to comply with the provisions of those Acts
 - d) Any other reasonable cause. A reasonable cause would include convictions or cautions under any other legislation that call into question the suitability of the applicant, a breach of licence conditions
- D9.3 Not only must a driver satisfy the Council that they are fit and proper on the initial grant of a licence, they must continue to remain fit and proper in the eyes of the Council throughout the duration of their licence and at the time of renewal. A DBS disclosure will be required on each renewal with consideration to the DFT guidance that a licensed driver should only have their criminal record checked every 3 years.
- D9.4 Licensed drivers should note that any offence falling within a), b) c) and d) listed in D9.2 above can also result in the suspension or revocation of a licence prior to its expiry.
- D9.5 Applications for renewal are expected to be made three months prior to the expiry date with all the documentation required submitted at that time to enable any checks of official records to be made prior the issue of a new licence. Failure to submit an application in such timescales may result in a renewed licence not being granted prior to the licence expiring.
- D9.6 If an applicant's renewed licence is not granted prior to the expiry of an existing licence, the licence holder will not hold a valid licence and badge in order to continue to work. The Council may, at its discretion, grant a short term licence to the applicant without prejudice to any future decision that may be made regarding the grant of their renewal application. This will however mean that the Council has to consider, process, assess and grant this short term licence. If the applicant applied to renew their licence later than three months prior to their licence expiry the Council, the applicant will need to apply for a short term badge and the Council will levy an administrative charge, should the Council be satisfied that the applicant is fit and proper.
- D9.7 In cases where a medical condition of the applicant needs to be referred to the Council's Medical Consultant, a licence will not normally be renewed until a satisfactory report is received from the Councils Medical Consultant.

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

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

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

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

D10.2 Evidence of Criminal Record

- For individual or partnership applications a subject access search (ACRO SAR1) dated within 3 months of the date of application must be provided for each individual or partner unless the applicant(s) wish to apply for an enhanced DBS disclosure.
- For company applicants a subject access search must be provided for each director. Where a large company is involved the Council may only require criminal record checks from those directors with an operational involvement in ensuring compliance with the relevant applicable legislation.
- Where the applicant holds an existing driver's license with the Council they do not need to supply a further criminal record check as they will have been subject to an enhanced DBS check within the last 3 years - subject to consideration of any convictions, cautions or other enforcement action occurring in the intervening period.
- Applicants must provide evidence of their criminal record for any Country in which they have resided for a duration of 6 months or longer in the last 20 years.
- Where a licence is granted, the Operator must inform the Council of any change in owner, partner, director etc. and the Council will require a criminal record check of that new owner, partner, director etc.

D10.3 Further requirements

- Applicants must declare any bankruptcy, disqualification of directorship or prosecutions resulting from previous trading activities.
- Company applicants must declare any insolvency of the applicant, or previous companies in which the directors of the current applicant have been involved in; the disqualification of any directors, or any prosecutions or cautions against the company, or any previous company that any director has been involved with.

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

D11 Applications – General Guidance

- D11.1 When a criminal record disclosure is provided by an applicant it will be considered in the light of all the information provided. It is expected that applicants who intend to be considered fit and proper will ensure that the information given on their application form is correctly and truthfully provided and that ALL convictions and cautions are provided at the initial stage. A serious view will be taken of any applicant that seeks to conceal any caution or conviction in order to obtain a licence. **This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a “fit and proper person”, but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary.**
- D11.2 In the event that all the application stages are successfully passed and there are no convictions, cautions, driving endorsements or relevant enforcement history to suggest otherwise, the applicant will be considered to be a “fit and proper person” and the relevant licence granted. The consideration of convictions and cautions is explained in Appendix E.
- D11.3 Applications considered by the Council will result in either the determination of the applicant as a “fit and proper person”, indicated by the grant of a licence, or the application being refused. In the event of a refusal the applicant has the right of appeal to the Magistrates Court, such appeal to be lodged within 21 days of being notified of the decision.
- D11.4 Information disclosed will be kept in strict confidence and will be retained no longer than is necessary in order to determine an application and, where a licence is granted, for no longer than necessary after that licence has lapsed, in accordance with data protection legislation and the Council’s

retention policy. It is an offence under the 1976 Act for any person to knowingly or recklessly make a false statement or to omit any material information required by the application, punishable by up to seven years imprisonment upon conviction.

Appendix E

Guidelines Relating to the Relevance of Convictions

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

E1 **General Policy**

- E1.1 Each case will be decided on its individual merits.
- E1.2 The overriding consideration is public safety and public safeguarding.
- E.1.3 Those applying for, or holding, licences granted by the Council intend to carry out a service for their own personal gain in which they will work in close proximity with members of the public. The Council has a duty to ensure, so far as is possible, that those licensed to drive hackney carriage / private hire vehicles, to own licensed vehicles or operate private hire vehicles are fit and proper persons.
- E1.4 Previous convictions or those occurring during the term of a licence, indicate that a person is not 'fit and proper'.
- E1.5 A person who has been convicted of a criminal offence need not be permanently barred from ever obtaining a licence but is expected to remain free of conviction for a duration commensurate with the seriousness of the offence in order to evidence that they are fit and proper and do not pose a danger to the public.
- E1.6 This appendix outlines how the Council will assess whether an applicant or a licence holder is fit and proper where that applicant or licence holder has been convicted of an offence. This appendix applies the same to convictions received outside of the UK.
- E1.7 Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a 'fit and proper' person to hold a licence. The overriding consideration is the protection of the public and for some offences the duration in which a person will be expected to be free from conviction is significant.
- E1.8 The Council will not grant a licence to someone who has been convicted of serious violent or sexual offences. The Council will refuse any application where the individual is listed on a DBS barring list for working with children or adults or on the sex offenders register.
- E1.9 The Council will also take into account the number of convictions irrespective of category; the number of counts on a conviction; the

sentencing Court concerned; and the sentence imposed. Reference to Magistrates / Crown Court guidelines may be considered.

- E1.10 The Council will investigate and review the licence of any person convicted of an offence and may suspend or revoke, or refuse to renew a licence, in such instances.
- E1.11 The guidelines in this appendix apply the same to any licence holder convicted of an offence whilst licenced or when applying to renew and should be construed accordingly. For example, if an offence stated will result in the refusal of a new application it should be read that it shall also result in the refusal of a renewal application or the revocation or suspension of a licence that has been granted.
- E1.12 This offences listed in this appendix are not exhaustive and any Offence stated in this part should be read as including all offences similar to it, any offence that replaces it, the attempt or conspiracy to commit it, or the aiding, abetting and procuring of it.
- E1.13 The Council takes a serious view of all criminal offences but, given the purpose of the licences it will grant, convictions for driving, dishonesty, violent or sexual offences will be of particular concern.

E2 Alcohol Related Offences

E2.1 With a motor vehicle

- E2.2 An applicant convicted of any offence of driving, attempting to drive, or being in charge of, a motor vehicle with alcohol levels in the blood, breath or urine above the legal limit will not be licensed until at least 5 years have elapsed starting from the restoration of their DVLA driving licence.
- E2.3 More than one conviction for an offence as described in E2.2 above is an unacceptable risk to the public and an application will be refused.
- E2.4 The Council will refuse to renew, or will suspend or revoke, the licence of any licensed driver convicted of an offence described in E2.2 above.

E2.5 General alcohol related offence

- E2.6 A number of convictions for offences involving alcohol may indicate a clinical alcohol dependency.
- E2.7 Any indication that a person has suffered, or currently suffers from, clinical alcohol dependence will require a special medical examination paid for by that individual. The Council will not licence any person until at least 5 years after the completion of medical treatment.

- E2.8 The Council will not consider the influence of alcohol as a mitigating factor when applying the criteria of this appendix. An applicant convicted of

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

E3 Drugs

E3.1 The Council will not grant a licence unless:

- a. An applicant is 5 years clear of any conviction related to the supply of drugs.
- b. An applicant is 3 years clear of a conviction for the possession of drugs.

E3.2 An applicant convicted of more than one offence of the supply of drugs will not be licensed.

E3.3 An applicant who has served more than 3 years in custody will be expected to undergo a longer period of time than that indicated above.

E3.5 When considering the number of years an applicant will be expected to be clear of a conviction, the Council will take into account the classification of the drug, and expect applicants with convictions involving class A drugs to be the maximum period clear of conviction before a licence is granted whereas those with convictions relating to Class C drugs may be licensed after the minimum period.

E4 Sexual and indecency offences

E4.1 Licensed drivers carry unaccompanied and/or vulnerable passengers and therefore the Council will not grant a licence where the applicant has been convicted of:

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

E4.3 The Council will revoke the licence of any license holder convicted of any of the above offences.

E5 Violence

E5.1 The Council will not grant a licence where the applicant has a conviction for any of the following:

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

E5.2 The Council will not grant a licence to any person who has, in the 10 years prior to an application, been convicted of:

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

E5.3 The Council will not grant a licence to any person who has, in the 5 years prior to an application, been convicted of:

- Assault occasioning actual bodily harm
- Common assault
- Affray
- Criminal damage
- Harassment
- Battery

E5.4 The Council will not grant a licence to any person who has, in the 3 years prior to an application, been convicted of:

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

An applicant convicted of more than one violent offence will be expected to have undergone a much longer period of time without re-offending to evidence that they are fit and proper.

E6 Dishonesty

E6.1 A licence will not be granted where the applicant has in the 3 years prior to application been convicted of:

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

E6.2 The Council will not grant a licence where an applicant has been convicted of more than one offence of dishonesty within 5 years prior to application. The Council will expect an applicant to evidence a longer period of time clear of conviction where they have more than 3 convictions of dishonesty offences.

E7 Driving Endorsements

E7.1 The Council acknowledges that the DVLA distinguishes between minor traffic offences and major traffic offences. The table at the end of this appendix lists all present DVLA driving offences and whether they are major or minor.

E7.2 Given the nature of the work carried out by licensed drivers, their customers and the Council expect that applicants and licence holders have a suitable standard of driving.

E7.3 Newly licensed drivers are more at risk of committing minor traffic infringements and new applicants are therefore required to have undertaken a relevant taxi driving test.

E7.4 References to penalty points and endorsements in this part mean those imposed by the DVLA on a driving licence issued by the DVLA.

E7.5 Minor Traffic Offences

E7.6 An applicant with six or fewer unspent penalty points on their driving licence for minor traffic offences is not precluded from being granted a licence.

E7.7 An applicant with 6 penalty points or a history of driving endorsements will be given a clear and strong warning about their duties if a licence is granted.

E7.8 An applicant with 7 or more points on their licence will not be granted a licence until only 6 or fewer remain.

E7.9 An applicant that has been disqualified from driving under the DVLA totting up procedure (having received 12 DVLA points within 3 years) will not be granted a licence unless:

- a. They have had have their DVLA driving licence reinstated for at least 12 months.

- b. Have received no further driving endorsements since their DVLA licence was reinstated.

E7.10 A licensed driver accumulating 6 DVLA penalty points may have a renewed licence granted with a warning provided that they have, or have been conditioned to, undertake a relevant taxi driving test.

E7.11 A licensed driver accumulating 7 or more DVLA penalty points but fewer than 10 for minor traffic offences will have their licence reviewed as follows:

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

E7.12 A licensed driver with 10 or more DVLA penalty points will have their licence revoked and no further application considered until 6 points or fewer remain.

E7.13 Major Traffic Offences

E7.14 A licence will not be granted to a person who has been disqualified from driving following a conviction for a major traffic offence until at least five years have elapsed after the reinstatement of the applicants driving licence and without further offence.

E7.15 An applicant with 6 penalty points or more will not be granted a licence if one of the current endorsements relates to a major traffic offence.

E7.16 A licence holder will have their licence revoked if they have 7 or more DVLA points and one of those endorsements is a major traffic offence.

E7.17 History of offending

E7.19 Notwithstanding the above, a record of endorsements (spent or otherwise) will be a relevant consideration when determining applications or reviewing licences. The number, frequency and nature of such endorsements will be considered cumulatively and if indicative, in the opinion of the Council, that a driver is either careless, irresponsible or does not respect the rules and regulations applicable to road users the

Council will consider the applicant or licence holder to not be fit and proper to hold a licence.

E8 Licensing and Regulatory offences

- E8.1 The Council will not grant a licence to an applicant convicted of Licensing Offence (i.e. an offence under the 1847 Act, the 1976 Act, bye-laws, associated legislation or as a result of a breach of licensing conditions) until the applicant is at least 1 year clear of the conviction.
- E8.2 The Council will not grant a licence to an applicant convicted of an offence under any regulatory regime (i.e. licensing, planning, food safety etc.) until the applicant is at least 1 year clear of the conviction.
- E8.3 The Council will review the licence of any licence holder convicted for a licensing offence.
- E8.4 A licence holder convicted of a licensing offence by the Council may have their licence revoked. The Council may chose not revoke a licence if the licence holder:
- a) has not previously committed an offence;
 - b) has no other relevant convictions;
 - c) has no Council imposed penalty points for similar offences to that which he was convicted of;
 - d) admitted the offence and assisted officers with their investigation;
 - e) Satisfactorily passes the Councils Induction and Knowledge test.
- E8.5 An applicant with more than one conviction for a licensing offence, within a 3 year period, will have their licence revoked. Licensing offences committed over a longer period will be reviewed.
- E8.6 Any person who has had their licence revoked will not be considered to be able to demonstrate that they are fit and proper to hold a further licence until at least 12 months has elapsed since the date of revocation.
- E8.7 Where a licence has been revoked due to a conviction the timescales as indicated in the relevant part of this appendix will apply.
- E8.8 Applicants who receive 12 penalty points under the Council's Penalty Points Warning Scheme will have their licence reviewed. If their licence is not revoked at that time it would be expected that any further breach resulting in penalty points, driving endorsement, conviction or caution would result in revocation. Those who do not reach the 12 point threshold to have their licence reviewed but show evidence of regular offending may still have their licence suspended, revoked or an application refused.

E9 Cautions and Endorsable Fixed Penalties

- E9.1 For the purpose of the timescales expressed in these guidelines, cautions, endorsements and fixed penalties will be treated as though they were convictions.

- E9.2 The Council recognises that cautions or fixed penalty notices are utilised for low level offences where it was not considered in the public interest to prosecute. The Council also acknowledges that a person must admit the offence in order to be cautioned or to accept a penalty notice.
- E9.3 An applicant subject to a current court order or injunction will not be granted a licence.
- E9.4 The Council will expect an applicant to be at least 1 year clear of a court order or injunction and at least 3 years for any court order or injunction related to anti-social behaviour, harassment, violence or dishonesty before a licence is granted.

E10 Allegations

- E10.2 The Council recognises that where allegations are made a licence holder is, in the eyes of the law, innocent until proven guilty. The Council must, however, consider first and foremost the safety of the public.
- E10.3 If an allegation is made about a licensed driver the Council will investigate and review that licence.
- E10.4 Where an allegation made about a licensed driver is being investigated by the Police or another agency and there is no immediate public safety risk the Council will wait until the conclusion of that investigation.
- E10.5 Where an allegation made about a licensed driver is being investigated by the Police or another agency and the Council considers that, if true, the licensed driver would pose a danger to the public the Council will review the licence.
- E10.6 When making a decision based on an allegation the Council will consider the seriousness of the offence alleged, whether the licence holder has been charged, whether the licence holder notified the Council of the offence and the licence holders previous criminal history.
- E10.7 The Council shall base its decision on the balance of probabilities as to whether the licence holder has committed the offence and poses a danger to the public.

E11. Review of Licences

- E11.1 The review of a licence (including an appropriate investigation) will occur once the Council are aware of a conviction and will result in the suspension or revocation of a licence.

E12. Immediate public safety risk

- E12.1 Where it is in the interest of public safety to do so, the Council may suspend or revoke a licence with immediate effect.

E12.2 The Council considers any conviction for or allegation of a sexual or violent offence stipulated in para's E4.4, E5.1, E5.2 and E5.2 to be very serious and a danger to the public and warrant a revocation or suspension of a licence with immediate effect.

E13 Table of traffic offences

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

CODE	OFFENCE	Penalty Points	Duration on DVLA Licence	Major or Minor Traffic offence
AC10	Failing to stop after an accident	5 to 10	4 years from date of offence.	Major
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10	4 years from date of offence.	Major
AC30	Undefined accident offences	4 to 9	4 years from date of offence.	Major
BA10	Driving while disqualified by order of court	6	4 years from date of offence.	Major
BA30	Attempting to drive while disqualified by order of court.	6	4 years from date of offence.	Major
BA40	Causing death by driving while disqualified	3 to 11	4 years from date of the conviction.	Major
BA60	Causing serious injury by driving while disqualified	3 to 11	4 years from date of the conviction.	Major
CD10	Driving without due care and attention	3 to 9	4 years from date of offence.	Major
CD20	Driving without reasonable consideration for other road users	3 to 9	4 years from date of offence.	Major
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9	4 years from date of offence.	Major
CD40	Causing death through careless driving when unfit through drink	3 to 11	11 years from date of offence.	Major
CD50	Causing death by careless driving when unfit through drugs	3 to 11	11 years from date of offence.	Major
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11	11 years from date of offence.	Major
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11	11 years from date of offence.	Major
CD80	Causing death by careless, or inconsiderate, driving.	3 to 11	4 years from date of offence.	Major
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11	4 years from date of offence.	Major
CU10	Using a vehicle with defective brakes	3	4 years from date of offence.	Minor
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.	3	4 years from date of offence.	Minor

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

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

TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	4 years from date of offence	Minor
TS60	Failing to comply with a school crossing patrol sign	3	4 years from date of offence	Minor
TS70	Undefined failure to comply with a traffic direction sign	3	4 years from date of offence	Minor
TT99	Disqualification under "totting up" – 12 points within 3 years.		4 years from date of conviction.	Major
UT50	Aggravated taking of a vehicle	3 to 11	4 years from date of offence	Major

Appendix F

Hackney Carriage Byelaws

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

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

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

- F4. The proprietor of a Hackney Carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- F5. The driver of a Hackney Carriage provided with a taximeter shall:
- a) when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) as soon as the carriage is hired by distance and before beginning the journey bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957 and also at any time at the request 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.
- F9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- F10. The proprietor or driver of a Hackney Carriage who has agreed or had been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- F11. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- F12. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- F13. If a badge had been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for hire and when hired, wear that badge in such position and manner as to be plainly visible.
- F14. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
- a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
- F15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list –
- NB Provision of ranks now repealed under Section 63 of the 1976 Act.**

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

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

F17. a)The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures.

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

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

F18. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

F19. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:

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

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

F20. Every person who shall offence against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

Appendix GA – Hackney Carriage Drivers code of conduct

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

Licence is not transferable

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

When the Licence must be produced

GA2 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.

GA3 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

GA4 The Licensee shall at all times when acting in accordance with this licence wear in such a position as to be plainly and distinctly visible the badge issued 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.

GA5 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.

GA6 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.

6 Months outside the UK

GA7 If the Licensee is outside of the United Kingdom for a period of 6 months or more the Licensee shall notify the Council upon his return to the UK and prior to undertaking any licensed activities authorised by this licence.

Right to work in the UK

GA8 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

GA9 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

GA10 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.

GA11 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.

Safe Storage of luggage

GA12 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 carry Assistance dog

GA13 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.

GA14 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.

Safeguarding duty

- GA15 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.
- GA16 The Licence holder will support the Council's Safeguarding duties and report 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 childcare proceedings.

To comply with conditions, code of conduct and penalty points

- GA17 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

- GA18 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.

Observance of vehicle licence conditions

- GA19 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.

Vehicle must be fit for use

- GA20 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 Phones etc.

- GA21 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

- GA22 The licensee shall ensure that the vehicle complies with requirements of the Health Act 2005 and its subordinate legislation and ensure that no person, including the licensee, smokes in a licensed vehicle and correct signage is displayed on that vehicle when licensed.

GA23 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 requirements of this code by the Licence holder but do not form part of the conditions.

Appendix GB

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

Licence is not transferable

- GB1. 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

- GB2. 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.

- GB3. 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

- GB4. The Licensee shall at all times when acting in accordance with this licence wear in such a position as to be plainly and distinctly visible the badge issued 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.

- GB5. 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.

- GB6. 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

- GB7. 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

GB8. 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

GB9. 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

GB10. 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.

GB11. 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

GB12. 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

GB13. 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

GB14. 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

GB15. 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

GB16. 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:

- c) Be stored in such way as to prevent the driver from operating vehicle safely and in compliance with the relevant national legislation.
- d) 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

GB17. 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

GB18. 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

GB19. 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.

GB20. 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

GB21. 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

GB22. 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.

GB23. 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

GB24. 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

GB25. 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

GB26. 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

GB27. 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

GB28. 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

GB29. 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

GB30. 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

GB31. The licensee shall not carry more than the maximum number of passengers for which any vehicle is licensed.

Vehicle must be fit for use

GB31. 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.

GB32. 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

GB33. The licensee shall ensure that the vehicle complies with requirements of the Health Act 2005 and its subordinate legislation and ensure that no person, including the licensee, smokes in a licensed vehicle and correct signage is displayed on that vehicle when licensed.

GB34 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.

APPENDIX H

Code of Conduct for Licensed Drivers

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
- c) To take all reasonable adjustments to assist any person with a disability.
- d) To not refuse to take a passenger in a wheelchair or assistance dog.
- e) Respect authorised Officers during the normal course of their duties.

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.

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
- 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.

APPENDIX J

Private Hire Operator's Licence Conditions

Local Government Miscellaneous Provisions Act 1976

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] and the Operator shall maintain an independent operation in Milton Keynes by the installation of a dedicated telephone line or dedicated telephone lines at the premises licensed.

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 employed at the licensed premises in order to be contacted by Milton Keynes Council. The person at the premises will be trained by the licence holder to access and provide to the Council all information required to be recorded and kept by the Operator.

Telephone numbers

J5 The telephone number(s) [*as applied for and subject to Council Policy*] shall only be answered at the above stated licensed premises and shall be the only telephone number(s) used by the licence holder exclusively for the acceptance of bookings for private hire vehicles despatched under the terms of this Operator licence and the vehicles despatched under the terms of the licence shall only be private hire vehicles licensed by Milton Keynes Council.

J6 If the telephone number(s) stated in J5 above is diverted to the telephone of another licensed Operator (including an affiliate Operator with the same name but a separate Operators licence) an electronic recorded message or a telephone operator shall state clearly that the call is being diverted and;

- State the name of the Operator to whom it is being diverted to;
- State the name of the Council that has licensed that Operator

- State that any vehicle despatched shall be licensed by that Council.

Acceptance of bookings

- J7 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.
- J8 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

- J9 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.

SMS Confirmation of bookings

- J10 The Operator must provide an SMS confirmation service confirming registration number, make and colour of the vehicle and that it is licensed by the Council.

Records to be kept of private hire bookings

- J11 The operator 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

J12 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) Retain the Council signed Operators duplicate copy of the Combined or Private Hire Driver paper licence of any persons employed or sub-contracted by them.
- (iii) On receipt of the Council signed Operators duplicate copy Combined or Private Hire Driver licence the Operator must record as a minimum and, submit to the Council upon request, the following:
 - The drivers' start date
 - Drivers full name and address, mobile telephone number and email address
 - The type and number of the drivers licence badge number held
 - Finish date (when known)
- (iv) The operator will not employ or use any driver, employee or other person to whom they sub-contract to, without first obtaining a copy of the licence and verifying that they remain licensed.
- (v) The Operator shall not employ, sub-contract to or other wise use for the purpose of driving a private hire vehicle despatched under the terms of this licence, any person who is also employed, sub-contracted to, or used for purpose of driving a private hire vehicle by another Operator licensed under the above Act.
- (vi) The Operator shall notify the Council in writing of any driver licensed by the Council who the Operator is aware is employed, sub-contracted to, or otherwise used for the purpose of driving a private hire vehicle, by another Operator.
- (vii) 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

J13 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

J14 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.

School Transport Records

J15 Where the operator is providing school transport they shall keep a record of those escorts accompanying bookings and comply with the requirements of any Council contract granted to them by the Council.

Duration for records to be kept

J16 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

J17 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

J18 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.

J19 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.

J20 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.

J21 The operator shall exercise all due diligence to ensure that any other signage required by law or conditions, including but not limited to, no smoking signs and CCTV signage, are affixed to any private hire vehicle operated under the terms of this licence in such position as may be required by law or condition or otherwise authorised by the Council

J22 The operator may display on licensed vehicles operated under the terms of the licence a non-reflective sign on the exterior surface of each front door (“door sign”) stating the words “ADVANCE BOOKING ONLY” or “PRIVATE HIRE ADVANCE BOOKING ONLY”. The door sign must also include the name of the Operator and may include the logo, website, email address and the Milton Keynes telephone number belonging to that Operator.

J23 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.

Code of Conduct

J24 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

J25 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

J26 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.

J27 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.

Assistance dogs and wheelchairs

J28 The operator shall comply with the provisions of the Equality Act 2010 and ensure that no driver of a private hire vehicle operated under the terms of this licence shall refuse to accept a passenger in a wheelchair, where that vehicle

is suitable to take that passenger or a passenger with an assistance dog. No extra charge may be made by the operator for carrying a passenger in a wheelchair or with an assistance dog.

- J29 The operator shall record and share with the Council the details of any driver of a private hire vehicle operated under the terms of this licence who has been granted by the Council an exemption from the duties to take a wheelchair passenger or assistance dog under the Equality Act 2010.

Change in vehicle numbers

- J30 The operator shall inform the Council within 14 days of any change in the number of vehicles that it has been licensed to operate.

Special conditions for Small operators with 4 or less vehicles

- J31 Where an operator is licensed to operate 4 vehicles or less the Council will, exempt that Operator from conditions J4 and J10 and instead apply the following conditions:

J4A 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 the operator is available to be contacted by Milton Keynes Council and will provide to the Council all information required to be recorded and kept by the Operator

J10A The Operator shall confirm each booking received to the hirer and inform them of the vehicle registration number, make and colour and that it is licensed by Milton Keynes Council or that it has been sub-contracted to another operator.

J31A The operator will be permitted to use a mobile phone to receive and accept bookings unless otherwise directed by the Council.

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 System and other Disciplinary Action

- K1.1 The Council's main objective when licensing individuals is to protect the public and therefore, to ensure that only "fit and proper" individuals are hackney carriage or private hire vehicle drivers, proprietors or operators. The majority of offences created by the legislation applicable to licence holders require the Council to either prosecute or suspend or revoke a licence. It is often not in the public interest for the Council to prosecute for minor or technical offences. However, by issuing a warning and proportionate penalty points the Council is able to remind licence holders of their duties and identify frequent minor breaches which in their totality may indicate that a licence holder is not fit and proper.
- K1.2 The penalty point warning system is an administrative tool used by the Council and identifies a number of breaches of conditions, byelaws and/or statutory provisions which may be committed by a driver, proprietor or operator and attributes a point value to be invoked should a breach be proven to have been committed by a licence holder. The implementation of points will take place following an appropriate investigation of offences, which could be a simple observation of an offence by an authorised Officer, based on clear documentary evidence, receipt of formal proceedings (including those conducted elsewhere by another agency e.g. the police), or the receipt of witness statements.
- K1.3 The Penalty Point Warning Scheme is to be used by Officers of the Council to identify minor breaches of behaviour and their frequency. Members of the Regulatory Committee or its sub-committee when determining applications for the revocation, suspension, renewal or grant of a licence cannot impose a warning or penalty points as on these occasions they sit to determine if an applicant is "fit and proper" to be licensed.

K2 The details of how the scheme operates

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

responsibility is held. Any discretion will be exercised in accordance with the Council's Enforcement Policy.

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

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

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 and will either be required to attend before a Regulatory Sub-Committee to determine an appropriate disciplinary sanction or, subject to K3.2 (below), be required to undertake the Council's induction and knowledge test.

K3.2 The Council will take into account previous cautions, suspensions or prosecutions when reviewing a licence. If it is considered that the points arise out of a lack of knowledge of licensing conditions the licence holder may be offered an informal sanction (below) and the 12 points will stay on their record for a further 12 months.

K3.3 Any further imposition of penalty points 12 months after the decision to offer an informal sanction or the refusal of a licence holder to undertake an informal sanction, will result in the suspension, revocation or review by a Council Officers/Regulatory Sub-Committee of that licence holder. The options open to Council Officers/Committee are explained below.

K4 Disciplinary Sanctions

K4.1 The Committee can decide to take the following action:

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

K4.2. Where the Council requires the licence holder to evidence that they are fit and proper by showing that they understand the Council's requirements of them the Committee may:

- 1) Request that the licence holder re-take's the Councils induction or a part of it, at the licence holders own cost.
- 2) Takes the Council's Knowledge Test at the licence holders own cost.
- 3) Take a relevant taxi driving test at the licence holders own cost.
- 4) Take such other recognised training course that the Committee may specify.

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

K4.3 Penalty points will continue to be live following a disciplinary hearing and a sanction imposed where they are still within the relevant period. If the licence holder receives further penalty points and once again reaches or exceeds the specified points total within a relevant period the same process as above will take place. However, it would be expected on such an occasion that the Committee would be strongly minded to revoke the licence.

K4.4 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.

K4.5 Any driver or vehicle proprietor or operator who has their licence suspended or revoked at a disciplinary hearing has the right of appeal to the Magistrates' Court against the suspension or revocation. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.

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
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
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 position 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 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*
D16	Failure to provide up to date documents as requested by the Council such as driving licence, passport, medical, work permit etc.	C	4
D17	Failure to ensure and display a vehicle licence plate in authorised manner.	A, C	4

D18	Failure to convey or assist with carrying luggage.	C	3
D19	Failure to deliver lost property to police.	C, B	3
D20	Failure to display tariff card in the vehicle.	B,C	3
D21	Interfering with a taximeter.	A, B,	4
D22	Failure to display vehicle licence plate in authorised manner.	C	3
D23	Failure to return vehicle licence plate at request of authorised officer following expiry, revocation or suspension of licence.	A, C	6
D24	Using unlicensed vehicle or using a vehicle without insurance.	A,C	10*
D25	Carrying more passengers than permitted by vehicle licence.	A, C	8
D26	Refusal to carry passengers without reasonable excuse.	B,C	6
D27	Failure to notify the Council of serious injury or illness.	C	10*
D28	Failure to keep proper records as required by conditions of licence.	C	6
D29	Refusing to take a fare without good reason.	B, C	6
D30	Charging or attempting to charge more than the agreed or legal fare.	B, C	6
D31	Permitting a vehicle other than a Hackney Carriage to wait on a Hackney Carriage stand.	A, B	6
D32	When driving a Hackney Carriage charging or attempting to charge more than the metered fare (whether for private hire or not).	A, B	6
D33	Failure to comply with any other licence condition imposed on the drivers licence not specifically detailed in this scheme.	C	2
D34	Failure to comply with any other legislative provision, or bye-law not detailed in this scheme.	A, B	3
D35	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 certificate in place.	A, C	10*
P10	Permitting a vehicle to be used that is unfit for use as a Hackney Carriage or Private Hire vehicle.	A,C	4
P11	Employing or permitting a vehicle to be driven by a person not holding a 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
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.

Taxi Licencing

Synergy Park
Chesney Wold
Bleak Hall
Milton Keynes
MK6 1LY

T:01908 252860

E:taxi.licensing@milton-keynes.gov.uk

Taxi Enforcement

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

T: 01908 253599

E: taxienforcement@milton-keynes.gov.uk



www.milton-keynes.gov.uk/taxi