

# **DRAFT Hackney Carriage and Private Hire Licensing Policy 2023 – 2028**

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# 1 Bracknell Forest

- 1.1 The Borough of Bracknell Forest lies 28 miles west of London at the heart of the Thames Valley. Bracknell is bordered to the south by Swinley Forest and by Crowthorne Woods to the south east and south. Its neighbouring parishes of Binfield, Warfield and Winkfield are part of the borough of Bracknell Forest. To the east, the urban area connects with Ascot to form a continuous conurbation that extends to Central London.
- 1.2 The town has good road links and is situated at the end of the A329 (M) motorway, midway between Junction 3 of the M3 and Junction 10 of the M4 motorways. Heathrow Airport is 13 miles east of Bracknell, green line operates a bus from Heathrow Airport to Bracknell.
- 1.3 According to the Office for National Statistics in 2018 there were 121,676 people in Bracknell Forest. Since 2006, Bracknell Forest alongside Reading have consistently ranked highest in the Demos-PwC good growth for cities index. This is on par with Oxford and is higher than Cambridge or London. Bracknell Forest has particular strengths in skills, jobs, health and income. Furthermore, Bracknell Forest is within an hour's reach of several excellent business universities including Reading, Henley Business School, Oxford and Royal Holloway, University of London. Bracknell town centre's extensive regeneration, known as the Lexicon, was completed in September 2017. An investment of £240 million created 1,000,000 sqft of total retail floor area, establishing a fantastic retail offer of 70 new shops, high quality restaurants and a 12 screen cinema. Bracknell, alongside Reading, was ranked by PwC in 2015 as the best place to live and work in the UK for the fourth year running. With easy access to beautiful countryside, world class golf clubs and Michelin starred restaurants, it is not difficult to see why.
- 1.4 Work is continuing to develop Princess Square and the future of the area around the old Bentalls store called the Deck.

# 2 Introduction

- 2.1 This is a policy and therefore outlines the general approach that will be taken by Bracknell Forest Council, and provides information for applicants, licensees and the citizens of Bracknell Forest. It is written as far as possible in plain English and will be interpreted in that way. It remains a policy, and therefore guidelines and should not be, and will not be, interpreted or applied as if it was legislation.
- 2.2 The aim of the licencing process is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because they play a part in local transport provision. It is important that the Councils hackney carriage and private hire licensing powers are used to ensure that licenced vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 2.3 Hackney carriage and private hire vehicles have a valuable role to play in an integrated transport system. They can provide demand responsive services in situations where public transport is either not available (i.e., rural areas, or outside normal hours of operations and for those with mobility difficulties).
- 2.4 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised where necessary. The operational delivery of the licensing functions is delegated to the Public Protection Partnership (PPP).

- 2.5 The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their business. This guidance, application forms and current fees are also available on the website.
- 2.6 This policy details the requirements that will need to be met before any Dual or Private Hire Driver Licence, Hackney Carriage or Private Hire Vehicle Licence or Private Hire Operator licence is issued or renewed by Bracknell Forest Council.
- 2.7 The requirements for private hire operators and vehicles that undertake school or community service contracts issued by Bracknell Forest Council are the same as for all other private hire operators and vehicles. However, drivers who only undertake work as part of such a contract will be excluded from the requirement to undertake a knowledge test. All other requirements remain in place. This alteration from the usual policy recognises that these drivers will be undertaking journeys on fixed routes. A Bracknell Forest Council Home to School driver's licence only will be issued to such people and will be subject to conditions that restrict its use to journeys undertaken under a contract between the private hire operator and a local education authority or a social services authority.

### 3 SCOPE

- 3.1 **Hackney Carriages:** A vehicle available to transport members of the public that has no more than eight seats for passengers, which is licensed to stand or ply for hire. A hackney carriage may stand at designated taxi ranks (referred to in legislation as a "hackney carriage stand") and also on the street ("standing for hire") and/or be hailed in the street by members of the public ("plying for hire"), in both cases within their designated zones. They may also undertake pre-booked journeys.
- 3.2 **Private Hire Vehicles:** These are licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks. This will include 'Home to Transport' vehicles where specified.
- 3.3 **Private Hire Operators:** are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.
- 3.4 **Dual or Private Hire Driver Licence,** Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle. Bracknell Forest Council issues dual driver licences which allow that individual to drive either a Bracknell Forest hackney carriage or a Bracknell Forest private hire vehicle. For the avoidance of doubt Private Hire Drivers include 'Home to School Transport' Drivers except where specified.

## 4 Legislation, Byelaws, Guidance and Policy

- 4.1 Hackney carriage and private hire activity are governed by two principal pieces of legislation, the [Town Police Clauses Act 1847](#) and the [Local Government \(Miscellaneous Provisions\) Act 1976, in](#) both cases as amended by subsequent legislation.
- 4.2 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters.
- 4.3 In adopting this policy, the Council has had regard to the likely costs of implementation and have endeavoured to strike a balance between the financial interests of the trade and the protection of the travelling public.
- 4.4 This policy also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which the Council has adopted.

## 5 Applications for Licences

- 5.1 The Council requires that applications for hackney carriage/ private hire licences must be made on the prescribed application form which is available from the [Public Protection Partnership website](#).
- 5.2 The licence fees payable to the Council are subject to annual review and will be published [here](#) on the Public Protection Partnership website.
- 5.3 If the applicant fails to provide all documentation required for a licence application, it will be deemed invalid and the full application will be returned to the applicant. Once the Council are in receipt of all the documents, the application will be deemed valid and assessed and determined in accordance with this policy.
- 5.4 Where officers, acting under delegated authority, are minded to refuse to grant a licence following a new or renewal application, the applicant will be offered the opportunity for the matter to be determined by a Panel of Members drawn from the Licensing and Safety Committee. If the applicant takes up this option they will be informed in writing of the date and time of the meeting and will receive information on their rights and the process of the hearing.
- 5.5 Where a new or renewal licence application is refused, the applicant has a right of appeal to the Magistrates' Court, or to the Crown Court for Hackney Carriage vehicle licence applications. Where an existing licence is suspended or revoked, the licence holder has a right of appeal to the Magistrates' Court. An appeal must be lodged with either Court within 21 days of notification of the refusal, suspension or revocation.

- 5.6 Bracknell Forest Council will aim to send a reminder to licence holders before their licence expires or their supporting documents expire, in order to assist them in prompt submission of renewal applications and to ensure that they are not in breach of the conditions of their licence. Please note that councils are not obliged to do this and the responsibility of ensuring licences and/ or supporting documents do not expire, remains with the licence holder. Applicants must therefore allow adequate time for the processing of their renewal applications. The Council is not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS).
- 5.7 If an application to renew a licence is received late, the licence may expire before a new licence can be issued. For operators, this will mean that they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licenced by Bracknell Forest Council until a new licence has been granted.
- 5.8 Bracknell Forest Council may share information with other public bodies such as other councils, the police, Home Office Immigration Compliance Enforcement, Driver and Vehicle Licensing Agency (DVLA) and HM Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is valid reason to do so, for example investigation of a criminal offence.
- 5.9 Where drivers have been licenced with other authorities, or live in other local authority areas, we will carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the Council will use the National Anti-Fraud Network national register of taxi and private hire vehicle driver licence refusals and revocations (known as NR3S, to check and share information and mitigate the risk of non-disclosure or relevant information by applicants.

## **6 National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3S)**

- 6.1 Licensing authorities in England must input into a central database, the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3S), instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or Private Hire driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.
- 6.2 Where a hackney carriage/PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3S. Information about the process, procedures and length of time information will be retained is included in the [NR3S Procedure](#).
- 6.3 All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received because of an NR3S search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.



## 7 Suitability to Hold a Licence

7.1 When considering whether a person is fit and proper to hold a licence the Council shall take into account this policy including the 'code of conduct', Dft Taxi and Private Hire Driver Standards and the [Hackney Carriage and Private Hire Licensing Criminal Convictions Suitability of Applicants and Licensees Policy](#), which was adopted in October 2019. The policy provides guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence (including home to school transport drivers) or a private hire vehicle operator's licence.

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

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

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

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

7.3 All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences) driver education courses and any disqualifications from driving in writing within 48 hours from the date of formal notification.

7.4 All licence holders are required to inform the Council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police or other enforcement body. This will make the Council aware of any public safety concerns and allow officers to take appropriate action. Failing to notify the Council may result in additional enforcement action against the licence.

7.5 A licence may be revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs;
- A drug related offence;
- An offence of a sexual nature;
- An offence involving dishonesty.

7.6 A licence may also be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought. In all cases the licence holder will be given an opportunity to make representations in support of themselves and these will be taken into account by the Council.

## 8 Change of Licence Holder's Details

8.1 All licence holders must notify the Council in writing of any change of name, postal address, email address or contact number during the period of the licence within seven days of the change taking place.

8.2 It is recommended that all licence holders notify the Council if they are likely to be unable to be contacted for more than four weeks. This may help to prevent unnecessary suspension or revocation of licences.

## 9 Enforcement

9.1 Enforcement is part of the overall licensing control process exercised by the Council and is taken to:

- Ensure public safety.
- Maintain standards within the trade.
- Support the policies for Bracknell Forest Council.
- Respond to complaints.
- Support partnerships with neighbouring local authorities such as West Berkshire and other agencies such as the police and the Driver and Vehicle Standards Agency.

9.2 All enforcement will be proportionate, transparent and in accordance with our [Enforcement Policy](#) while the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers and the police.

9.3 Any enforcement system needs to deal with persistent, low-level breaches up to serious, possibly criminal behaviour. There are grades of sanctions from informal advice and warning, through to the suspension and revocation of licences.

9.4 Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who wilfully obstructs an officer, fails to comply with any reasonable requirement of an officer, fails to provide assistance or information reasonably required by an officer, or makes a false statement, may be prosecuted for breach of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders may be requested to attend the Council Offices to produce relevant documents e.g., their current insurance documents or their vehicle for inspection.

## 10 Action against Licences (Suspension, Revoke or Refuse)

10.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the licensee has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.

10.2 A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

## 11 Appeals

11.1 There is a right of appeal to the Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a driver's licence, or suspension or revocation of a driver's licence. Full details about how to appeal will be contained in the decision notice.

## 12 Hackney Carriages and Private Hire Vehicles- Applications for Vehicle Licences

12.1 A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under agreement. In both cases the proprietor requires a hackney carriage or private hire vehicle licence from the Council before they are legally entitled to use the vehicle to carry passengers for hire and reward. Hackney carriages are permitted to ply for hire and carry out pre-booked work, and private hire vehicles may only carry out work pre-booked through a licenced private hire vehicles operator.

12.2 This policy outlines the minimum requirements for vehicles licensed by Bracknell Forest Council. This has been set down for purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be taken into consideration **before** a vehicle is purchased. Any vehicle presented for licensing which does not comply with the policy, will not be accepted.

12.3 **At first application** - a vehicle licence will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than five years prior to the date that the application is made.

12.4 **At renewal –The following criteria for emission standards will apply:**

### Emissions Standards

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

- **For any vehicle renewing in 2027/28** – the vehicle must be compliant with Euro 5 emissions standards. Vehicles will therefore be a maximum of 16 years old.
- **For any vehicle renewing in 2029/30** – the vehicle must be compliant with Euro 6 emissions standards. Vehicles will therefore be a maximum of 15 years old.
- **Where vehicles do not meet the relevant emissions criteria**, the proprietor may have the vehicle adapted/ modified to meet the standard and provide evidence of this; or replace the vehicle with one that meets the emission standard.

12.5 Notwithstanding, that each application will be considered on its own merits.

12.6 If the licence of a currently licenced Hackney Carriage or Private Hire Vehicle is allowed to expire then any subsequent application will not be considered as a renewal.

12.7 This means that where an existing vehicle licence expires the subsequent application will be treated as a first time application and the standards and criteria relating to first time application will be applied.

12.8 The emissions limits detailed above do not apply to stretched limousines, vintage cars or novelty vehicles (for example a fire engine), which have been adapted to become private hire or hackney carriage vehicles.

## 13 Criminal Record Checks

13.1 All vehicle applicants must provide a current basic DBS disclosure (dated three months of date of issue). If the vehicle proprietor is also a licenced driver or operator with the Council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure and the operator will already have provided a Basic DBS disclosure.

13.2 Should the individual cease to hold a driver or operator licence, a basic DBS will be required to be provided within a month of that licence expiring. The Council will then decide whether the applicant is a 'fit and proper person' to hold such a licence.

13.3 Where the proprietor is trading as a limited company (or partnership) the Council will also require all directors and company secretary (or Partners) to all provide Basic DBS disclosures. The company (or Partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence and provide a current basic DBS (dated three months of date of issue.)

13.4 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, Isle of man, and Gibraltar, therefore if an applicant has spent three continuous months or more, in countries other than these, at any point beyond the age of ten years old, an authenticated certificate of good conduct must be submitted in English or accompanied by a translation by a certified translator.  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

13.5 Where the Council have reasonable cause for concern relating to a particular vehicle proprietor a random DBS check may be carried out. If a proprietor is given notice to undertake a random DBS check by the Council, they must do so within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

## 14 Specifications and Conditions

14.1 The Council has adopted minimum standards that they will apply to all licenced vehicles. These are set out in the below policy.

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# POLICY IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES

## 15 Single Licences

15.1 Applications will not be accepted if the vehicle is already licensed by any other licensing authority (council or Transport for London).

## 16 Accessible Vehicles

16.1 The Council is committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life.

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

16.3 In addition all drivers must, at all times, ensure that they do not discriminate unlawfully.

## 17 General Application Process for Vehicles

17.1 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence.

17.2 A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted.

17.3 If the application is not made in time to enable the vehicle test to be undertaken and all relevant processes to be completed before the expiry of the current vehicle licence, there will be a period of time during which the vehicle will be unlicensed and cannot be used as a hackney carriage or private hire vehicle.

17.4 If the application is not made before the expiry of the current licence, but is made within five working days after expiry, the licence will only be renewed in exceptional circumstances. Using a vehicle, as a private hire vehicle or hackney carriage, when it does not have a valid Private Hire Vehicle or Hackney Carriage Proprietors Licence is a criminal offence.

17.5 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken. This may include taking action against the licence, prosecution of the applicant and reporting the matter to other enforcement agencies including the police.

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

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

## 18 Vehicle Type and Design

18.1 All vehicles which are the subject of a licence application must have an appropriate 'type approval' which is one of the following:

- European Whole Vehicle Type Approval.
- British National Type Approval.
- Provisional GB Type Approval.
- GB Type Approval or
- Individual Vehicle Approval.

18.2 All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

18.3 With the exception of vehicles modified to carry wheelchairs, vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes. Exceptions may be made depending upon the nature of the modification.

18.4 Any vehicle which resembles a hackney carriage licensed by the Council will not be considered for licensing as a private hire vehicle.

## 19 CCTV in Vehicles

19.1 **Where** CCTV is fitted to a licensed vehicle, and in use, it must comply with the Information Commissioner's data protection requirements and Codes of Practice which is as follows:-

- a) Be capable of recording date, time and vehicle identification, such features to be always activated when in use.
- b) Be event activated (e.g., door or ignition) and must continue to record for at least 30 seconds after the ignition is switched off.
- c) Be capable of storing recorded material for at least 30 days.
- d) Incorporate a panic button which stores at least the previous ten minutes of recording in a separate part of the recording media be capable of having recorded material downloaded to another storage device for reviewing.
- e) Have storage media which is not accessible to the driver or any other person travelling in the vehicle.
- f) Have a data storage unit, securely fixed to the vehicle, and stored separately from the recording unit, out of view of any passenger in the vehicle.



- g) Be capable of recording images of all passengers travelling in the vehicle and the driver.
- h) Be always kept in good working order.
- i) Enable recordings to be made available to Licensing Officers or the Police on request.

## 20 Vehicle Standards/Testing

20.1 No vehicle will be licensed unless it:

- a) has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Bracknell Forest Council nominated garage.
- b) has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.

20.2 The Council licences four different types of vehicle:

- Wheelchair Accessible Vehicles (WAV).
- Non-Wheelchair Accessible Vehicles.
- Stretched limousines.
- Novelty vehicles.

20.3 In respect of all vehicles, there must be a minimum seating capacity for one adult passenger, and vehicles that seek more passengers must provide a width of at least 410mm per person across any seat which accommodates more than one person.

20.4 There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat. Adequate means that a six foot tall person can sit comfortably.

20.5 The Council does not maintain a list of acceptable vehicles but it is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.

20.6 All licensed vehicles except for private hire vehicles which are granted a dispensation or exemption from displaying signage must meet the following requirements: [Details in paragraph 36.](#)

- a) Light transmitted through the windscreen must be at least 75%;
- b) All other windows (both front and rear) must allow at least 70% of light to be transmitted.

20.7 Where vehicles which are currently licensed have factory tinted/privacy glass fitted and are able to provide documentary evidence that this was fitted at the time of manufacturing and has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

20.8 No aftermarket tinted film can be attached to the windows of any licensed vehicle.

20.9 Any vehicles that have been involved in an accident, which have required repair, may have to pass a further inspection at one of our nominated testing stations.

## 21 Stretched Limousine

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

21.2 Where any screen is fitted between the driver and the rear passenger compartment, passengers must be able to communicate with the driver at all times by means of an intercom system or suitable holes in the screen.

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

## 22 Funeral and Wedding Vehicles

22.1 There is currently no requirement for a vehicle to be licenced where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

22.2 A vehicle does not need to be licenced to be used in connection with a wedding. Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement. However where a licenced hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed; for a licenced private hire vehicles the licence plate must be displayed unless a valid exemption notice is held.

## 23 Insurance

23.1 Before a vehicle licence will be issued, evidence of comprehensive insurance for either hackney carriage or private hire use (as appropriate) must be produced; this must be in the form of original documents, photocopies will not be accepted.

## 24 Age of vehicles

24.1 **At first application** - a vehicle licence will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than five years prior to the date that the application is made.

24.2 **At Renewal:** All vehicles should be at least Euro 5 from 2027/28 and Euro 6 from 2029/30.

24.3 All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer's servicing schedule.

In addition, all vehicles must meet the following minimum standards:

## **Exterior of Vehicle Licence Plate**

24.4 An external plate shall be fixed securely to the exterior of the rear of the vehicle.

24.5 A smaller internal double-sided version of the licence plate must be placed inside the top near side of the windscreen or as directed by a Council Officer.

24.6 Plates must be always kept clean and legible.

24.7 On revocation or expiry of a vehicle licence or the suspension of a licence the Council may serve notice on the proprietor requiring them to return the plate within seven days after service of the notice.

## **Exterior of the Vehicle**

24.8 The exterior paintwork on the vehicle must not:

- a) show signs of rusting.
- b) be faded or show signs of mismatched paint repairs.
- c) have five or more stone chips greater than 2mm in length in any direction.
- d) have eight or more stone chips of any size.
- e) have any scratches, cracks or abrasions where the top layer of paint has been removed.

24.9 The exterior bodywork of the vehicle must not:

- a) have two or more dents greater than 10mm in length in any direction;
- b) have four or more dents less than 10mm in length in any direction;
- c) have fittings that are missing, broken or damaged.

24.10 The vehicle must not have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.

24.11 The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused.

24.12 The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

## **25 Accidents in Vehicles**

25.1 If at any time the vehicle is involved in an accident, causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein, the proprietor must notify the Council by completing the Council's accident report form within 72 hours, describing the damage to the vehicle and include photos of the damage if possible.

25.2 If it is intended that the vehicle shall continue to be used following an accident, officers may require it to be presented for inspection as soon as possible after the accident has taken place. If there is any doubt as to the fitness of the vehicle a new MOT test and or compliance test may also be required, paid for by the proprietor.

- 25.3 Failure to present the vehicle for inspection on request following an accident will result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- 25.4 If the vehicle is not going to be repaired, the proprietor is responsible for removing the external plate and internal plate and returning these to the Council.

## **26 Electronic Payment Devices in Hackney Carriages and Private Hire Vehicles**

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

## **27 Interior of vehicle**

- 27.1 The seating and carpet areas of the vehicle must not show signs of:
- a) Staining.
  - b) Damp.
  - c) fraying or ripping of the material.
  - d) seat covers that are loose or badly fitted.
- 27.2 The seats must provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.
- 27.3 Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.
- 27.4 The interior of the vehicle must not have damp or other obnoxious smells.

## **28 Taximeters**

- 28.1 All hackney carriages must be fitted with a taximeter.
- 28.2 The taximeter must be set to a rate not exceeding that specified in the [council table of fares](#).
- 28.3 The taximeter must be used for all journeys charged by time and/or distance, and it is recommended that it is activated for all journeys within the district where a fixed fee has been agreed to avoid any risk of overcharging by the driver.
- 28.4 Private hire vehicles may be fitted with a taximeter (at the discretion of the vehicle proprietor). Any such meter must be approved by the Council in accordance with the above requirement for hackney carriages.

## **29 Advertising on Hackney Carriages**

- 29.1 Hackney Carriages are permitted to have full advertising wraps on their vehicles subject to the same advertising standards approved by the Bracknell Forest Council
- 29.2 Advertising must be approved in writing by a Licensing Officer prior to it being included on a licensed vehicle.
- 29.3 Advertising on the outside of any licensed vehicle is restricted to the name and telephone number of the owner or operator of the Hackney Carriage/Private Hire Vehicle, such advertisements must not exceed 50cm x 25cm and can only be affixed to the front and rear passenger doors, the boot, and the bonnet. Applications for departures from this limitation can be made in writing to Bracknell Forest Council's Licensing Team.
- 29.4 Any advertisements on any vehicles must be legal and comply with the [advertising standards agency code of practice](#).

### **30 Temporary Replacement Vehicle**

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

### **31 Disabled Access - Vehicle Standards**

- 31.1 All hackney carriages and wheelchair accessible private hire vehicles must comply with the following specification in addition to those detailed above;
- i. Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
  - ii. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.
  - iii. The clear height of the doorway must be not less than 1.2 metres.
  - iv. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.

- v. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
  - a) be not more than 380mm from the ground, (measured at the centre of the tread width);
  - b) the surface shall be covered in a slip-resistant material;
  - c) have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

31.2 Should any entrance be more than 380mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements:

- i. not be more than 380mm in height from the ground, (measured at the centre of the step width);
- ii. not be less than 250mm deep;
- iii. the surface shall be covered in a slip-resistant material;
- iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- v. not be capable of operation whilst the vehicle is in motion;
- vi. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

31.3 The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.

31.4 Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot **room is maintained at floor level.**

31.5 Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.

31.6 A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

## 32 Vehicle Type Approval

32.1 All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, re-tested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). V5 document must reflect the modification.

32.2 Those vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category and that the V5 document reflects the modification. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.

### **33 Access for wheelchair users to Taxis and Private Hire Vehicles**

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

### **34 Roof Signs**

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

34.2 A single roof sign must be fitted to each hackney carriage and meet the following conditions and specification:

- The roof sign must be connected to the taximeter to allow it to be automatically controlled.
- The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use.
- Roof signs must be kept clean and in good repair and at all times be securely mounted on the vehicle roof. The sign is to be positioned forward of the pillar between the front and rear doors (the B post), wherever possible. Vehicles with glass or fibreglass roofs or similar must attach the sign at the foremost point on the roof, where suitable magnetic adhesion is possible.

34.3 The proprietor must provide a roof sign to the following specification (unless the vehicle is a London Cab or other similar vehicle which was manufactured as a taxi and produced with a built in sign):

- The roof sign must be white in background colour. When lit, the sign must show red to the rear but not red to the front and sides.
- The front face of the roof sign must show the words “TAXI”
- TAXI must be in capitals.
- All inappropriate or unauthorised signage will be required to be removed.
- It may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions.

34.4 Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign fitted into the fabric of the vehicle, must comply with the above specification.

### **35 Roof Racks**

- 35.1 If required to carry additional luggage, a roof rack or roof box can be used. It must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
- 35.2 In the case of a hackney carriage, a second roof sign must be fitted to enable the roof signs to be seen. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box).

## **36 Dispensation /Exemption Certificates**

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

## **37 School Contracts**

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

## **38 Executive Hire**

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



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

## **39 Novelty Vehicles**

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

## **40 Equality Act 2010**

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

## **41 Data Protection**

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

# **POLICY IN RELATION TO DUAL DRIVER AND PRIVATE HIRE DRIVER LICENCES**

## **42 Grant and renewal of licences**

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

## **43 Licences and Badges**

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

## **44 Age and Experience**

- 44.1 The DfT guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory requirement of holding a full driver's licence for 12 months are unnecessary, advising that applicants should be assessed on their merits.
- 44.2 Drivers' licences will be granted for a period of three years up to the age of 65 unless an applicant requests a licence for a one-year period. The licence fee for years two and three will be waived to bring the payment schedule in line with fee structure of those under the age of 65.

## **45 Right to Work in the UK**

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

## 46 Pre-requisites to Making an Application

46.1 It is the policy of the Council that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete. Applicants will need to provide evidence that they have:

- (a) A UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).
- (b) Evidence of the right to live and work in the country.
- (c) Evidence of registration with HMRC for tax (in the case of an existing licensee), or an acknowledgement of the need to register for tax (in the case of a new applicant)
- (d) An enhanced criminal record check (DBS) with a check of the child and adult barred list.
- (e) A certificate of their current medical fitness to DVLA Group 2 standard.
- (f) That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.
- (g) That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for (the requirements are detailed below).
- (h) That the applicant has completed safeguarding and disability awareness training.

46.2 All applicants, aside from those who are renewing their licence, will have three calendar months from the initial interview to complete the application process. After this time any incomplete application will be closed and any subsequent application will be treated as a fresh application.

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

46.3 The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt, no new application will be accepted for a period of three calendar months from the date of the last test. If a new application is then made after the three months, the applicant will be required to pass all the tests required by the Council at the time of the new application.

46.4 An application for the renewal of a licence must be made prior to the expiry of the licence, and in sufficient time to enable it to be processed and renewed before the existing licence expires. If this is not the case, it will be treated as a new application. The licensee can apply in writing to the Council to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However, permission will only be granted when exceptional circumstances exist, and the application has been made within five working days of the expiry. An officer acting under delegated authority will determine whether there are exceptional circumstances.

46.5 If the renewed licence has not been granted by the time the current licence expires a short term licence which will be valid for a period of one month may be granted in order to enable the driver to continue working pending the granting of the renewed licence. Any such short term licence must be clearly issued as being without prejudice to any subsequent decision the Council might take in relation to the renewal application.

## **47 Behaviour and Conduct of Drivers**

47.1 The Council considers that to assist drivers and the public it would be useful to set down the standards that must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public.

47.2 Dual Driver Licensees will be required to comply with the current Bracknell Forest Council Hackney Carriage Byelaws in addition to the Code of Conduct detailed in this policy. A copy of these byelaws can be obtained from the Licensing Team at Bracknell Forest Council.

47.3 Failure to comply with any aspect of the Code of Conduct will result in enforcement action dependent upon breach. This may result in action against the licence, prosecution of the applicant and/or reporting the matter to other enforcement agencies including the police.

47.4 A driver's licence will cease to be valid on the suspension, revocation, surrender or expiry of the licence. Any badge supplied remains the property of the Council and must be returned to the Council if suspended, revoked, surrendered or expired. If a driver is given notice to return their licence and badge, they must do so within four days.

## **48 H M Revenues and Customs (HMRC) requirements**

48.1 New applicants for a licence will be required to acknowledge that they have been informed that they must register for tax with Her Majesty's Revenue and Customs (HMRC) before the licence is due to be renewed. This will be affected by the applicant signing a declaration to that effect.

48.2 Existing licensees who are applying to renew their licence must ensure that they are registered with HMRC and provide the required code from the HMRC website. Full details of this will be available from the licensing office and on the [website](#).

## 49 Criminal Record Checks

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

## 50 Certificate of Good Conduct

- 50.1 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of 10, an authenticated certificate of good conduct from the relevant embassy will be required.
- 50.2 All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translation. This includes any license holder who has lived in other countries for three months or more since the licence was granted.

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

## 51 Medical Examination

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

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

- 51.8 In addition, if an applicant or licensee has been diagnosed with type 1 diabetes requiring insulin, a medical compliance form will need to be completed and issued annually by that person's GP.

## 52 Driver and Vehicle Licensing Agency (DVLA) Licence and Checks

- 52.1 All applicants must have held a full DVLA/ EU/EEA for at least twelve months prior to application (this excludes the holding of a provisional licence).
- 52.2 Before the grant or renewal of a drivers' licence, all applicants will be required to submit a DVLA licence check code in order for a check to be carried out to confirm the current status of the DVLA licence. Any photo card must be current and valid.

- 52.3 The Council may undertake random checks of licenced driver's DVLA licences to identify undisclosed offences. If a driver is given notice to undertake a random DVLA check by the Council, they must provide a DVLA check code within seven days of request.
- 52.4 A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the DVLA information issued.
- 52.5 Any prospective applicant who does not hold a photo card driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application.
- 52.6 New applicants who have been disqualified from driving due to motoring offences must have held a full clean licence for 12 months before they can apply to become a licenced driver.
- 52.7 Applicants who have held a driving licence by an EEA country for at least 12 months can apply for a vehicle driver's licence.
- 52.8 Applicants from EEA Accession States are eligible to apply, if they have held an ordinary driving licence for 12 months which was issued by an Accession State.
- 52.9 Those applicants whose driving licences were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold a full DVLA licence for 12 months prior to being issued with a hackney carriage/private hire driver's licence.

## 53 Practical Driving Assessment

- 53.1 Any new applicants (including any drivers whose licences have lapsed) must take and pass the appropriate practical driving assessments. The assessment certificate will only be valid for the application process for a period of 12 months from its date of issue.
- 53.2 All applicants are required to have passed a practical driving and wheelchair assessment before applying for a dual driving licence. These assessments must be passed again every six years i.e., before a second three-year driving licence will be issued.
- 53.3 The Council approves suitable courses from time to time and applicants will be informed of the available courses at the time of application. Applicants can choose which provider they wish to use. Bracknell Forest Council will accept written evidence of passing the particular providers assessment that is not more than three months old at the date of application. The current **list of approved providers of these courses can be found at [practical-driving-assessment.pdf \(publicprotectionpartnership.org.uk\)](https://publicprotectionpartnership.org.uk/practical-driving-assessment.pdf)**
- 53.4 If a licensee is subject to enforcement action in relation to their driving, more than once within a period of twelve calendar months, including road traffic convictions, they will be required to undertake the practical driving assessment within three calendar months. The licence may be suspended until such time as this test has been passed.
- 53.5 Details of Bracknell Forest Council's current providers will be issued on application or will be issued to a driver required to undertake the practical driving assessment as part of enforcement action.

## 54 English Language Proficiency

- 54.1 It is essential for public safety that all licensees are able to communicate by speaking and reading in English at an appropriate level. This is equivalent to level B1 on the Common European Framework of Reference for reading, writing, speaking and listening.
- 54.2 Licensees must have an appropriate understanding of safety, equality and the regulatory requirements that apply to them. This helps ensure public safety and will enhance levels of customer service.

### Speaking and Listening Assessment

- 54.3 Sitting the speaking and listening assessment is a reasonable test of English. Applicants who are referred will be required to demonstrate their ability to converse in English. The speaking and listening assessment consists of a 15 to 20 minute conversation that will take place at Bracknell Forest Council Offices.
- 54.4 The assessment will be undertaken by a secure video or telephone link to our service provider, PeopleCert, and it will be at applicants cost.
- 54.5 Please see People Cert's website for more information about the test and what to expect on the day. All applicants are advised to review this information prior to sitting the test.

### Reading and Writing Assessment

- 54.6 The Council will use the Safety, Equality and Regulatory Understanding requirement (SERU assessment) to assess the applicant's reading and writing skills. The SERU assessment is based on information found in this policy, including the hackney carriage and private hire vehicle conditions, the byelaws and the Code of Conduct.
- 54.7 The assessment will take place at Bracknell Forest Council Offices and the costs will be met by the applicant.

## 55 Knowledge of Area

- 55.1 All applicants are expected to have a good knowledge of Bracknell Forest and the surrounding area. They will be required to pass a test on this knowledge prior to a licence being issued. This test must be passed again every six years i.e. before a second three-year driving licence will be issued.
- 55.2 This requirement does not apply in relation to applicants for home to school drivers' licences to undertake school or community contracts.

## 56 Highway Code and Relevant Legislation

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



## **57 Disability Awareness Training**

57.1 All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to the Council. Refresher training will be required every three years.

57.2 The Council identifies training providers (which may include the Council itself) from time to time and applicants will be informed of the available courses and any cost at the time of application. The cost of this training is currently included in the licence fee. If there is more than one provider, applicants can choose which provider they wish to use.

## **58 Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training**

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

## **59 Code of Conduct**

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

# **POLICY IN RELATION TO PRIVATE HIRE OPERATOR LICENCES**

## **60 Requirements and Obligations**

60.1 A private hire vehicle may only be dispatched to a booking by a licenced private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle with a driver.

60.2 Private hire operators must ensure that every private hire vehicle that they operate is:

- licenced by the same council who issued them with the operator's licence.
- and that it is driven by a person who holds a private hire driver's licence with the council who issued them with the operator's licence.
- and that it is driven by a person who holds a private hire drivers licence issued by the same council.

## **61 Grant and Renewal of Licences**

61.1 All private hire vehicle operators may only be dispatched to a booking by a licenced private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle.

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

## **62 Criminal Record Checks**

62.1 Applicants must provide a current (less than one month old) Basic DBS disclosure (although if the operator is also a licenced driver with the Council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure, should the individual cease to hold a driver licence, a Basic DBS will be required to be provided within a month of that licence expiring and annually thereafter).

62.2 The Council will then decide whether the applicant is a fit and proper person to hold such a licence. Where the private hire operator is trading as a limited company (or partnership) the Council will also require the directors and company secretary (or partners) to provide a Basic DBS disclosure every year and the company (or partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence.

62.3 Where Bracknell Forest Council has reasonable cause for concern relating to a particular operator, a random DBS check may be carried out. If an operator is given notice to undertake a random DBS check by the Council, they must do so within 14 days of the request, Failure to do so may result in the suspension or revocation of the licence.

62.4 Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain a basic DBS check for all staff prior to them commencing work for the operator. Evidence of the most recent check must be retained while the staff member works for the company and for a period of six months after they leave.

## 63 Right to Work in the UK

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

## 64 Certificate of Good Conduct

64.1 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of 10, an authenticated certificate of good conduct from the relevant embassy will be required.

64.2 All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translation. This includes any license holder who has lived in other countries for three months or more since the licence was granted.

## 65 Operator Application Process

65.1 Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current operator's licence, there will be a period of time during which the operator will be unlicensed and cannot make a provision for the invitation of bookings for private hire vehicle. If the application is not made before the expiry of the current licence, but is made within five working days after the expiry, the licence will only be renewed in exceptional circumstances.

65.2 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted from the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than five years.

## 66 Previous Convictions

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

Theale Library  
Church Street  
Theale  
Berkshire RG7 5BZ  
Telephone: 01635 519184  
Email: [Licensing@Bracknell-Forest.gov.uk](mailto:Licensing@Bracknell-Forest.gov.uk)

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

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

## **67 Operator's Base**

- 67.1 An operator's licence relates to one or more addresses (bases) within the Bracknell Forest Council area. Every address that is being used must be detailed on the licence, and if a licence does not relate to the address or addresses being used, that licence is void. Continued use of that licence will be a criminal offence.
- 67.2 An operator who has more than one operating office or base within Bracknell Forest Council does not require a separate licence for each premises, but must submit a list to Bracknell Forest Council containing all the addresses from which they run their business. An updated list must be sent to the Council whenever any of those addresses change.
- 67.3 Planning Permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial is not required before an application can be made for an operator's licence. However it may be unlawful to use those premises as an operator's base and advice, should be sought from Bracknell Forest Council's Development Control Service if required.
- 67.4 Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold an operator's licence with the local authority in each of those areas.

## **68 Data protection**

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

## **69 Sub-contracting**

- 69.1 A private hire operator may sub-contract a booking to another licenced operator or hackney carriage driver or dual driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings.

## **70 Trading names**

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

## **71 Trailers**

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

## **72 Record keeping - Conditions**

72.1 Operators must keep records of any pre- booked work in a suitable book or on a computer or any other recordable device. If using a book, the pages must be numbered consecutively and the proprietor shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- Time and date of the booking.
- Name of hirer.
- Fare quoted.
- How the booking was made.
- Time of proposed pick up.
- Point of pick up and drop off.
- Notes about any subcontracting of the booking.

72.2 These records must be kept by the proprietor securely, in accordance with data protection legislation, for a minimum of 12 months following the date of booking.

72.3 Operators will be required upon occasion to produce their records to the police or licensing officers upon request. Operator's must be able to be quickly access their systems, so officers can interrogate the records to carry out their enforcement duties.

## **73 Test of Fitness and Propriety**

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

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

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

## **74 Drivers and Vehicles**

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

## 75 Enforcement and Appeals

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

## 76 Enforcement Options

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

- a. the seriousness of any offences.
- b. the licensee's past history.
- c. the consequences of non-compliance.
- d. likely effectiveness of the various enforcement options.
- e. danger to the public.

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

- a. take no action.
- b. impose penalty points on the licence (see [Appendix B](#));
- c. suspend the licence.
- d. revoke the licence.
- e. prosecute.

## 77 Appeals

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

# 78 Hackney Carriage and Private Hire Licensing Convictions Policy

(Adopted October 2019)

## 1. Introduction

- 1.1. The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licensee is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.

## 2. General Policy

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

## 3. Powers

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

## 4. Consideration of Disclosed Criminal History

- 4.1. Applicants can discuss what effect their offending history may have on any application by contacting the Licensing Team in confidence for advice.
- 4.2. Applicants for the grant or renewal of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service. If a driver refuses to sign up to the update service, a drivers licence will only be granted for six months and a fresh application (together with fees etc) will have to be made.
- 4.3. Applicants for the grant of hackney carriage or private hire vehicle licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence.
- 4.4. Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate annually throughout the currency of the licence.
- 4.5. The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include

information held by the Council or other licensing authorities, and information disclosed by the police.

- 4.6. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly when giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the application will normally be refused, and if the licence has been granted it will normally be revoked.
- 4.7. The sole purpose of hackney carriage and private hire licensing is to protect the public. That is the only consideration the Council can take into account when determining an application for a licence or whether to take action against an existing licence (suspend, revoke or refuse to renew).
- 4.8. Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.9. The purpose of this policy is to lay down guidelines as to what Bracknell Forest Council regards as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the Council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.
- 4.10. Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see [Local Government \(Miscellaneous Provisions\) Act 1976](#)<sup>1</sup> ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.11. There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.12. “Fit and proper” means that the individual (or in the case of a private hire operator’s licence or vehicle proprietors licence, the limited company together with its directors and secretary, or all members of a partnership<sup>1</sup>) is “safe and suitable” to hold the licence.
- 4.13. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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



- 4.14. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>2</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>3</sup>.
- 4.15. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.16. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Council to decide what action to take in the light of these guidelines.
- 4.17. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.18. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.19. As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.20. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.21. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
- 4.22. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Council has powers to take action against the holder of all types of licence (driver's, vehicle and

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<sup>2</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>3</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

- 4.23. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.24. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.25. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.26. Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the Council will take that conviction into account and use this policy as an indication of the approach that should be taken.
- 4.27. This policy does not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

## **5. Drivers**

- 5.1. As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 5.2. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 5.3. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 5.4. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed, or completion of any disqualification from driving) before a licence will be granted.

## **6. Crimes Resulting in Death**

- 6.1. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

## **7. Exploitation**

- 7.1. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## **8. Offences Involving Violence**

- 8.1. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.

## **9. Possession of a Weapon**

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

## **10. Sex and Indecency Offences**

- 10.1. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 10.2. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

## **11. Dishonesty**

- 11.1. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## **12. Drugs**

- 12.1. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.
- 12.2. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at the time of application and every subsequent renewal at their own expense to demonstrate that they are not using controlled drugs.

### **13. Discrimination**

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

### **14. Motoring convictions**

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

### **15. Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving**

- 15.1. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 15.2. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **16. Other Motoring Offences**

- 16.1. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has seven or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.
- 16.2. A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## **17. Hackney Carriage and Private Hire Offences**

17.1. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## **18. Vehicle Use Offences**

18.1. Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## **19. Private Hire Operators**

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

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

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

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

## **20. Vehicle Proprietors**

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

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

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

## **21. Licences Issued by Other Licensing Authorities**

- 21.1. Applicants who hold a licence with another Council should not automatically assume that their application will be granted by this Council. Each case will be decided on its own merits.
- 21.2. Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **22. Summary**

- 22.1. To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime may not bar an applicant permanently from becoming licensed. However as public safety is the sole consideration, applicants with criminal convictions must recognise that the Council will give careful and serious consideration to any such application. In truly exceptional circumstances there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.
- 22.2. It is the view of the Council that any person who has criminal convictions and therefore has to wait before an application is successful is more likely to value their licence and act accordingly.

DRAFT

## 79 Penalty Points Scheme

### 1. Penalty Points Scheme

- 1.1. Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the [Town Police Clauses Act 1847](#), [Local Government \(Miscellaneous Provisions\) Act 1976](#), Council Byelaws (in respect of hackney carriages) and the Policy and Conditions set by the Council.
- 1.2. The primary objective of the Penalty Points Scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 1.3. The Penalty Points Scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other actions.
- 1.4. The Scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach those conditions of licence, and following complaints from the public.
- 1.5. Licensees involved will be asked to attend the offices for an interview. Once investigations are completed, letters will be sent out detailing the outcome and a permanent record will be kept on the person's file. The outcome of investigations may result in officers determining that:
  - (a) no further action be taken.
  - (b) penalty points be imposed.
  - (c) a formal warning be issued.
  - (d) the licensee be referred to the Licensing and Safety Committee/Officers and/or prosecution.
- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Licensing and Safety Committee or a Sub-Committee (all references to the Licensing and Safety Committee include references to a Sub-Committee). At that hearing the Committee can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution. Drivers must appeal any points issued by Officers to the Licensing and Safety Committee within 21 days of receipt of the written notification of the imposition of penalty points. Details of the appeal mechanism will be contained in the written notification.
- 1.7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed to the Licensing and Safety Committee and the Committee upheld an imposition of points, those points will remain live for twelve months from the date of the committee decision. The twelve month period is on a roll forward basis,

so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

- 1.8. Where a licensee accumulates more than twelve penalty points in any twelve month period, the matter will be referred to the Licensing and Safety Committee for the Committee to decide whether the driver remains a fit and proper person. The Licensing and Safety Committee may then suspend or revoke a licence, or issue a warning to the licensee, depending upon the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation/conditions/behaviour and the compliance history of the individual. Suspension periods will normally vary between seven and thirty one days.
- 1.9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and conditions.
- 1.10. If points are issued to a proprietor/driver for a matter which is also a criminal offence which the Council could prosecute for, e.g. not wearing a driver's badge, failure to maintain operator's records, those person(s) will not then be the subject of a prosecution by the Council.

## 2. List of Offences/Breach of Vehicle Licence Conditions/Byelaws

| Offence  | Code | Points |
|--|------|--------|
| Failure to supply interim MOT test when vehicle is over six years of age   | V1   | 4      |
| Failure to have or maintain illuminated markings at entrances and exits  | V2   | 2      |
| Failure to have/maintain grab handles  | V3   | 2      |
| Failure to have a means of loading wheelchairs into the vehicle, available at all times.   | V4   | 2      |
| Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority   | V5   | 4      |
| Failure to keep a wheelchair access vehicle available without modification at all times  | V6   | 2      |
| Failure to provide an annual LPG safety compliance certificate   | V7   | 4      |
| Failure to maintain seat belts in a safe condition   | V8   | 4      |
| Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent  | V9   | 4      |
| Failure to display approved roof sign  | V10  | 2      |
| Failure to maintain roof sign in working order   | V11  | 2      |
| Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible. | V12  | 2      |



| <b>Offence</b>  | <b>Code</b> | <b>Points</b> |
|---|-------------|---------------|
| Failure to display front door signs.  | <b>V13</b>  | <b>4</b>      |
| Displaying incorrect signs i.e. wrong wording or magnetic   | <b>V14</b>  | <b>4</b>      |
| Displaying other sign on front door   | <b>V15</b>  | <b>4</b>      |
| Private hire vehicles advertising incorrectly   | <b>V16</b>  | <b>4</b>      |
| Display sign that does not comply   | <b>V17</b>  | <b>4</b>      |
| Display web site address larger lettering than permitted  | <b>V18</b>  | <b>4</b>      |
| Failure to display a "no smoking" sign in the vehicle   | <b>V19</b>  | <b>4</b>      |
| Private hire displaying the word taxi   | <b>V20</b>  | <b>4</b>      |
| Incorrectly displaying licence plate  | <b>V21</b>  | <b>4</b>      |
| Failure to return plate on expiry of licence if requested to do so by Licensing Staff                             | <b>V22</b>  | <b>4</b>      |
| Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.                       | <b>V23</b>  | <b>2</b>      |
| Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence              | <b>V24</b>  | <b>2</b>      |
| Advertising on vehicle without written authorisation from the Licensing Authority                                 | <b>V25</b>  | <b>4</b>      |
| Failure to submit taximeter for testing when requested to do so by Licensing Authority                            | <b>V26</b>  | <b>2</b>      |
| Tampering or allowing an unauthorised person to tamper with taximeter   | <b>V27</b>  | <b>4</b>      |
| Failure to display a statement of fares inside the HC   | <b>V28</b>  | <b>2</b>      |
| Wilfully or neglectfully causing letters or figures in the statement to be obscured                               | <b>V29</b>  | <b>2</b>      |
| Failure to deposit copy of statement of fares which differ from the approved fares                                | <b>V30</b>  | <b>2</b>      |
| Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle | <b>V31</b>  | <b>2</b>      |
| Failure to supply steering geometry and alignment reports following an accident if required                       | <b>V32</b>  | <b>2</b>      |
| Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks   | <b>V33</b>  | <b>2</b>      |
| Failure to have insurance for the licensed vehicle  | <b>V34</b>  | <b>12</b>     |
| Failure to provide evidence of insurance prior to expiry  | <b>V35</b>  | <b>6</b>      |

| Offence  | Code | Points |
|--|------|--------|
| Failure to keep copy of insurance/cover note in the vehicle. (This may include an electronic copy)                 | V36  | 2      |
| Failure to notify Licensing Authority of change of insurer or particulars within two working days.                 | V37  | 2      |
| Failure to produce details to the Licensing Authority of drivers permitted to drive                                | V38  | 2      |
| Failure to notify change of drivers  | V39  | 2      |
| Failure to notify Licensing Authority of change of address or other contact details                                | V40  | 2      |
| Failure to carry a suitably marked approved fire extinguisher within the vehicle                                   | V41  | 2      |
| Failure to obtain written permission to use trailers on Licensed vehicles  | V43  | 12     |
| Failure to present vehicle and trailer for inspection  | V44  | 4      |
| Using a dual driver without the appropriate DVLA category code to tow a trailer                                    | V45  | 6      |
| Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers                   | V46  | 2      |
| Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence           | V47  | 2      |
| Failure to maintain a reasonable standard of behaviour   | V48  | 2      |
| Failure to provide information requested by an authorised officer  | V49  | 4      |
| Failure to provide assistance to an authorised officer   | V50  | 4      |
| Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 <sup>st</sup> instance) | V51  | 6      |
| Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 <sup>nd</sup> instance) | V52  | 12     |
| Failure to show evidence of continuous MOT, interim MOT or insurance.  | V53  | 12     |
| Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act           | V54  | 4      |
| Failure to have three CCTV signs   | V55  | 2      |
| Failure to check CCTV weekly   | V56  | 2      |
| Disconnecting CCTV system  | V57  | 4      |
| Obstructing CCTV Camera  | V58  | 2      |
| Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation                        | V59  | 12     |

### 3. Breaches of Dual Driver Licence Code of Conduct

| Offence  | Code | Points |
|--|------|--------|
| Driver not clean and respectable in their dress  | D1   | 2      |
| Driver not complying with the Dual Drivers Dress Code  | D2   | 2      |
| Driver not behaving in a civil and orderly manner  | D3   | 3      |
| Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle        | D4   | 2      |
| Driver smoking/vaping/similar whilst in the vehicle  | D5   | 4      |
| PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking                                 | D6   | 3      |
| Driver of PH vehicle plying for hire   | D7   | 4      |
| Driver calling out or influencing person to travel in their vehicle for gain without a prior appointment   | D8   | 3      |
| Failure to have in possession drivers badge whilst driving a licensed vehicle  | D9   | 2      |
| Not displaying second badge in the vehicle which is visible to passengers being conveyed in the vehicle  | D10  | 2      |
| Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff | D11  | 2      |
| Failure to supply annual self-declaration and fee (1 <sup>st</sup> Occasion)   | D12  | 6      |
| Failure to supply annual self-declaration and fee (2 <sup>nd</sup> occasion)   | D13  | 12     |
| Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty  | D14  | 2      |
| Failure of driver to check vehicle proprietor has insurance on the vehicle   | D15  | 2      |
| Driver carrying greater number of persons than the number specified on the licence   | D16  | 12     |
| Carrying other persons in the vehicle without the consent of the hirer   | D17  | 2      |
| Carrying a member of family/friend in a licensed vehicle when it is for hire/hired   | D18  | 2      |
| Failing to carry or ensure safety of passenger luggage   | D19  | 4      |
| Failing to offer reasonable assistance with luggage  | D20  | 2      |
| Failing to take steps to ensure passenger safety   | D21  | 6      |

| <b>Offence</b>  | <b>Code</b> | <b>Points</b> |
|---|-------------|---------------|
| Failing to ensure passengers are dropped off safely, at the correct destination   | <b>D22</b>  | <b>2</b>      |
| Failing to search vehicle after journey   | <b>D23</b>  | <b>2</b>      |
| Failing to hand found property to the police  | <b>D24</b>  | <b>2</b>      |
| Failing to operate taximeter correctly  | <b>D25</b>  | <b>4</b>      |
| Failing to use taximeter on pre-booked journey or fail to charge fee less than meter fee  | <b>D26</b>  | <b>2</b>      |
| Charging more than the metered fare   | <b>D27</b>  | <b>4</b>      |
| Tampering or allowing tampering of a taximeter  | <b>D28</b>  | <b>4</b>      |
| Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare  | <b>D29</b>  | <b>2</b>      |
| Demanding more than the previously agreed fare  | <b>D30</b>  | <b>4</b>      |
| Demanding more than the fare shown on the taximeter or scale of charges on the tariff sheet   | <b>D31</b>  | <b>4</b>      |
| Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet  | <b>D32</b>  | <b>4</b>      |
| Failure to notify proprietor of complaints made by the passengers   | <b>D33</b>  | <b>2</b>      |
| Failure to notify passengers of their right to refer their complaint to the Licensing Authority   | <b>D34</b>  | <b>2</b>      |
| Failure to attend at appointed time or place without sufficient cause   | <b>D35</b>  | <b>2</b>      |
| Unnecessarily prolonging journey in distance or time  | <b>D36</b>  | <b>4</b>      |
| Failure to provide copy of dual driver's licence to operator  | <b>D37</b>  | <b>2</b>      |
| Failure to ensure insurance cover for driver to drive vehicle   | <b>D38</b>  | <b>4</b>      |
| Failure to ensure vehicle is licensed by Licensing Authority for the purpose used   | <b>D39</b>  | <b>2</b>      |
| Failure to notify Licensing Authority of change of address/telephone number within seven days   | <b>D40</b>  | <b>4</b>      |
| Failure to notify Licensing Authority of motoring offences over three penalty points or criminal convictions during the period of licence | <b>D41</b>  | <b>12</b>     |
| Failure to notify Licensing Authority of motoring convictions up to three penalty points during the period of licence                     | <b>D42</b>  | <b>6</b>      |
| Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction      | <b>D43</b>  | <b>12</b>     |
| Failure to notify Licensing Authority in writing within seven days of serious injury or illness   | <b>D44</b>  | <b>12</b>     |

| <b>Offence</b>  | <b>Code</b> | <b>Points</b> |
|---|-------------|---------------|
| Failure to notify the Licensing Authority of a DVLA notifiable condition  | <b>D45</b>  | <b>12</b>     |
| Failure to carry assistance dog without exemption   | <b>D46</b>  | <b>4</b>      |
| Making additional charge for carrying assistance dog  | <b>D47</b>  | <b>4</b>      |
| Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog                                    | <b>D48</b>  | <b>4</b>      |
| Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003  | <b>D49</b>  | <b>2</b>      |
| Failure to keep vehicle reasonably clean  | <b>D50</b>  | <b>2</b>      |
| Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so  | <b>D51</b>  | <b>4</b>      |
| Failure to provide a written receipt for the fare paid if requested to do so by the passenger   | <b>D52</b>  | <b>2</b>      |
| Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority | <b>D53</b>  | <b>4</b>      |
| Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written  | <b>D54</b>  | <b>2</b>      |
| Failure to comply with the regulations governing the wearing of seat belts  | <b>D55</b>  | <b>4</b>      |

#### 4. Breaches of Operator Licence Conditions – Private Hire

| Offence  | Code | Points |
|--|------|--------|
| Operating more vehicles than stated on licence   | O1   | 2      |
| Failure to obtain and maintain insurance on vehicle  | O2   | 12     |
| Failure to produce evidence of insurance cover to the Licensing Authority  | O3   | 6      |
| Fail to provide valid insurance on expiry for any premises where the public have access  | O4   | 6      |
| Failure to notify the Licensing Authority of change of insurer within two days   | O5   | 2      |
| Failure to provide evidence of public liability insurance for premises   | O6   | 2      |
| Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises                     | O7   | 2      |
| Failure to provide a prompt, efficient or reliable service   | O8   | 2      |
| Failure to attend a booking at appointed time or place without sufficient cause  | O9   | 2      |
| Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence                                     | O10  | 12     |
| Failure to have necessary documents and equipment  | O11  | 2      |
| Operating the business from a premises outside the District  | O12  | 12     |
| Failure to keep booking or waiting areas which the public have access to, clean, adequately heated, ventilated and lit                       | O13  | 2      |
| Failure to provide seating facilities in waiting areas   | O14  | 2      |
| Failure to have in place planning permission if required at operators address  | O15  | 2      |
| Failure to comply with planning permission or licence conditions for number of vehicles permitted  | O15  | 2      |
| Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence | O16  | 4      |
| Failure to notify Licensing Authority of change of address   | O17  | 2      |
| Failure to notify the Licensing Authority within seven days of any convictions imposed on them, during the period of the licence             | O18  | 6      |
| Failure to keep proper records for a period of not less than six months  | O19  | 3      |

| <b>Offence</b>  | <b>Code</b> | <b>Points</b> |
|---|-------------|---------------|
| Failure to keep proper records  | <b>O20</b>  | <b>2</b>      |
| Failure to keep entries correctly   | <b>O21</b>  | <b>2</b>      |
| Failure to notify details of security arrangements  | <b>O22</b>  | <b>2</b>      |
| Failure to keep records of private hire vehicles operated   | <b>O23</b>  | <b>2</b>      |
| Displaying the word Taxi or Cab on a private hire vehicle   | <b>O24</b>  | <b>2</b>      |
| Failure to keep records of all drivers employed or failure to produce details of the drivers  | <b>O25</b>  | <b>2</b>      |
| Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator      | <b>O26</b>  | <b>2</b>      |
| Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly                               | <b>O27</b>  | <b>2</b>      |
| Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment         | <b>O28</b>  | <b>2</b>      |
| Using unlicensed drivers to drive a Licensing Authority licensed vehicle  | <b>O29</b>  | <b>12</b>     |
| Failure to keep a written record of all complaints or failure to make available to the Licensing Authority                              | <b>O30</b>  | <b>2</b>      |
| Late to provide evidence of insurance or interim MOT (1st Occasion)   | <b>O31</b>  | <b>6</b>      |
| Late to provide evidence of insurance or interim MOT (2nd Occasion)   | <b>O32</b>  | <b>12</b>     |
| Failure to carry out or provide the required DBS checks on dispatch staff   | <b>O33</b>  | <b>12</b>     |
| Failure to record, maintain or provide details of checks on dispatch staff in a register  | <b>O34</b>  | <b>12</b>     |
| Failure to make appropriate checks of any operator for which work is outsourced   | <b>O35</b>  | <b>12</b>     |
| Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority                                 | <b>O36</b>  | <b>12</b>     |
| Failure to require notification of convictions as part of the contract of employment  | <b>O37</b>  | <b>12</b>     |
| Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition | <b>O38</b>  | <b>12</b>     |

## 5. Breaches of Council Byelaws Relating To Hackney Carriages

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



## 80 Taxi Drivers' Code of Conduct

### 1. Scope

- 1.1. This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi driver's licence, suspension, revocation or refusal to renew your licence.
- 1.2. You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time that might affect that. The Council will consider all your behaviour, and that is not limited to the times when you are driving a hackney carriage or private hire vehicle.
- 1.3. When you are driving a hackney carriage or private hire vehicle, that remains a Bracknell Forest Council licensed vehicle and you remain a Bracknell Forest Council licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

### 2. Your Taxi Drivers Licence And Badge

- 2.1. You have been issued with two copies of your drivers badge. You must wear one driver's badge in prominent position where it is clearly visible to passengers at all times when you are driving or working with a private hire vehicle or hackney carriage and failure to do so is a criminal offence [under s54 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#)] when using a private hire vehicle and byelaw No 13 when using a hackney carriage]. You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.
- 2.2. You must return your licence and the two id badges to the Licensing Team of the Council within 72 hours if:
  - (a) you change your home or business address;
  - (b) the licence expires, is suspended or revoked;
  - (c) you lose the right to work in the UK, or the right to remain in the UK;
  - (c) you wish to surrender your Taxi Driver Licence;
  - (d) you are required to do so by an "Authorised Officer of the Council".
- 2.3. In the event of the loss of your licence or badge you must report the loss to the Licensing Team immediately.

### **3. Deposit Of Taxi Driver Licence When Working For Others**

- 3.1. You must give your taxi driver's licence to the private hire operator when driving private hire vehicles, or proprietor of any hackney carriage which you will be using. They will keep your licence while you are driving for them.

### **4. Production Of Documents**

- 4.1. If an Authorised Officer of the Council, an Authorised Officer of another Council with which Bracknell Forest Council has a reciprocal arrangement or a police officer asks you, you must produce:

- (a) your DVLA driving licence;
- (b) your Taxi Driver Licence;
- (c) the vehicle registration document;
- (d) a valid certificate of insurance;
- (e) MOT certificate (if relevant).

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

### **5. Medical Condition**

- 5.1. You must notify the Council, in writing within 14 days of any change in your medical condition that may adversely affect your ability to drive private hire or hackney carriage vehicles.
- 5.2. You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.
- 5.3. If, at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.

### **6. Declaration Of Conviction / Caution / Penalty**

- 6.1. You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders), CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders to Bracknell Forest Council on your initial application form.
- 6.2. If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within 72 hours of the event.

### **7. Driving**

- 7.1. You must comply with all road traffic regulations at all times.

- 7.2. You must comply with all legislation and conditions relating to the [hackney carriage](#) or [private hire](#) vehicle that you are driving at all times.
- 7.3. You must not sound your vehicle horn –
- (a) unnecessarily, i.e., unless in an emergency or to let other road users or pedestrians know you are there
  - (b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
  - (c) on any road in a built up area between 23h30 and 07h00.
- 7.4. Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
- 7.5. You must not drive any hackney carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.
- 7.6. When parking, or otherwise waiting for either a hiring (hackney carriage), a booking to be communicated to you (private hire and hackney carriage) or attending for a pre-booked hiring (private hire and hackney carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).
- 7.7. When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.
- 7.8. When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.
- 7.9. When driving a private hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.
- 7.10. You must stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.
- 7.11. It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition this will be regarded as a serious breach of the Code of Conduct.

## **8. Data Protection**

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

## 9. Conduct And Behaviour

- 9.1. You must be honest and trustworthy at all times.
- 9.2. You must be polite and courteous to your passengers, other road users and the public generally.
- 9.3. You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.
- 9.4. You must not use aggressive language or behaviour, or engage in any violent conduct.
- 9.5. You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.
- 9.6. If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.
- 9.7. You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
- 9.8. If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
- 9.9. You must treat everybody decently, equally and fairly.
- 9.10. You must at all times treat passengers, any potential passenger, members of the public, police officers and police community support officer, council officers and all other public servants (NHS staff, fire fighters, HMRC staff etc) with courtesy and respect.
- 9.11. You must not discriminate against any person because of their age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation which are the protected characteristics under the Equality Act 2010.
- 9.12. You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).
- 9.13. You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
- 9.14. You must not obtain the telephone numbers of, or engage in any form of social media contact with anybody under the age of 18.
- 9.15. You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.

- 9.16. You must behave in a civil and reasonable manner at all times and must comply with any reasonable requests made by the hirer.
- 9.17. You must always pick up your passengers on time unless unavoidably delayed. If the hiring has been arranged via a private hire operator or other third party, you must immediately contact that operator or third party to inform them of the delay and your estimated time of arrival.
- 9.18. You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.
- 9.19. You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately. If this is out of hours you can still email the Council on [Licensing@Bracknell-Forest.gov.uk](mailto:Licensing@Bracknell-Forest.gov.uk) or leaving a message on the answerphone at 01635 519184.
- 9.20. You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

## **10. Personal Appearance and Dress Code**

- 10.1. You must maintain good standards of personal hygiene at all times.
- 10.2. You must always be clean and respectable in your dress and present a professional image.

## Footwear

- 10.3. Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

## Unacceptable standards of dress

- 10.4. Anything not conforming to the above, including:
- (a) Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
  - (b) Words or graphics on any clothing that is of an offensive or suggestive nature.
  - (c) Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
  - (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
  - (e) Not having either the top or bottom half of your body suitably clothed.
  - (f) No baseball caps or hoods worn up whilst in the vehicle.

## 11. Use Of The Vehicle

- 11.1. Private hire vehicles and hackney carriages are smoke free vehicles at all times under the [Health Act 2006](#). It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the [Code of Conduct](#).
- 11.2. You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at any time.
- 11.3. Animals must not be carried in private hire vehicles or hackney carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback and the animal can be seen from outside the vehicle through a window.
- 11.4. You must not carry more passengers than the maximum number prescribed by the conditions attached to the hackney carriage, your private hire vehicle licence and displayed on the vehicle plate.
- 11.5. You must carry a reasonable amount of luggage and assist passengers in loading it and unloading it from the vehicle.
- 11.6. You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
- 11.7. You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than two passengers may be carried.

- 11.8. You must not carry any child below the age of ten years in the front of the vehicle.
- 11.9. Hackney carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adult's own risk. Children under three years of age can travel unrestrained in a hackney carriage or private hire vehicle if the appropriate restraint is not available. Children over three years of age and below eleven years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over eleven years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

## **12. Insurance**

- 12.1. It is your responsibility to ensure that the correct policy of insurance is in force for any hackney carriage or private hire vehicle that you are driving.

## **13. Vehicle Checks**

- 13.1. Before using a hackney carriage or private hire vehicle for the first time each day, you must undertake a "walk around check". This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.
- 13.2. Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.
- 13.3. If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.
- 13.4. You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Operator [does not apply to hackney carriages].

## **14. Lost Property**

- 14.1. After every hiring, you must search the vehicle for any misplaced or lost property.
- 14.2. If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

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

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

## **16. Plying For Hire When Driving A Private Hire Vehicle [Does Not Apply When Driving A Hackney Carriage]**

- 16.1. You must not pick up passengers who have not pre-booked with your operator.
- 16.2. You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
- 16.3. You must not park or wait on or near any hackney carriage rank, or drop passengers off on a hackney carriage rank.

## **17. Fares When A Hackney Carriage Is Used For Pre-Booked Work**

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



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

### Your taxi Driver Licence and Badge

- 18.1. When driving a hackney carriage you must wear one copy of your badge in manner which ensures it is visible to your passenger(s). The other must be displayed inside the vehicle in a visible location.

### Disability Discrimination

- 18.2. When driving a hackney carriage you must carry an assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 [Equality Act 2010](#)).
- 18.3. When you are driving a hackney carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.
- 18.4. The duties are:
- (a) to carry the passenger while in the wheelchair;
  - (b) not to make any additional charge for doing so;
  - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
  - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort;
  - (e) to give the passenger such mobility assistance as is reasonably required.
- 18.5. And mobility assistance is assistance:
- (a) to enable the passenger to get into or out of the vehicle;
  - (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - (c) to load the passenger's luggage into or out of the vehicle;
  - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 18.6. In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair using passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

### Conduct

- 18.7. You must not drive a hackney carriage at any time if you do not hold a taxi drivers licence, or if your licence has been suspended (section 47 [Town Police Clauses Act 1847](#)).

- 18.8. You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)
- 18.9. When driving a hackney carriage you must accept a hiring from a hackney carriage stand (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)
- 18.10. When driving a hackney carriage if you agree to charge a fare lower than that shown on the meter for a journey in a hackney carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)
- 18.11. When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (section 55 Town Police Clauses Act 1847)
- 18.12. When driving a hackney carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847).
- 18.13. When driving a hackney carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your hackney carriage (section 57 Town Police Clauses Act 1847).
- 18.14. When driving a hackney carriage you must not charge more than the fare shown on the meter for a journey within the district (section 58 Town Police Clauses Act 1847).
- 18.15. When driving a hackney carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).
- 18.16. You must not drive any hackney carriage without the consent of the hackney carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847)
- 18.17. You must not leave a hackney carriage unattended at a hackney carriage stand (section 62 Town Police Clauses Act 1847)
- 18.18. You must not prevent any other driver of a hackney carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847)
- 18.19. When driving a hackney carriage you must produce your taxi driver's licence if requested to do so by an authorised officer of the Council (or another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 18.20. You must return your driver's licence to the Council within seven days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 18.21. You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).

- 18.22. You must return your licence and drivers badges to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 18.23. When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 18.24. When driving a hackney carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 18.25. You must use the shortest available reasonable route for all journeys by hackney carriage, subject to any directions given by the hirer. (s69 Local Government (Miscellaneous Provisions) Act 1976).
- 18.26. You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Bylaw 6).
- 18.27. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).
- 18.28. When driving a hackney carriage you must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire (Hackney Carriage Bylaw 2).
- 18.29. When driving a hackney carriage you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Bylaw 5).
- 18.30. When driving a hackney carriage and you are plying for hire you must proceed to a hackney carriage stand (rank) and if that rank is full, proceed to another stand. When you arrive at a stand that is not full you must position the vehicle behind the rearmost vehicle on the stand and move forward as space becomes available (Hackney Carriage Bylaw 7).
- 18.31. You must not use the services of any other person to importune (encourage forcefully) anyone to hire your hackney carriage (Hackney Carriage Bylaw 8).
- 18.32. When driving a hackney carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney carriage (Hackney Carriage Bylaw 9).
- 18.33. When driving a hackney carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Bylaw 10).

- 18.34. When driving a hackney carriage you must not carry more passengers in the hackney carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Bylaw 12).
- 18.35. When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw 14).
- 18.36. When driving a hackney carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Bylaw 18).
- 18.37. When driving a hackney carriage you must take any lost property which is not been claimed within 48 hours to any staffed police station within Bracknell Forest (Hackney Carriage Bylaw 19).

## **19. Legal Requirements (Contained in National Legislation) When Driving A Private Hire Vehicle**

### **Your Private Hire Licence and Badge**

- 19.1. When driving a private hire vehicle you must wear your badge in a prominent position so that that it is clearly visible to passengers whilst you are working as Private Hire Driver. The other must be displayed inside the vehicle in a visible location. You commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

### **Disability Discrimination**

- 19.2. When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).
- 19.3. When you are driving a private hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.
- 19.4. The duties are:
  - (a) to carry the passenger while in the wheelchair;
  - (b) not to make any additional charge for doing so;
  - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
  - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
  - (e) to give the passenger such mobility assistance as is reasonably required.
- 19.5. And mobility assistance is assistance:

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

- 19.6. In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair using passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.
- 19.7. You must not drive a private hire vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).
- 19.8. When driving a private hire vehicle you must produce your taxi drivers licence if requested to do so by an authorised officer of the Council (or another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 19.9. You must return your driver's licence to the Council within seven days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 19.10. You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 19.11. You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 19.12. When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer. (s69 Local Government (Miscellaneous Provisions) Act 1976).
- 19.13. You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976)
- 19.14. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976)
- 19.15. You must not drive any private hire vehicle with any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything which would indicate the vehicle is a hackney carriage (section 64 Transport Act 1980).

## 81 Hackney Carriage Vehicle Licence Conditions

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

“the Council” will mean Bracknell Forest Council.

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

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

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

### General

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

### Identification Plates and Cards

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

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

### **Maintenance of Vehicle**

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

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

## **Doors**

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

## **Ventilation**

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

## **Wheelchair Accessible Vehicles (WAV’s)**

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



such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

- (d) The manufacturer's seat belt for the wheelchair using passenger must always be used when a wheelchair is being carried.
  - (e) Access ramps or lifts must be securely fixed to the vehicle prior to use and must at all times display information prescribed by other legislation and manufacturers markings.
  - (f) Ramps, steps and lifts must be securely stored in the vehicle before driving off.
16. The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair using passengers in safety and comfort.

### **Seatbelts**

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

### **Tyres**

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

## **Alteration of Vehicle**

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

## **Seats and Passengers**

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

## **Advertising**

29. Advertising on the outside of the vehicle is restricted to the name and telephone number of the Proprietor or operator of the vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the vehicle, unless written permission is obtained from the Council.

## **Luggage**

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

## Safety Equipment

34. **Fire Extinguisher** - A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the vehicle registration and vehicle licence number. This must be securely fixed in the vehicle and must not be located in the passenger compartment, unless the vehicle is a purpose built taxi, which has a purpose-built fire extinguisher compartment already in the vehicle. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.
35. **Radio Equipment** - The proprietor must ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

## Taximeter

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

44. At all times, vehicles must be fitted with a roof sign that complies with the dimensions and specification detailed in the Hackney Carriage Policy, together with any other additional signage that is so specified.

### **Insurance**

45. At all times during the currency of this licence the proprietor must maintain a policy of insurance complying with the requirements of Part VI of the [Road Traffic Act 1988](#) which covers hackney carriage use.
46. The proprietor must produce to the Council a new Certificate of Insurance or cover note within two working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents, photocopies will not be accepted.

### **Vehicle Damage**

47. The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the Council, in writing on the Council's prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the Council have inspected the vehicle.
48. A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determine that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 Local Government (Miscellaneous Provisions) Act 1976 will be issued.

### **Roof Racks and Roof Boxes**

49. Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.
50. Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.
51. When either a roof rack or roof box is fitted, a second roof light must be fitted to the roof of the vehicle to enable the front and rear of the lights to be clearly seen ahead of and behind the roof rack or roof box. (This does not apply to purpose-built vehicles with an integral front facing roof sign). The second sign must be removed when the roof rack or roof box is removed.

### **Deposit of Licence**

52. The proprietor must not allow the vehicle to be driven by any person who does not hold a current Dual Driver Licence issued by the Council.
53. If the proprietor permits or employs any person to drive the vehicle, that person must deposit their Dual Driver Licence with the proprietor who must, retain and safely store it

until such time as the driver ceases to be permitted to drive the vehicle, at which point it must be returned to the driver.

### **Display of Conditions**

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

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

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## 82 Private Hire Vehicle Licence Conditions

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

“the Council” will mean Bracknell Forest Council.

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

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

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

### General

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

### Identification Plates and Cards

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

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

### **Maintenance of Vehicle**

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

10. If a vehicle fails a private hire vehicle test, an authorised officer of the Council at the test station will issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. That will immediately suspend the vehicle licence, from which point it cannot be used as a private hire vehicle. The proprietor/driver will be invited to surrender the vehicle plate. If the plate is not surrendered, a “licence suspended” sticker will be affixed to the plate which will mean that the proprietor must purchase a new plate when the suspension is lifted. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of two calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked.
11. The proprietor of the vehicle must provide a copy of all Private Hire Test certificates to the Council within seven days of receiving them.
12. If the vehicle has been involved in an accident then the proprietor must notify the Council within two days and at the discretion of the Council, the vehicle may have to undergo a further inspection at one of the Council’s nominated testing stations.

### **Doors**

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

### **Ventilation**

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

### **Wheelchair Accessible Vehicles (WAV’s)**

16. The following conditions apply to all private hire vehicles which are built or adapted for the carriage of wheelchair using passengers:
  - (a) All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair using passengers must at all times function correctly and must be used in accordance with the manufacturer’s instructions.
  - (b) Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.
  - (c) All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.
  - (d) The manufacturer’s seat belt for the wheelchair using passenger must always be



used when a wheelchair is being carried.

- (e) Access ramps or lifts must be securely fixed to the vehicle prior to use and must at all times display information prescribed by other legislation and manufacturers markings.
- (f) Ramps, steps and lifts must be securely stored in the vehicle before driving off.

- 17. The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair using passengers in safety and comfort.

### **Seatbelts**

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

### **Tyres**

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

### **Alteration of Vehicle**

- 24. No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the written approval of the Council at any time while the licence is in force.
- 25. No fixtures or fittings, except those approved in writing by the Council, can be attached to the outside of the vehicle.

26. All glazing must at all times comply with [The Road Vehicles \(Construction and Use\) Regulations 1986](#) regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

### **Seats and Passengers**

27. In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.
28. A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
29. Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.
30. Any drinking vessels provided by the proprietor or driver of the vehicle must be made of either toughened glass or plastic.
31. If any passenger is under the age of 18 years no alcohol in open vessels can be carried in the vehicle.
32. The proprietor must ensure that there is sufficient means by which any person in the vehicle may communicate with the driver.

### **Advertising**

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

### **Luggage**

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

accident). These restraining straps or devices must be used whenever a passenger's luggage is being carried.

### **Safety Equipment**

39. **Fire Extinguisher** - A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the vehicle registration and vehicle licence number. This must be securely fixed in the vehicle and must not be located in the passenger compartment. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.

### **Radio Equipment**

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

### **Taximeter (if fitted)**

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

## **Vehicle Insurance**

49. At all times during the currency of the licence, the proprietor must maintain a Policy of Insurance complying with the requirements of Part VI of the [Road Traffic Act 1988](#) which covers private hire use.
50. The Proprietor must produce to the Council a new Certificate of Insurance or cover note within two working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents. Photocopies will not be accepted.

## **Vehicle Damage**

51. The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the Council, in writing on the Council's prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the Council have inspected the vehicle.
52. A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

## **Roof Racks and Roof Boxes**

53. Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.
54. Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.

## **Deposit of Licence**

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

## **Display of Conditions**

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

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

## 83 Private Hire Operator Conditions

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

“the Council” will mean Bracknell Forest Council;

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

### General

1. The operator (unless a single person operator/driver/proprietor) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”) and notify the Council of their identity and contact details, including a mobile telephone number. That person will be the first point of contact between the Council and the operator. The operator must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council. All references to the manager include references to the deputy when they are acting in that capacity.

### Disclosure and Barring Service (DBS) Checks

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

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

### **Vehicle and Driver Licences**

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

### **Records**

- 8. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
- 9. The Operator must ensure that the following details of every private hire booking invited or accepted by them are recorded before the commencement of each journey:
  - (a) the name of the passenger or other identifying features e.g. hotel room number;
  - (b) the time of the request;
  - (c) the time the vehicle is required the pick-up point;
  - (d) the destination (if known at that time);
  - (e) the name of the driver;
  - (f) the driver's licence number;
  - (g) the vehicle registration number;
  - (h) the vehicle licence number;
  - (i) the name of any individual that responded to the booking request;
  - (j) the name of any individual that dispatched the vehicle;

- (k) If the vehicle being used is covered by a dispensation, the details of, or a reference to, the contract under which the work is undertaken.
10. The operator must keep these records for a period of not less than six calendar months from the date of the entry.
  11. The operator must also keep records of all vehicles operated by them. These details shall include:
    - (a) details of the proprietor(s)/licensee;
    - (b) registration number;
    - (c) any radio call sign used;
    - (d) maintenance history of the vehicle.
  12. The operator must keep these records for a period of not less than six calendar months from the date the vehicle ceases to be operated by that operator.
  13. The operator must keep up to date records of the names and addresses of all licensed drivers who are used by the operator. The operator must provide the Council with a list of the following at the end of each calendar month, to arrive within seven working days:
    - (a) the date any driver began working for, or being available to be operated by the operator;
    - (b) when any driver's activity detailed above ceased;
    - (c) any change of address of any driver in service;
    - (d) when they became aware that any driver was suffering from any illness, disability or condition which may have affected the driver's ability to safely carry out their duties.
  14. If at any time the operator does become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) they must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.
  15. The operator must keep these records for a period of not less than six calendar months from the date the driver ceases to be engaged or otherwise used to drive private hire vehicles by that operator.
  16. All records and retained licences must be available for inspection at any reasonable time by an authorised officer of the Council or a police officer.

### **Standards of Service**

17. The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
18. The operator must in particular (but this is not an exhaustive list):
  - (a) Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.

- (b) Ensure the vehicle dispatched is a Bracknell Forest Council licensed private hire vehicle and the driver of the vehicle is a Bracknell Forest Council licensed private hire driver.
- (c) Keep any premises which are under the control of the operator and which are open to the public clean, adequately heated, ventilated and lit.
- (d) Ensure that the hirer is advised that if any passenger is under the age of 18 years, no alcohol in open vessels will be allowed in the vehicle.
- (e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (f) Ensure that the correct licences are in place for any radio equipment.
- (g) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

### **Ride Sharing/Car-pooling**

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

### **Public Service Vehicles (PSVs)**

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

### **Complaints**

- 22. The operator or manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
- 23. The operator must maintain a register of complaints (digital or hard copy), which must include the following information:
  - (a) Complainant's name, address/email address;
  - (b) Details of the complaint;
  - (c) Time and date of the alleged incident;
  - (d) Time and date the complaint was received by the operator;
  - (e) How the complaint was received e.g. phone, email etc.;
  - (f) Name of person that received the complaint;
  - (g) Name of the alleged perpetrator;
  - (h) If the complaint was referred to the Licensing Authority – time and date of when it was referred and by whom;
  - (i) Details of the action taken to resolve the complaint and by whom;



#### Date the complaint was resolve

24. A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of six months.
25. The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.
26. The operator must ensure that details of how a customer may contact the operator in the event of any complaint relating to a booking or other contract are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.
27. Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint.
28. The operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:
  - (a) allegations of sexual misconduct (including the use of sexualised language);
  - (b) racist behaviour;
  - (c) violence (including verbal aggression);
  - (d) dishonesty including theft;
  - (e) equality breaches;
  - (f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

#### **Change of Address**

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

#### **Convictions**

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

#### **Advertising**

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

## **Insurance**

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

## **Personal Data**

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

## **Working Hours**

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

## **Display of Conditions**

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

## **Subcontracting**

39. If the operator subcontracts any booking to another operator licensed in England (including Greater London), Wales or Scotland, the operator who initially accepted the booking remains liable under the contract.
40. If any booking is subcontracted to another operator, then the operator who initially accepted the booking must inform the hirer of the subcontract before the hiring commences.

## **Informative**

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

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

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## Document Control

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