

To: Councillors Woodward (Chair), Tarar,  
Asare, Dennis, Edwards, Keane, Leng,  
Magon, Mitchell, Rowland, DP Singh,  
Stevens and Thompson

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Your contact is: **Andrew Wood - Committee Services**

## **NOTICE OF MEETING - LICENSING APPLICATIONS COMMITTEE 22 JULY 2025**

A meeting of the Licensing Applications Committee will be held on Tuesday, 22 July 2025 at 6.30 pm in the Council Chamber, Civic Offices, Reading. The Agenda for the meeting is set out below.

<b><u>ACTION</u></b>	<b><u>WARDS AFFECTED</u></b>	<b><u>Page No</u></b>
<b>1. DECLARATIONS OF INTEREST</b>		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
<b>2. MINUTES</b>		<b>3 - 10</b>
To confirm the Minutes of the Licensing Applications Committee meetings held on 11 November 2024 and 21 May 2025.		
<b>3. PETITIONS</b>		
Petitions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's powers and duties which have been received by the Assistant Director of Legal & Democratic Services by no later than 12 noon, four clear working days before the day of the meeting.		
<b>4. QUESTIONS</b>		
Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's powers and duties which have been submitted in writing and have been received by the Assistant Director of Legal & Democratic Services by no later than 12 noon, four clear working days before the day of the meeting.		

**CIVIC OFFICES EMERGENCY EVACUATION:** *If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.*

## 5. HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY BOROUGH WIDE 11 - 120

A report seeking the Committee's authority to conduct a consultation on a proposed draft Hackney Carriage & Private Hire Policy Licensing Policy. The proposed policy would bring together and update several existing policies relating to Hackney Carriage and Private Hire vehicles, drivers and operators into a single document.

**\*\* Access to Civic Offices** - Please note that the Customer Main Entrance to the Civic Offices has moved from the front of the building to the back, because of construction work for the new Central Library.

If you are attending the meeting in person, please enter via the new Customer Main Entrance in Simmonds Street. (The Council is asking customers not to come down Fobney Street to access the new Customer Entrance, due to heavy construction traffic in this area, and instead to walk via the pedestrian alleyway off Bridge Street next to the "Greek Van") See map below:



**Present:** Councillors Woodward (Chair), Asare, Dennis, Edwards, Keane, Leng, Magon, Mitchell, Rowland, DP Singh, Stevens and Tarar.

### 5. MINUTES

The Minutes of the Licensing Applications Committee meeting held on 11 July 2024 were confirmed as a correct record and signed by the Chair.

### 6. HACKNEY CARRIAGE VEHICLE EMISSIONS AND AGE POLICY REVIEW

Further to Minute 3 of the meeting held on 11 July 2024, the Committee considered a report on proposed changes to the Hackney Carriage Vehicle Emissions and Age Policy (HCVEAP). The following documents were appended to the report:

- Appendix 1 - Hackney Carriage Vehicles Emissions and Age Policy Dates
- Appendix 2 - Consultation Response from the Reading Taxi Association (RTA)
- Appendix 3 - Consultation Responses via the portal
- Appendix 4 - Climate Impact Assessment

The Policy aimed to remove older and more polluting vehicles from the hackney carriage fleet, improve local air quality within the town in line with the Council's climate emergency and air quality policies and would help to provide certainty to drivers that were considering investing in and upgrading to cleaner/greener vehicles.

The report stated that in 2020 the HCVEAP had been paused for two years until 1 October 2022 due to the impact of the Covid pandemic. The moratorium was subsequently extended to 1 October 2023. As the effects of the pandemic had diminished it was now deemed a good time to review the HCVEAP and consider any adjustments.

At the meeting held on 11 July 2024 the Committee gave its approval for a public consultation to be conducted on proposed changes to the HCVEAP. The report explained that the consultation had been carried out between 9 September to 17 October 2024. Both the public and the hackney carriage trade, through the Reading Taxi Association (RTA), had been consulted on a revised version of the HCVEAP that included additional new requirements for replacing vehicles and extended the length of the Policy to run to 2035. The changes consulted on were:

- a) 1st October 2028 - All replacement vehicles shall be a minimum of ULEV and less than 5 years old. This rule shall apply regardless of whether the vehicle is new to fleet or an existing vehicle being transferred within the fleet.
- b) 1st October 2028 - Age limits for ULEV vehicles shall be set at a maximum of 15yrs and then removed from the fleet. Each vehicle shall be assessed on its own merit and an extension of up to a maximum of 2 additional years may be granted on renewal of the licence after a successful RBC compliance test.
- c) That the revised Policy shall run to 2035 when it will be reviewed again unless changes prompt a review sooner (eg changes to Government policy, changes

to our Climate Emergency Strategy or Air Quality Plan, different vehicles becoming available onto the market).

The report explained that five representations had been received during the consultation period. One from the RTA representing its members, and the others through the consultation portal. A copy of the consultation responses was attached to the report at Appendices 2 and 3 respectively.

At the meeting the Consumer Protection Group Manager explained that conversations with key stakeholders, namely the RTA, had continued after the conclusion of the consultation and following the publication of the agenda. The RTA had raised concerns regarding the proposed maximum age limit for vehicles on the hackney carriage fleet. As a result of these conversations officers recommended at the meeting that the following changes be made to the Policy:

- a) 1 Oct 2028 - All Replacement vehicles are minimum ULEV and less than 7 years old (increased from the 5 years originally proposed). This rule shall apply regardless of whether the vehicle is new to fleet or an existing vehicle.
- b) 1 Oct 2028 - Age limit for ULEV vehicles to be set at a maximum 15yrs and then removed from fleet. \*Each vehicle shall be assessed on its own merit and an extension of a year to a maximum of 3 additional years (increased from the 2 additional years originally proposed) may be granted on renewal of the licence after a successful RBC compliance test.

The Consumer Protection Group Manager explained that officers would continue to work with the RTA to agree the final detail of the compliance test in order to ensure that all older vehicles that were tested would still be of a high enough standard and quality to meet the Council's aspirations.

Mr Asif Rashid, Chairman of the Reading Taxi Association, was present at the meeting and addressed the Committee on the proposals. The status of Euro 6 diesel vehicles was discussed. The RTA pointed out that Euro 6 diesel vehicles were currently exempt from ULEZ and Clean Air Zone (CAZ) charges in London, and were similarly exempt in Bristol and Birmingham, but were not exempt in Reading. Councillors indicated that they would be interested to receive further detail about Euro 6 diesel vehicles along with more general information about the composition of the fleet in terms the number of vehicles in each Euro Emission Standard category.

Councillor Ennis was present at the meeting and spoke to the report in his capacity as the Lead Councillor for Climate Strategy and Transport.

### **Resolved:**

- (1) That the following requirements be added to the Hackney Carriage Vehicle Emissions and Age Policy:**

- a) **1 Oct 2028 - All Replacement vehicles be minimum ULEV and less than 7 years old. This rule shall be applied regardless of whether the vehicle was new to fleet or an existing vehicle.**
  - b) **1 Oct 2028 - Age limit for ULEV vehicles to be set at a maximum 15yrs and then removed from the fleet. \*Each vehicle shall be assessed on its own merit and an extension of a year to a maximum of 3 additional years might be granted on renewal of the licence after a successful RBC compliance test.**
- (2) **That the revised Hackney Carriage Vehicle Emissions and Age Policy run until 2035 at which point it would be reviewed again unless changes prompt a review sooner.**

## **7. STREET PAVEMENT CAFÉS POLICY 2024-29**

The Committee considered a report that recommended the adoption of a Pavement Café Policy for 2024-29 for Reading. The following documents were appended to the report:

- Appendix 1 - Street Pavement Cafe Policy 2024 to 2029;
- Appendix 2 - Pavement Cafe Licence Fees;
- Appendix 3 - Equality Impact Assessment;
- Appendix 4 - Financial Implications; and
- Appendix 5 - Climate Impact Assessment.

The report stated that the Business and Planning Act 2020 had introduced temporary measures with the purpose of allowing business sectors to adapt to a 'new normal' whilst managing the risks arising from the Covid-19 pandemic. The Act included temporary fast-track provisions to reduce the regulatory barriers for premises such as restaurants and pubs in England to apply for pavement licences to be able to serve customers outdoors. On 31 March 2024, the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023 (LURA) (section 229 and schedule 22) were commenced, amending the 2020 Act and setting out a new, more permanent, process as well as clarifying enforcement powers.

The provisions of the 2023 Act had introduced a permanent pavement licensing regime in England to replace the temporary provisions introduced by the Business and Planning Act 2020. A business which used (or proposed to use) premises for the sale of food or drink for consumption (on or off the premises) could apply for a pavement licence. The change to a permanent pavement licensing regime provided certainty to businesses when planning for the years ahead, particularly if they saw outside dining as a key part of their offer.

The proposed Pavement Café Policy for Reading had been drafted to reflect the above changes to the statutory framework and also aligned the Council's fees structure with the revised fee levels set by Government that permitted charging up to £500 for new licences and £350 for renewals compared with the previous £100 cap.

The main purpose of the Policy would be to define how businesses in Reading could use temporary tables and chairs placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with, the use of the premises. The Policy also introduced a new public register and a new requirement for licence holders to display their licence prominently to provide consumers with more information and signposting as to where to make a complaint (namely the Licensing Team) if the furniture became an obstruction.

The report explained that, on 21 October 2024, the Policy Committee had approved the Council's new fee structure for pavement cafe licenses set out within the Pavement Café Policy which had come into effect on 1 November 2024.

### **Resolved:**

- (1) That paragraph 5.12 of the Street Pavement Café Policy 2024 to 2029, attached at Appendix 1, be amended to read as follows:**

**“5.12 There is no statutory right of appeal against the decision of the Council to refuse the licence, or against the conditions imposed on a permission. There is no option for internal appeal. If the applicant is unhappy with the decision they can make another application. For persons aggrieved by any refusal to grant a new Permission (or renew/vary any existing Permission) or by the conditions imposed on a Permission, they are invited to make another application.”**

- (2) That, subject to (1) above the Street Pavement Cafe Policy 2024 to 2029, as attached at Appendix 1, be approved for immediate adoption;**
- (3) That the increases made to Pavement Café fees and charges approved by Policy Committee on 21 October 2024 be noted.**

## **8. BUSKERS AND STREET ENTERTAINERS CODE OF PRACTICE**

Further to Minute 4 of meeting held on 11 July 2024, the Committee considered a report recommending the adoption of a Guide for Busking and Street Performance in Reading following the completion of the public consultation exercise on the proposals. The following documents were appended to the report:

- Appendix 1 - Consultation Responses
- Appendix 2 - Guide for Busking and Street Performance in Reading;
- Climate Impact Assessment; and
- Equality Impact Assessment.

The Guide had been produced as a joint initiative between Reading Borough Council and Reading Business Improvement District (BID) using best practice examples which had been adopted by towns and cities across the country. The Guide set expectations for performers and encouraged good practice and explained that non-compliance could result in

enforcement action being taken. The Guide had been designed to balance the interests of buskers and street entertainers with those who lived, worked and visited Reading's streets and shared public spaces by promoting the best of busking and street entertainment and by supporting performers to integrate into the community. The Guide also took into consideration street preachers and faith groups operating in the town centre. It was anticipated the Guide would help to reduce complaints and resolve disputes amicably.

Following the meeting held on 11 July 2024 a consultation on a draft version of the Guide had taken place between 25 July 2024 and 15 September 2024. The consultation identified a number of key themes that were set out in the report. The report also listed the Council's and Reading BID's responses to consultees' comments and highlighted the changes that had been made to the Guide as a result of the consultation process.

### **Resolved:**

- (1) That the results of the public consultation exercise on the draft Guide for Busking and Street Performance in Reading be noted;**
- (2) That the Guide for Busking and Street Performance in Reading, as attached at Appendix 2, be adopted;**
- (3) That the Assistant Director of Planning Transport and Public Protection be delegated authority to make changes to the Guide for Busking and Street Performance in Reading, in consultation with Reading BID and the Lead Councillor for Environmental Services and Community Safety;**
- (4) That a report be submitted to a future meeting to review the success of the Guide for Busking and Street Performance in Reading.**

## **9. STATEMENT OF GAMBLING LICENSING PRINCIPLES (GAMBLING POLICY)**

The Committee considered a report on a revised Statement of Gambling Licensing Principles (Gambling Policy) to cover the period 31 January 2025 to 30 January 2028. The following documents were appended to the report:

- Appendix RS-1 - Draft Statement of Gambling Licensing Principles 2025-2028
- Appendix RS-2 - Climate Impact Assessment
- Appendix RS-3 - List of Consultees
- Appendix RS-4 - Responses to Consultation
- Appendix RS-5 - Gambling Premises Licence Fees

Under the Gambling Act 2005, the Council, acting as Licensing Authority, had responsibility for granting premises licences in the Borough of Reading in respect of:

- Casino premises;
- Bingo premises;
- Betting premises, including tracks;
- Adult Gaming Centres;

- Family Entertainment Centres.

The report explained that the Gambling Act 2005 Act required the Council to prepare and publish a Statement of Principles (or Gambling Policy) to set out how the Council would fulfil its responsibilities and exercise its functions under the Act. The Act required the Policy to be reviewed every three years and the report explained that the new Policy would need to be in place by 31 January 2025 when the current Policy was due to expire.

A consultation on a revised Statement of Gambling Licensing Principles had been conducted between 16 August 2024 and 13 September 2024. Consultees included various bodies within the gambling industry, groups that dealt with the effects of gambling and the responsible authorities as defined in the Gambling Act. A copy of the responses received to the consultation exercise was attached to the report.

The report explained that some minor changes had been made to the Statement of Gambling Licensing Principles. The changes included updates to the contact details provided within the document, updates made to demographic figures and statistics within the document, and updates to maps.

**Resolved: That Council be recommended to approve the revised 'Statement of Gambling Licensing Principles' as attached at Appendix RS-1.**

(The meeting started at 6.30 pm and closed at 7.27 pm)



## LICENSING APPLICATIONS COMMITTEE MEETING MINUTES - 21 MAY 2025

**Present:** Councillors Woodward (Chair), Asare, Dennis, Edwards, Keane, Leng, Magon, Mitchell, Rowland, D Singh, Stevens, Tarar and Thompson.

### **1. ESTABLISHMENT, MEMBERSHIP AND TERMS OF REFERENCE OF SUB-COMMITTEES**

#### **Resolved –**

- (1) That, under the provisions of Sections 6 and 9 of the Licensing Act 2003 and Sections 101 and 102 of the Local Government Act 1972, a sub-committee be established for the Municipal Year 2025/26 to deal with applications for licences under Section 7 of the 2003 Act and to deal with other licensing matters under the 1972 Act;
- (2) That the members of the Sub-Committee be drawn from the membership of the Licensing Applications Committee;
- (3) That the Terms of Reference of the Sub-Committee be as set out in Appendix 1 to the Monitoring Officer's report to Council of 21 May 2025.

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## Licensing Applications Committee

22 July 2025



**Reading**  
Borough Council  
Working better with you

<b>Title</b>	Hackney Carriage & Private Hire Licensing Policy
<b>Purpose of the report</b>	To make a decision
<b>Report status</b>	Public report
<b>Executive Director/ Statutory Officer Commissioning Report</b>	Emma Gee, Executive Director Economic Growth & Neighbourhood Services
<b>Report author</b>	Clyde Masson, Principal Licensing Officer
<b>Lead Councillor</b>	Cllr John Ennis, Lead Councillor for Climate Strategy & Transport
<b>Corporate priority</b>	Inclusive Economy
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That the draft Hackney Carriage and Private Hire Licensing Policy as appended to the report be approved for consultation as set out in section 6 of the report.</li> <li>2. That a further report be submitted to a future meeting to adopt the final Policy, having taken the results of the consultation into account.</li> </ol>

### 1. Executive Summary

- 1.1. To provide a comprehensive Hackney Carriage & Private Hire Policy which brings together several previous policies relating to Hackney Carriage & Private Hire vehicles, drivers and Private Hire operators.
- 1.2. This report outlines the contents of the new Policy for the Licensing Committee to consider and approve for consultation.

### 2. Policy Context

- 2.1 This proposed new all-encompassing Policy is consistent with existing current Council policies relating to the taxi and private hire sectors and is bringing those together.
- 2.2 The proposals are consistent with the high-level Hackney Carriage and Private Hire Vehicle Strategy 2023-2028, adopted in November 2023.
- 2.3 This change, as recommended by Government in their latest guidance documents, provides an opportunity to review and refresh various sections, and make improvements.

### 3. The Proposal

- 3.1 That the new draft Hackney Carriage & Private Hire Policy as appended be approved for consultation.
- 3.2 That the consultation takes place for a minimum period of 6 weeks to allow consultees sufficient time to submit their responses using the Council's Consultation Hub.
- 3.3 That officers and trade representatives continue constructive monthly meetings to provide a platform for debate in respect of the proposals prior to the consultation findings being submitted to the Licensing Applications Committee for a decision.

### Current Position

- 3.4 Reading Borough Council have a number of separate policies regarding both hackney carriage and private hire. Differing application processes, specifications and emissions policies have created an unbalanced system. The statutory Taxi and Private Hire Vehicle Standards<sup>1</sup> set out that having one 'cohesive' all-encompassing policy is preferred (see paragraph 3.1). Having a cohesive policy for Hackney carriages and Private Hire vehicles ensures consistent regulations, promotes public safety, and simplifies operations for both the industry and the public.
- 3.5 The Licensing Applications Committee adopted the Hackney Carriage and Private Hire Vehicle Strategy 2023-2028 on 7 November 2023. This included an action to conduct a full assessment of policies against the Statutory Taxi & Private Hire Vehicle Standards and publish a consolidated policy document.
- 3.6 Currently hackney carriage vehicles have an 'Age & Emissions Policy' and private hire vehicles have only an 'Age Policy'. Whilst driver application processes are largely the same, enforcement differs considerably. Hackney carriage drivers are subject to a 3-warning letter system, conditions and Bylaws. Private hire drivers have conditions and a penalty points system.
- 3.7 On 13 July 2023, Licensing Applications Committee approved the adopted Statutory Taxi and Vehicle Standards 2022 (referenced above). These standards were intended to bring current policies in line with the Department for Transport (DFT) and other Local Authorities.
- 3.8 The Committee also approved the current version of the Hackney Carriage and Private Hire Criminal Convictions Policy dated October 2023, which is now brought into this new cohesive policy.

### Objectives

- 3.9 In setting out the new policy for consultation, the Council seeks to promote the following objectives:
- a) The protection of the public;
  - b) Safeguarding children and vulnerable adults;
  - c) Provide a user-friendly policy with easy to understand processes and procedures which is consistent for applicants and licence holders of hackney carriage and private hire licences;
  - d) Access to an efficient and effective public transport service.

### Policy and conditions - Options proposed:

- 3.10 Most changes incorporated within the new Policy reflect the review of private hire operator, driver and vehicle licensing, including private hire executive and school transport. A penalty points system for hackney carriages to align with the existing private hire points-based enforcement system is also proposed. The new hackney carriage penalty points enforcement system will replace the current 3-letter warning system for hackney carriage drivers currently in place. Hackney carriage conditions and Bylaws will remain on licences due to the complexity to have them removed and private hire conditions will remain on licences also, giving a range of enforcement options.
- 3.11 Officers propose to remove school transport as a separate category for licensing of private hire vehicles that fulfil conduct school transport contracts, on the basis the category is no longer required. Providing another tier of private hire licensing is inefficient and was

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<sup>1</sup> [Statutory taxi and private hire vehicle standards - GOV.UK](#)

originally introduced as a subsidised system to assist school transport services due to a lack of vehicles and drivers in the sector at the time. The supply and demand landscape has since changed, income to the council is impacted, and the adoption of the 'statutory standards' has now aligned all safeguarding requirements (most notably DBS checks). The position to remove subsidies and special categorisation of school transport drivers is supported by Brighter Futures for Children (BFfC).

- 3.12 Our Enforcement Officers provide resource to carry out regular checks at schools which was not part of the function when school transport licensing was introduced, but has emerged as a necessary function meaning costs are not covered by the subsidised fee. Fees need to commensurate with the work carried out in this area of licensing. Removing the category would still allow those wishing to conduct school transport work to be licensed under the private hire category and therefore increase their earning potential to conduct additional non-school related hire work.

### **Summary of Proposed Policy**

- 3.13 The proposals as set out in this report summarise the changes recommended by officers for consultation.

- 3.14 Removal of School Transport licensing as a category and removal of the subsidy currently in place for school transport licensing.

### **3.15 Private Hire Operators**

- Requirement for basic Disclosure Barring Service (DBS) checks for dispatch staff /controllers and new fit and proper test for Private Hire Operators as per DfT best practice guidance every 3 years.
- Implementation of requirements for a director or person with management responsibility for each PHV operator to have carried out safeguarding training and existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.
- Private Hire Operators to introduce a policy for dispatch staff that are ex-offenders.
- New and renewal applications will be accepted from within the Borough boundary only.
- Private Hire Operators are required to provide at least 1x specific Wheelchair Accessible Vehicles (WAV) per 10 vehicles, in accordance with the newly published Department for Transport's "Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England" (November 2023) which makes it clear that a "truly inclusive transport system is one where a mixed fleet is available".
- New specifications on plate exemption / dispensation.
- New renewal dates for submission of application documents
- New information regarding 'Duty to notify changes'

### **3.16 Private Hire (PH) and Hackney Carriage (HC) drivers**

- New requirement for all new (and renewal) PH & HC applicants to sign up to the Disclosure and Barring Service (DBS) update service, in line with DfT best practice guidance.
- Drivers of licensed vehicles will be required to display the RBC QR code sticker advising passengers how they can submit complaints, comments or compliments in relation to the driver or vehicle (to be developed).
- The draft Policy seeks views on 2 x proposals for a language proficiency test for all applicants.

- Clarification on driver renewal turnaround times.
- Holders of current PSV and/or HGV licences who can produce proof of a current medical examination, not more than one month old, will not need to undergo a further medical examination before licensing or re-licensing. Medical assessment reports must be date stamped and stamped with the GPs name and address of the surgery.
- Self-reporting by drivers is improved in relation to any convictions, cautions, fixed penalties or pending court cases. They must notify the Licensing Authority in writing within 48 hours of being formally notified of any charge, summons or conviction, or in the case of a custodial sentence, as soon as possible, in line with DFT best practice guidance.
- Any person who does not have the right to work in the UK is disqualified from holding a taxi or private hire driver licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status. Asylum/ seeker/ refugees can make an application once their right to work documents have been approved. Criminal records checks for overseas applicants advice assists people in obtaining this document. <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.
- Mandatory safeguarding training – New and existing licence holders will be required to undertake refreshers training every three years as a condition of the grant of their licence.
- Update of current Penalty Points System for Private Hire drivers and implementation of a Penalty Points System for Hackney Carriage drivers.
- Where it comes to the attention of the licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence (hackney carriage & private hire driver, vehicle owner and private hire operator).
- Practical driving assessments – current assessments only need to be completed on grant of a licence and have no expiry. The proposed Policy has been updated such that the assessment certificate will only be valid for the application process for a period of 12 months from date of issue. Previously licensed drivers who have not held one for 3 years or more must also re-take the assessments.
- DVLA licence and checks - If an applicant has been disqualified from driving due to motoring offences and they have not held a full, clean licence for a minimum of 12 months, the application will be refused. This is to show they have maintained a clean licence for a set period to demonstrate they meet minimum driving standards.
- Knowledge tests – The draft Policy has been changed to reflect that no applicant may sit the test more than three times in any 12-month period commencing on the date of their first test.

### 3.17 Private Hire and Hackney Carriage vehicles

- New proposals - With effect from 13<sup>th</sup> February 2026, no vehicles shall be licenced as a Private Hire if it is more 10 years since the date of the first registration. There will be the option, on satisfactory completion of compliance tests, for this to be extended further up to an additional 2 years for vehicles remaining in an excellent condition.
- New proposals - With effect from 1<sup>st</sup> January 2026, no vehicles shall be licensed for the first time as a private hire vehicle unless it meets the Euro 6 standard. The Euro 6 standard is a set of emissions regulations, building on previous standards, introduced by the European Union to reduce harmful pollutants from vehicle exhausts, particularly nitrogen oxides (NOx), carbon monoxide (CO), hydrocarbons (HC), and particulate matter (PM). It applies to all new cars sold in the EU and aims to improve air quality by setting strict limits on these emissions for both petrol and diesel engines.
- New proposals – With effect from 1<sup>st</sup> January 2026, any application to transfer ownership of a private hire vehicle will be refused if it is not Euro 6 compliant.
- Proposals for EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) – The ten year age limit for vehicles applies equally to EV's and ULEV's, but the opportunity exists to extend for up to a further two years based on the assessment and test as detailed in the draft Policy.
- New renewal standards to alleviate turnaround times for processing of plates.
- CCTV- The Policy seeks views on the mandatory installation of CCTV systems in hackney carriage and private hire vehicles and advises that 'The Home Office Surveillance camera code of practice' notes that Government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:
  - in pursuit of a legitimate aim
  - necessary to meet a pressing need
  - proportionate
  - effective
  - compliant with any relevant legal obligations
- Vehicle Testing requirements clarified – All Hackney Carriage & Private Hire Vehicles under 3 years of age are not required to have an MOT but do require an annual RBC compliance test.
- Hackney Carriage & Private Hire Vehicles from 3 years to 5 years old require 1 x MOT a year and an annual RBC Vehicle compliance check.
- All Hackney Carriage & Private Hire Vehicles which are 5 years and over require 6monthly MOT's and RBC vehicle compliance tests.
- Garage Testing - To promote fairness, all drivers and operators must in future, alternate vehicle inspections / MOT tests, between the two appointed garages.
- Seat Dimensions - New specifications required for Private hire vehicles, the aim is to make it easier for Licensing Officers to work out sufficient seating capacities and in relation to the plating of a vehicle.
- New fire extinguisher, luggage and trailer conditions are set out.
- Stretch Limo - New DfT guidelines are incorporated.
- Vehicle classifications permitted to be licensed - The council will NOT license vehicles that have been classified as Category 'A' (whole vehicle to be crushed), 'B' (body shell to be crushed) or 'S' write offs (structural damage). This is to ensure

all vehicles are of a high quality and meet the original, statutory safety standards. Category 'N' vehicles will be considered on a case-by-case basis (Both Hackney Carriage & Private Hire).

- Vehicle Proprietors - New DFT guidelines requiring vehicle proprietors to be subject to an annual basic DBS check are proposed for both Hackney Carriage & Private Hire proprietors.
- Notification of Changes - New requirements for vehicle owners to notify the Council of any changes to lease hire or change of address.
- Accident - New requirements for licence holders to notify the Council of any accident within 72 hours. (Both Hackney Carriage & Private Hire vehicles).
- Roof Signs - Removal of roof signs on Private hire vehicles in accordance with DFT guidance and replace them with door panel signs. [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)
- New proposal to introduce Door panels to be displayed in a conspicuous location on both sides of the front driver and passenger doors of a Private Hire vehicle. They must be approved by a Licencing officer prior to display and shall be printed with black lettering on a white background with Council logo.
- New criminality checks for vehicle proprietor's proposals, in line with DFT best practice guidance
- Comments, compliments, and complaints - DFT have introduced a new C.C.C. for passengers. - RBC already has a complaints/compliments procedure utilising a QR code displayed inside hackney carriage vehicles so propose extending this to private hire.

#### **4 Contribution to Strategic Aims**

##### Secure Reading's economic and cultural success

- 4.1 Taxi and private hire vehicles, drivers and operators form an important integrated part of the overall sustainable transport network. Their own economic success depends on offering a competitive, high-quality service in a highly regulated landscape. The economic and cultural success of Reading depends on a reliable and safe transport infrastructure.

##### Deliver a sustainable and healthy environment and reduce our carbon footprint

- 4.2 The draft Policy continues our management of vehicle ages and emissions status of vehicles on the HC and PH fleets to balance the competing demands yet follow the roadmap to net zero. Developing Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley – reducing the emissions from the Taxi and PHV fleets will contribute to a lower carbon footprint and reduce the NOx (Nitrogen Oxides) and particulate matter in the air which is associated with poor health outcomes.

##### Putting residents first

- 4.3 Customer safety is the principal aim for the licensing scheme. This Policy updates a number of areas to ensure improved customer safety, for instance the new QR code sticker to be displayed in vehicles for customers to leave compliments, comments and complaints.
- 4.4 Improvements to the availability of wheelchair accessible vehicles (WAV) are proposed.



## Building on strong foundations

- 4.5 Ensuring the Taxi and PHV sector remains integrated into our sustainable transport network to continue to move passengers to destinations safely, contributing to the economy with low impact on the environment through cleaner vehicles.
- 4.6 Taxis and PHVs are one of the most flexible elements of the transport system operating 24/7 on a commercial basis. They are integral to supporting residents and local businesses to thrive by transporting residents and visitors around the Borough. The services are a primary mode of passenger transport for many people for whom mainstream public transport is not an option or suitable. Taxis and PHVs help support many disabled and vulnerable people to live more independent lives. They also play an important part in supporting the night-time economy, providing a safe and secure mode of transport for many people home.

## **5 Environmental and Climate Implications**

- 5.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).
- 5.2 Transport is the biggest greenhouse gas emitting sector in the UK accounting for around 27% of total carbon emissions. As set out in the Reading Climate Emergency Strategy 2020-25, this figure is lower in Reading with transport accounting for around 20% of carbon emissions. However, significant investment in sustainable transport solutions is vital in order to respond to the Climate Emergency declared by the Council in February 2019 and to help achieve our target of a carbon neutral Reading by 2030.
- 5.3 The existing Hackney Carriage Vehicle Emissions and Age Policy has been incorporated into this new draft overarching policy document, which intends to improve both the hackney carriage vehicle fleet and the private hire fleet by removing older more polluting vehicles, creating a safer more reliable fleet which will improve local air quality within Reading.

## **6 Community Engagement**

- 6.1 Consultation is required with an expert/representative on the requirements for more wheelchair accessible vehicles (WAV) to ensure the numbers will be set at the right level. We will seek a suitable local expert and provide a brief presentation on the subject matter and invite them to respond online via the Council's Consultation Hub platform.
- 6.2 The drivers, vehicle owners and operators involved in the HC and PH trades will be given a 6 week consultation period to comment on the new draft Policy. We will email the trade representatives the link to the consultation papers which will be available online using the Council's Consultation Hub platform.
- 6.3 Residents, workers and visitors to Reading, some of whom rely on these services, will also be invited to make representations during the consultation period.
- 6.4 Final recommendations, following the consultation will be reported back to Licensing Applications Committee in November 2025. Monthly meetings are held with trade representatives. Officers will encourage drivers to submit comments using the consultation hub portal for formal capture.

## **7 Equality Implications**

- 7.1 An equality impact assessment has been conducted, as it is recognised that, as a public authority, we have an opportunity to advance equality of opportunity as required by the Equality Act 2010, section 149 in relation to monitoring/regulating the number of wheelchair accessible vehicles in the Private Hire fleet. This can be seen as Appendix 1.

## **8 Other Relevant Considerations**

- 8.1 Nothing additional.

## **9 Legal Implications**

- 9.1 Legal implications are covered in the main body of the report.
- 9.2 Legal Services have cleared this report in respect of Legal Implications.
- 9.3 The proposed policy relating to penalty points has been drafted to ensure that it is lawful in light of the case of R (Singh) v Cardiff City Council. The policy sets out triggers for a discretionary review by officers, and exercising the power to suspend or revoke a licence would be at the Council's discretion and not be 'automatic'. The policy makes clear that officers and, if a further review is requested, Sub-Committee members, will take account of the circumstances behind earlier imposition of points, and would have discretion to consider all options available including, but not limited to, suspension or revocation.
- 9.4 The policy has also been updated with the inclusion of a reference to community resolutions, in order that these can be taken into account as part of the convictions assessment.

## **10 Financial Implications**

- 10.1 There are no direct financial implications arising from this report. Whilst it is not anticipated that any significant financial implications will arise from the proposed consultation, as set out in paragraph 11.2, a further report outlining the consultation responses and any resulting financial implications will be brought back to the Committee in November 2025.

## **11 Timetable for Implementation**

- 11.1 If it is resolved to take the draft policy out for consultation, that will be conducted through August 2025 into September, for a 6 week period, utilising the usual online Council Consultation Hub platform. The direct website link to the consultation will be proactively shared by email with the trade representatives for both the Reading Hackney Carriage Association and the Reading Private Hire Drivers' Association for onward distribution to their members. Their responses will be automatically captured/collated by the consultation hub system. We will provide a response to the comments directly to the trades.
- 11.2 A summary of the consultation responses and any proposed amendments, will come back to November Committee.

## **12 Background Papers**

- 12.1 There are none.

## **13 Appendices**

Appendix 1: Equalities Impact Assessment

Appendix 2: Climate Impact Assessment

# Licensing Policy

## HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

Licensing Policy effective from:

<<START DATE>> until <<FINISH DATE>>

Reading Borough Council Civic  
Offices  
Bridge Street Reading  
RG1 2LU

Email: [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)

Web: [www.reading.gov.uk/business/licences/taxi  
-and-private-hire-licensing/](http://www.reading.gov.uk/business/licences/taxi-and-private-hire-licensing/)



[www.reading.gov.uk](http://www.reading.gov.uk)



**Reading**  
Borough Council  
Working better with you

Page 1 of 41

<b>1.</b>	<b>Introduction</b>	<b>Page 5</b>
<b>2.</b>	<b>Legislation and best practice guidance</b>	<b>6</b>
<b>3.</b>	<b>Applications for licences</b>	<b>6</b>
<b>4.</b>	<b>Guidance on the suitability to hold a licence</b>	<b>8</b>
<b>5.</b>	<b>Changes to details</b>	<b>9</b>
<b>6.</b>	<b>Enforcement</b>	<b>9</b>
<b>7.</b>	<b>Hackney carriages and private hire vehicles</b> Applications for vehicle licenses Criminal record checks Limitation of numbers Specifications and conditions Condition of the vehicle Insurance and other documentation Reporting to the Council Transfers Vehicle emissions Vehicle testing Tariff Signage and advertising Plate exemption for private hire vehicles Equipment Smoke free vehicles CCTV and security measures Meters and payment machines Accidents Lost property Accessible vehicles Hackney carriage vehicles – accessibility requirements, equipment and anchorage Private hire accessible vehicles – Specification, equipment and anchorage Stretched limousines and special vehicles Funeral and wedding vehicles Trailers	<b>10</b> 10 10 11 11 12 12 12 12 13 13 14 14 15 15 16 16 16 16 17 17 17 18 19 20 20
<b>8.</b>	<b>Hackney carriage and private hire drivers</b> Grant and renewal of licences Age and experience Right to work in the UK Medical examination Criminal record checks (DBS) DVLA Licence and Checks Practical Driving Assessment English language proficiency Knowledge test Disability Awareness Training Safeguarding Training	<b>21</b> 21 21 21 21 22 23 23 24 24 25
<b>9.</b>	<b>Private hire operators</b> Requirements and obligations	<b>25</b> 25

Grant and renewal of licences	25
Criminal record checks (DBS)	25
Right to work in the UK	26
Safeguarding Training	26
Conditions	26
Operator Base	26
Sub-contracting	27
Trading names	27
Data protection	27
Record keeping	27
<b>Appendix A - Hackney Carriage Vehicle Specification and Licence Conditions</b>	<b>28</b>
Vehicle emissions and testing requirements	28
Specifications	28
<b>Appendix B – Hackney Carriage Vehicle Legislation and Licence Conditions</b>	<b>30</b>
Legislation relevant to the proprietors of Hackney Carriage vehicles	30
Conditions attached to hackney carriage vehicle licences	32
Conditions applicable to hackney carriage vehicles carrying out 'home to school' transport	33
<b>Appendix C – Private Hire Vehicle specifications</b>	<b>35</b>
Vehicle emissions and age policy	35
Specifications	35
Executive private hire vehicles	37
Limousine/party vehicles	38
<b>Appendix D – Private Hire Vehicle Legislation and Licence Conditions</b>	<b>41</b>
Legislation relevant to proprietors of private hire vehicles	41
Conditions attached to private hire vehicle licences	41
Conditions applicable to private hire vehicles carrying out 'home to school' transport contracts	44
<b>Appendix E - Approval of advertising/livery on licensed vehicles</b>	<b>45</b>
Advertising content – general	45
Static advertisements	45
Moving images	45
Dispensers	46
Audio material	46
Conditions to be applied to liveried hackney carriages	47
Private hire vehicles	47
<b>Appendix F – Private Hire Operator Licence Conditions</b>	<b>48</b>
Legislation relevant to operators of private hire vehicles	48
Conditions attached to private hire vehicle operator licences	48
<b>Appendix G – Hackney Carriage Driver's Bylaws, Conditions and Penalty Points System</b>	<b>52</b>
Part 1 – Penalty Points System	52
Part 2 – Conditions & Bylaws	56

<b>Appendix H – Private Hire Driver’s Conditions Penalty Points System</b>	<b>66</b>
Part 1 – Penalty Points System	66
Part 2 – Conditions	70
<b>Appendix I – Hackney Carriage &amp; Private Hire Criminal Convictions Policy</b>	<b>80</b>
Information for applicants and existing licence holders	80
Overview	81
Overall conviction history	81
Barred lists	83
Crimes resulting in death	83
Exploitation	83
Offences involving violence against the person	84
Possession of a weapon	84
Sexual offences	84
Dishonesty	85
Drugs	85
Discrimination	86
Motoring convictions	86
Drink driving/driving under the influence of drugs	87
Using a hand-held device whilst driving	87
Disqualification from driving by ‘totting up’	87
Hackney carriage and private hire offences	87
<b>Appendix J - Glossary of Terms</b>	<b>88</b>

# 1. Introduction

- 1.1. This policy statement has five main purposes, which are:
- To bring together the various policy documents which relate to hackney carriage and private hire drivers, vehicles and operators into one place.
  - to confirm to members of the Licensing Applications Committee and Sub Committee the boundaries and powers of the Council and the parameters within which to make decisions;
  - to inform licence applicants of the parameters within which the Council will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the Council which licenses them;
  - to inform local residents and businesses of the parameters within which the Council will make licensing decisions and therefore how their needs will be addressed; and
  - to support a case in a court of law where either council must show how it arrived at its licensing decisions.
- 1.2. In setting out this policy, the Council seeks to promote the following objectives as set out in the Council plan.
- Healthy Environment - Developing Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley – reducing the emissions from the Taxi and PHV fleets will contribute to a lower carbon footprint and reduce the NOx (Nitrogen Oxides) and particulate matter in the air which is associated with poor health outcomes.
  - Thriving Communities – by ensuring the Taxi and PHV sector remains integrated into our sustainable transport network to continue to move passengers to destinations safely, contributing to the economy with low impact on the environment through cleaner vehicles.
  - Inclusive Economy - Taxis and PHVs are one of the most flexible elements of the transport system operating 24/7 on a commercial basis. They are integral to support local businesses to thrive by transporting residents and visitors around the Borough. The services are a primary mode of passenger transport for many people for whom mainstream public transport is not an option or suitable. Taxis and PHVs help support many disabled and vulnerable people to live more independent lives. They also play an important part in supporting the night-time economy, providing a safe and secure mode of transport for many people to get home.
- 1.3. The aim of the Council's licensing process and procedures is to protect the public and ensure that the public have access to proficient Hackney carriage and Private Hire services. It is essential the Council's licensing processes, procedures and powers produce safe, comfortable and properly insured hackney carriage vehicles, drivers and Private hire Operators, Vehicles & Drivers.
- 1.4. Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They provide a personal bespoke service in situations where public transport may not be available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.
- 1.5. This policy also contains information about legal requirements, government guidance, Council policy, procedures and standards. It has been produced pursuant to the powers conferred by the

Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on councils the duty to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.

- 1.6. In exercising their discretion in carrying out their regulatory functions, the council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the councils to depart substantially from this policy, clear and compelling reasons must be given for doing so.
- 1.7. This policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Assistant Director (AD) of Planning, Transport and Public Protection in consultation with the Chair of the Licensing Applications Committee is authorised to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar.
- 1.8. The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their business. This guidance, application forms and current fees are available on the council's webpages. In order to ensure that the most up to date version is used, applicants and licence holders should not store these forms on their own system but should download the latest version of a form when it is required.

## **2. Legislation and Best practice guidance**

- 2.1. All licence holders must comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in legislation, including but not limited to the following:
  - Town Police Clauses Act 1847;
  - Part II Local Government (Miscellaneous Provisions) Act 1976; and
  - Equality Act 2010.
- 2.2. 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, in the light of their own circumstances. The Council has taken account of the DfT guidance to shape this policy. In addition, the Council has taken account of the Statutory Taxi and Private Hire Vehicle Standards published by the DfT in July 2020. In adopting this policy the Council must strike a balance between the financial interests of the trade and the protection of the travelling public.
- 2.3. In adopting this policy, the Council must strike a balance between the financial interests of the trade and the protection of the travelling public.
- 2.4. 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 1889, the Public Health Act 1875, the Local Government Act 1972 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which they have adopted.

## **3. Applications for Licenses**

- 3.1. The Council requires applications for hackney carriage/private hire licences must be made on the



prescribed application form which is available on the relevant Council website or using the relevant Council electronic procedure. The Council's website will provide guidance to assist in the completion of the application.

- 3.2. The licence fees payable to the Council are subject to annual review and will be published together with other Council licensing fees on the Council's website. This may include charges for appointments, knowledge tests, training sessions, etc.
- 3.3. The Council will consider all applications on their own merits once they are satisfied the application is complete. Incomplete or missing documentation or evidence may result in the application being rejected. Any application that is not completed within 6 months may be refused.
- 3.4. Where an applicant is unable to demonstrate they fulfil the requirements of this policy, applications will normally be refused. It may be that, having regard to the circumstances, it would be right to depart from the policy. Applications will be determined in accordance with the current scheme of delegation. In some cases, the AD of Planning, Transport and Public Protection may refer applications or existing licence holders to a Licensing Applications Sub Committee for determination.
- 3.5. The applicant will be given an opportunity to make representations and these will be considered by the decision maker/s.
- 3.6. If a matter is referred to a Licensing Applications Sub Committee for determination, the applicant or licence holder will be advised of the date, time and venue of the hearing. The proceedings and terms of reference of the Licensing Applications Sub Committee are set out on the Council's websites.
- 3.7. Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.
- 3.8. The Council does not send reminders to licence holders before their licence expires, and the responsibility of ensuring licences do not expire remains with the licence holder. Applicants must therefore allow a minimum of 6 weeks 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).
- 3.9. If an application to renew a licence is received late (less than 6 weeks), the licence may expire before a new one can be issued. For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licensed by the relevant council until a new licence has been granted.
- 3.10. The 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 a valid reason to do so, for example an investigation of a criminal offence. The privacy notice relating to applicants for licences and licence holders can be found on the councils' websites. Where drivers have been licensed 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's 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 of relevant information by applicants.

#### 4. Guidance on the suitability to hold a licence

4.1. When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the Council shall take into account the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades ('the Guidance'), an extract of which can be found at Appendix F. The document applies to all vehicle, driver and operator licence holders and applicants. The full document is available on the council's website.

4.2. The DfT Statutory Taxi and Private Hire Vehicle Standards states as follows:

*Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:*

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

*If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. Licensing authorities have to make difficult decisions but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.*

4.3. All Private hire licence holders (operators, vehicle proprietors and drivers) 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.

4.4. All Private hire licence holders (operators, vehicle proprietors & drivers) 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 bodies. This is to allow the Council to be aware of any public safety concerns and to take appropriate action. Failing to notify the Council may result in additional enforcement action against the licence.

4.5. 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 violence;
- An offence involving dishonesty; and
- An offence involving exploitation.

4.6. A licence may also be revoked with immediate effect where information received raises grave

doubts as to the fitness and propriety of a driver, regardless of whether criminal charges are brought. In all cases the licence holder will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

## **5. Changes to details**

- 5.1. All licence holders must notify the council in writing within 14 days of any change of name, postal address, email address or telephone number during the period of the licence.
- 5.2. It is recommended that all licence holders notify the Council if they are likely to be unable to be contacted for more than 28 days. This may help to prevent unnecessary suspension or revocation of licences.

## **6. Enforcement**

- 6.1. 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 of the Council;
  - respond to complaints; and
  - support partnerships with neighbouring local authorities, and other agencies such as the police and Driver and Vehicle Standards Agency (DVSA).
- 6.2. All enforcement will be proportionate, transparent and in accordance with the Regulator's code and our enforcement policy. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing Applications Committee and Sub Committee. The Council will ensure that the policy and its enforcement system meet the objectives set out in the policy whilst avoiding undue burden and costs upon licence holders.
- 6.3. 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 warnings, through to the suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers through a penalty points-based enforcement scheme as detailed in Appendices G and H.
- 6.4. Authorised officers are empowered to take the following measures:
- verbal warning;
  - written warning;
  - penalty points;
  - final written warning;
  - suspension of licences;
  - appearance before the Licensing Applications Sub-Committee;
  - revocation (by the AD of Planning, Transport and Public Protection); and
  - prosecution.
- 6.5. Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who willfully 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 under the relevant sections of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders may be requested to attend the council offices, for example to produce current insurance documents or their vehicle for

inspection, upon reasonable request by an officer.

- 6.6. All licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed.

## **7. Hackney carriage and private hire vehicles**

### **7.1. Applications for vehicle licenses**

- 7.1.1. 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 the 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, whereas private hire vehicles may only carry out pre-booked work through a licensed private hire vehicle operator.
- 7.1.2. This policy outlines the minimum requirements for vehicles licensed by the council. These requirements set out what is acceptable under delegated powers. Prospective applicants should have regard to these requirements before a vehicle is purchased. Any vehicle presented for licensing which does not comply with these requirements may not be accepted after consideration of its own merits by officers or via any Licensing Applications Sub-Committee hearing.
- 7.1.3. Legislation limits hackney carriage or private hire vehicle licenses to a maximum period of 12 months. A licence may be granted for a shorter period, should this be justified on a case-by-case basis.
- 7.1.4. Vehicles will only be considered for licensing if they are not already licensed by another licensing authority.
- 7.1.5. Applications for the renewal of a licence must be made a minimum of 6 weeks before the expiry of the current licence. This is to ensure the renewal application can be processed before the licence expires, otherwise the vehicle cannot be used for private hire or hackney carriage purposes until the renewal is issued. It is the responsibility of the owner to ensure applications are made in time. Applications are processed on a 'first come, first-served basis,' and priority will not be given to applications that are submitted outside of the prescribed timeframe, even if this means the licence will expire.

### **7.2. Criminal record checks**

- 7.2.1. All applicants must also provide a current (dated within the last year) Basic DBS disclosure (although if the vehicle proprietor is also a licensed driver or operator with the council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure and the operator will already have provided a Basic DBS disclosure - 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. Where the proprietor 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 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.

- 7.2.2. Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these at any point beyond the age of criminal responsibility, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator.
- 7.2.3. Where the Council has 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.
- 7.2.4. Both prospective and current licence holders are required to sign up to the DBS Update Service. This service reduces the costs of DBS checks to the licence holder and provides a mechanism for the Council to carry out DBS checks on a 6 monthly basis as required. Licence holders are required to ensure their direct debit account is always active. Failure to maintain their direct debit account may result in removal from the update service which will result in suspension of the licence.
- 7.3. **Limitation of Hackney Carriage numbers**
- 7.3.1. The Council currently limits the number of hackney carriage vehicle licences. To maintain a limit on the number of licences, the Council is required by law to carry out a survey to test if sufficient demand is delivered within the number of vehicles licensed. An 'Unmet Demand Survey' is required to be carried out every 5 years to determine if the limit on numbers of vehicle licences should remain, although may be commissioned at shorter intervals if needed.
- 7.3.2. DfT guidance advises the default option should not be to restrict vehicle numbers, any restrictions imposed on hackney carriage vehicle numbers should be justified through a survey. The costs associated with the carrying out of an unmet demand survey are borne by the hackney carriage trade.
- 7.3.3. No powers exist for the Council to limit the number of private hire vehicles that they licence.
- 7.4. **Specifications and conditions**
- 7.4.1. The Council has adopted minimum standards that will apply to all licensed vehicles. These are set out in Appendix A for hackney carriages and Appendix C for private hire vehicles.
- 7.4.2. The Council is empowered to impose such conditions as they consider reasonably necessary, in relation to the grant of hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a service to the public; the Council will only license vehicles suitable for this purpose. It is important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous, to maintain high standards within the trade.
- 7.4.3. The Council will not license purpose built hackney carriage vehicles as private hire vehicles as this would be likely to confuse members of the public.
- 7.4.4. Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates may be used to disguise stolen or accident damaged vehicles.
- 7.4.5. The Council will NOT licence vehicles that have been classified as the following 'write off' categories:

- 'A' (whole vehicle to be crushed),
- 'B' (body shell to be crushed);
- 'S' (structural damage); or
- 'N' (non-structural damage).

This is to ensure all vehicles are of a high quality and meet the original, statutory safety standards.

## **7.5. Condition of the vehicle**

- 7.5.1. The interior and exterior of the vehicle shall always be kept clean. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall always have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to, the generality of the current Motor Vehicle (Construction and Use) Regulations.

## **7.6. Insurance and other documentation**

- 7.6.1. The proprietor shall not use the vehicle, nor permit it to be used, as a private hire or hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle for these purposes. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the Council. The Council will only accept insurance from bodies that are registered with the Motor Insurance Bureau. Failure to do so may result in the licence being suspended/revoked or prosecution.
- 7.6.2. When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid MOT/compliance certificate. Only original documents are acceptable.

## **7.7. Reporting to the Council**

- 7.7.1. All licence holders must report to the Licensing section of the Council 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.
- 7.7.2. All licence holders are required to inform the Licensing Section of the Council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
- 7.7.3. All licence holders must notify the Licensing Section of the Council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
- 7.7.4. Where damage that requires repair arises from an accident the proprietor is required to report the accident to the Council within three days.

## **7.8. Transfers**

- 7.8.1. A 'transfer' is the sale of a currently licensed vehicle from one owner to another within the fleet.

The Council must be notified of any such transfer within 7 days of it taking place.

- 7.8.2. 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 together with other council licensing fees.

## 7.9. **Vehicle emissions**

- 7.9.1. The Council has declared a Climate Emergency and aspires to work towards a carbon neutral borough. Considering this, the aim is for all vehicles licensed by the council to be zero carbon by 2030 at the latest. Over the life of this policy, we will work with other sections of the Council and other partners to improve the infrastructure for electric vehicle charging on the council's property and land and will investigate options for installing additional infrastructure on other sites.
- 7.9.2. The Council encourages drivers and operators to adopt more efficient vehicles, which reduce the levels of CO<sub>2</sub> and NO<sub>x</sub> emitted. The use of alternative fuels and different technologies, such as fully electric vehicles, will further reduce emissions.
- 7.9.3. The Council offers reduced licence fees for new to fleet Hackney Carriage vehicles that produce lower carbon dioxide or nitrous oxide emissions, or that are solely electric/hydrogen powered (i.e. zero- emissions). These incentives are reviewed annually.
- 7.9.4. There are no such incentives for low emission and electric vehicles within private hire vehicle licensing, because these types of vehicles are readily available to private hire proprietors.
- 7.9.5. The emissions and age policies for hackney carriage and private hire vehicles can be found in Appendix A and Appendix C respectively.

## 7.10. **Vehicle testing**

- 7.10.1. The DfT guidance recognises that an annual inspection for licensed vehicles of whatever age is necessary. More frequent tests are recommended for older vehicles. The DfT guidance also suggests that it is good practice for councils to consider having more than one testing station and argues that there could be advantages in contracting out the testing work to different garages. The Council will not license vehicles unless they have a current certificate of compliance from one of the approved compliance testing centres.
- 7.10.2. The Council has approved 2 MOT/RBC compliance testing centres to which all hackney carriages and private hire vehicles must be taken when being tested in connection with licensing requirements. The location and contact information for approved compliance testing centres is available on the Council's website.
- 7.10.3. Vehicle MOT and compliance tests must be conducted at alternate testing centres on a rolling basis. For example, if the annual MOT/compliance is carried out at Test Centre A the next test must be done at test Centre B, and so on.
- 7.10.4. If a hackney carriage/private hire vehicle receives minor defects/advisories as part of an MOT test, these must be repaired before the next test. If the same minor defects/advisories appear again as part of the following MOT test, the vehicle licence may be subject to suspension or revocation.
- 7.10.5. Anyone who wishes to complain about or is in dispute with any of the approved testing stations may contact the Licensing Team who will investigate the complaint. Complaints concerning the part of the test that checks the Council's conditions will be dealt with by the Licensing Team.

- 7.10.6. Officers are trained to carry out vehicle inspections to ascertain their fitness to be on the road through City & Guilds, Level 3, Basic Vehicle Inspections Course. Reference may be sought from DVSA. Complaints about the mechanical part of the test may be referred to the DVSA if appropriate.
- 7.10.7. Tests must take place in accordance with the Council's testing procedures. A compliance test covers all the elements of the MOT and the Council's standards as laid out in Appendices A to D. In addition, the accuracy of a meter will be checked over a measured mile by officers.
- 7.10.8. The table below sets out how many MOT and Compliance tests vehicles are required to take according to the age of the vehicle.

<b>MOT AND RBC COMPLIANCE TESTSING REQUIREMENTS</b>		
<b>Age of Vehicle</b>	Frequency of MOT	Frequency of Compliance test
<b>Under 3 years</b>	Not required	Once a year
<b>3 to 5 years</b>	Once a year on grant or renewal	Once a year
<b>5 years and over</b>	Twice a year on yearly renewal and every 6 months thereafter	Twice a year on renewal and every 6 months there after

#### 7.11. **Tariff**

- 7.11.1. The tariff is the maximum figure that hackney carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. For journeys outside the Council boundary, unless there is a fare agreed before the hiring, the fare should not exceed the tariff. If a hackney carriage is used for a private hire booking, the fare shall be calculated from the point in the Borough at which the hirer commences their journey.
- 7.11.2. The tariff card must be fixed in such a position that it is always visible to all passengers within the vehicle. The information on the tariff card shall be clearly legible and if it becomes damaged or defaced it must be replaced.
- 7.11.3. The tariff does not apply to private hire vehicles as these are set by individual private hire operators.

#### 7.12. **Signage and advertising**

- 7.12.1. Members of the public sometimes confuse private hire vehicles with hackney carriages; without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public can easily distinguish each type of vehicle.
- 7.12.2. For this reason, private hire vehicles must NOT display any roof signs and must not display any wording that includes the words 'taxi' or 'cab'.
- 7.12.3. Hackney carriage vehicles must have a roof sign that is built into the design of the hackney carriage vehicle. No aftermarket roof signs are permitted.
- 7.12.4. Both hackney carriages and private hire vehicles must display a licence plate on the rear of the vehicle. The plates are a different colour for hackney carriages and private hire vehicles. The external licence plate supplied by the Council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. No temporary



fixing such as magnets, double sided tape, cable ties or Velcro® are allowed. The licence plate always remains the property of the council. If required to do so at any time, the licence holder must return the plate to the Council within seven days.

- 7.12.5. Private Hire Vehicle licence holders shall only display their licence and operator details on side panels located on the rear passenger doors. The side identification panels must include the words “Private Hire, Advanced Bookings Only” and the licence plate number, printed in letters and numbers not less than 2.5cm (1”) in height. This wording must NOT be handwritten.
- 7.12.6. Advertising is permitted on the exterior of licensed hackney carriage vehicles, subject to approval in accordance with the process set out in Appendix E. Complaints about unsuitable or offensive advertisements may be referred to the Licensing Applications Sub-Committee. This does not include advertising for the taxi or private hire firm that the vehicle works for.
- 7.12.7. Advertisements are permitted on the interior of purpose-built hackney carriages subject to approval in accordance with the process set out in Appendix E. These may be on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. No advertisement may be placed on the dividing glass partition other than notices approved by the Council.
- 7.12.8. Private hire vehicles are not permitted to carry advertisements other than side panels displaying details of the vehicle’s private hire operator (see Appendix E).
- 7.12.9. Hackney carriage and private hire vehicles must display the complaints information card provided by the Council inside the vehicle so that it may be clearly read by passengers.
- 7.12.10. Licensed vehicles may also display:
- a sign indicating membership of the AA, RAC or similar motoring organisation;
  - a first aid kit sticker; and
  - any other material supplied by the Council.

#### 7.13. **Plate exemption for private hire vehicles**

- 7.13.1. Private hire vehicles which are used for contract work may be exempted from displaying a plate. The operator’s records for these vehicles must prove that the required amount of contract work is being carried out and the council will require written evidence as to why plate exemption is required. Where an exemption is granted, the internal exemption card/disc issued by the Council must be placed in the bottom corner of the front windscreen on the passenger side and must be clearly visible from both inside and outside of the vehicle. The rear licence plate must be always carried in the vehicle.
- 7.13.2. Exemption certificates will only be granted to executive type vehicles. The Council will determine applications for exemption on a case-by-case basis. The plate exemption must be applied for by the operator of the vehicle with evidence of contract work to support the exemption. An exemption will expire on expiry of the vehicle licence. Operators are required to provide up to date evidence of the requirement for the exemption on request from officers. Operators should not automatically assume that when applying for a new vehicle exemption to replace an existing one that the plate exemption will continue. The fee for this process is subject to annual review and will be published together with other Council licensing fees.
- 7.13.3. Executive private hire vehicles shall not be used to carry out home-to-school contract journeys due to safeguarding and public safety concerns.

#### 7.14. **Equipment**

7.14.1. The vehicle must carry the following equipment, clearly marked with the plate number of the vehicle:

- a fire extinguisher (must be in good working order and within the expiry date)
- a first aid kit that is within the expiry date shown on the packaging.

7.15. **Smoke free vehicles**

7.15.1. Smoking/vaping is NOT permitted in the vehicle at any time, either by the driver or any passengers. The use of vapes, electronic cigarettes and any other vapor inhaling equipment is prohibited by drivers and passengers. At least one legible no-smoking sign must be displayed in the vehicle.

7.16. **CCTV and security measures**

7.16.1. The DfT recommends councils to look sympathetically on the installation of security features, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. The Council fully supports such measures.

7.16.2. Councils do not require enhanced security or CCTV measures in vehicles. Where a proprietor installs a CCTV system, signage must be clearly displayed in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with any relevant data protection legislation or regulations. It is the responsibility of the driver/operator to ensure compliance.

7.16.3. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied by the vehicle proprietor to the Licensing Section of the Council.

7.17. **Meters and payment machines**

7.17.1. Hackney carriage vehicle must always be fitted with a taximeter (a private hire vehicle may also be fitted with a meter, subject to approval from the Licensing Section of the Council).

7.17.2. All taximeters must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304) or UKCA (UK Conformity Assessed) marked. The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. All meters must be sealed with a tamper evident seal. The taximeter shall be set at the tariff displayed in the vehicle which must be visible to passengers.

7.17.3. The taximeter must:

- be of the clock calendar type and change according to the wording of the displayed fare tariff.
- show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures.
- be kept securely fixed in such a position so that the fare recorded is always visible to all passengers within the vehicle and the figures shall be illuminated for this purpose whenever necessary.
- not be altered or tampered with except with the approval of the Council and must be retested by officers or one of the Council's approved testing stations if it is altered.
- All openings shall be sealed with a 'tamper evident' seal supplied by the Council.

7.17.4. Hackney carriage vehicles must always have a working card payment machine available for use by passengers and there must be signs on display to show that payment by card is available.

7.18. **Accidents**

- 7.18.1. Where damage that requires repair arises from an accident, the proprietor is required to report the accident to the Council within three days. The proprietor may be required to produce the vehicle at the Council offices, or to undertake a compliance test. The Council's primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.
- 7.18.2. A Licensing Officer or an approved testing station may examine the extent of the damage and determine whether the vehicle must be repaired to allow it to continue as a licensed vehicle.
- 7.18.3. Where a temporary vehicle licence has been granted due to the original vehicle being subject to accident damage or mechanical breakdown, a new compliance certificate may be required for the original vehicle to prove it is mechanically fit to be re-licensed.
- 7.19. **Lost property**
- 7.19.1. The proprietor or driver of a hackney carriage or private hire vehicle must report any lost property found in the vehicle to Thames Valley Police in accordance with current procedures, if they are unable to contact the passenger directly.
- 7.20. **Accessible vehicles**
- 7.20.1. The Council is committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life, for this reason, and to fulfil our "Disability Equality Duty" under the Disability Discrimination Act 2005, the Council consider it important that disabled residents have access to all forms of public transportation.
- 7.20.2. All hackney carriage vehicles are required to be purpose-built wheelchair accessible vehicles.
- 7.20.3. All private hire operators with fleets of 10 or more vehicles are required to have a minimum of 1x wheelchair accessible vehicle per 10 vehicles (1x vehicle in 10, 2x vehicles in 20, 3x vehicles in 30 etc.).
- 7.21. **Hackney carriage vehicles – accessibility requirements, equipment and anchorage.**
- 7.21.1. The Council follows the London Carriage Office specifications for licensing hackney carriage vehicles which includes the turning circle (see Appendix A).
- 7.21.2. Any electronic doors, steps and the turning circle mechanism is required to always be in working order.
- 7.21.3. Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rear-facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard hackney carriage with seating for the number of passengers the vehicle is licensed to carry.
- 7.21.4. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side access doors. The side access door must be the door situated on the nearside of the vehicle i.e. the kerbside when stopped in a normal road.
- 7.21.5. Hackney carriage vehicles shall be fitted with the manufacturer's access equipment.
- 7.21.6. The ramp must be nonslip, integrated and shall have visible reference to a safe working load of 250kg and certified to the relevant British Standards.

- 7.21.7. The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.
- 7.21.8. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
- 7.21.9. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).
- 7.22. **Private hire accessible vehicles – Specification, equipment and anchorage**
- 7.22.1. Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the Council. This specification can be found in Appendix C for private hire vehicles.
- 7.22.2. The Council are aware of the different demands for private hire vehicles, particularly those involved in providing transport through school contracts for disabled children. Operators also need to be aware of their liabilities under health and safety legislation in respect of the staff that they employ to ensure that they provide a safe system of work for the driver.
- 7.22.3. Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rear-facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.
- 7.22.4. Prior to licensing, the applicant must provide the Licensing Section of the Council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers, the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval standard. A Licensing Officer may require the vehicle to be referred to a testing centre approved by officers of the Council. This inspection will be carried out at the owner's cost. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
- 7.22.5. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors where available. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
- 7.22.6. The aperture of the door into which the access equipment is fitted shall have a minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
- 7.22.7. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.
- 7.22.8. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair

access equipment:

### **Ramps**

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250kg and certified to the relevant British Standards.

### **Wheelchair lift**

A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.

- 7.22.9. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level to allow smooth entry/exit of the wheelchair.
- 7.22.10. The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose-built vehicles e.g. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.
- 7.22.11. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
- 7.22.12. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
- 7.22.13. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).
- 7.22.14. If the vehicle is designed or adapted to carry a wheelchair, the proprietor must ensure that any driver of the vehicle has received sufficient training to load and convey wheelchair bound passengers.

### **7.23. Stretched limousines and special vehicles**

- 7.23.1. For the purposes of this policy, a special vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special' category are stretch limousines, classic cars or a vehicle that has fewer than four seats.
- 7.23.2. Councils are sometimes asked to license stretched limousines as private hire vehicles. The Council will assess licence applications for these vehicles in accordance with the private hire vehicle specifications set out in Appendix C.

- 7.23.3. Where a vehicle has been imported from another country, the Council may require DVSA approved certification prior to licensing approval. The Council will take into consideration any relevant guidance from the DfT, DVSA or similar when determining whether to include special conditions on any licence.
- 7.23.4. This element of the policy only applies to private hire vehicles and sets out the general considerations the Council will take into account when considering an application for the licensing of a special vehicle. This policy does not apply in relation to vehicles used solely in connection with weddings and funerals, as these are exempt from private hire licensing.
- 7.23.5. The general licence conditions for private hire vehicles would not normally allow for special vehicles to be licensed for a number of reasons including the style and design of the vehicle.
- 7.23.6. A proprietor may apply for a licence for any special vehicle which would not meet the standard private hire vehicle conditions by seeking variation or exemption from some of the standard conditions. All other requirements in respect of standard private hire vehicles shall apply to any special vehicles unless the vehicle is exempted from said requirement in writing by the Council.
- 7.23.7. Each vehicle will be considered and assessed on merit taking account of:
- the overall condition of the vehicle;
  - the number of passengers for which it is required to be licensed (vehicles may only be licensed for up to and including 8 passengers);
  - the specific criteria for which exemption is sought.
- 7.23.8. The individual nature of a special vehicle means it may not conform to conventional private hire vehicles standards so it may be necessary to consider additional conditions to be included on any licence. The primary consideration will always be the safety and comfort of the travelling public.
- 7.23.9. Vehicles may be right- or left-hand drive provided that left-hand drive vehicles have the relevant vehicle type approval from DVSA (written proof to be submitted with the application). In addition, the following applies:
- the vehicle must not have fewer than four road wheels;
  - the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought; and
  - the vehicle must comply with Construction and Use Regulations.
- 7.24. **Funeral and wedding vehicles**
- 7.24.1. There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.
- 7.24.2. A vehicle does not need to be licensed to be used in connection with a wedding. Written certification from the council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement. However, if a licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed; for licensed private hire vehicles the licence plate must be displayed unless a valid exemption notice is held.
- 7.25. **Trailers**
- 7.25.1. Trailers may only be used with prior written approval of the Licensing Section of the Council and subject to the following requirements:
- trailers can only be used in connection with private hire bookings;

- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078);
- the vehicle insurance must include cover for towing a trailer; and
- a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

## **8. Hackney carriage and private hire drivers**

### **8.1. Grant and renewal of licences**

- 8.1.1. The licensing of hackney carriage and private hire drivers 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 appropriate in the circumstances of the case.

### **8.2. Age and experience**

- 8.2.1. 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.

### **8.3. Right to work in the UK**

- 8.3.1. All driver licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The Council will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of the right to work.
- 8.3.2. If an applicant is unable to provide satisfactory proof of their right to work in the UK, their application will be refused. Should a driver's right to remain in the UK lapse, the licence automatically lapses with no right of appeal.
- 8.3.3. Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. If the right-to-work period is extended by the Home Office, a new application to renew the licence will be required. The existing licence cannot be extended to take into account an extension to the right to work.

### **8.4. Medical examination**

- 8.4.1. The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Use of the 'Group 2' medical standards (as applied by DVLA to the licensing of lorry and bus drivers) to hackney carriage and private hire drivers is best practice and shall be applied by the Council. Please see below for requirements for drivers with diabetes managed by insulin, a sulphonyl urea or a glinide.
- 8.4.2. A request form for a medical examination, which must be presented to a GP at the applicant's registered GP surgery, must be downloaded from the Council's website. The applicant will be responsible for paying the fee for the examination to their GP surgery. On completion of the examination, a medical report will be provided to the applicant. 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. The GP who completes the medical examination will be required to certify that they have checked the applicant's personal medical records before completing the medical examination. If the

applicant's GP surgery does not carry out such medical examinations, the applicant should contact the Licensing Team for further advice.

- 8.4.3. During the application process, applicants must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the applicant. Where there remains any doubt about the fitness of any applicant, the AD of Planning, Transport & Public Protection will review the medical evidence and make the final decision.
- 8.4.4. The DVLA Group 2 medical standard stipulates that over the age of 45 drivers will require a medical every five years. Drivers aged 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary. For drivers with diabetes managed by insulin or a sulphonyl urea or a glinide, a full medical is required at the usual intervals determined by the driver's age and/or any other medical conditions, and in addition a specialist medical will be required before the licence is issued and annually thereafter.
- 8.4.5. Licence holders must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities or that has required them to speak to their GP or another medical practitioner. If there is any doubt as to the medical fitness of the licence holder, the Council may require the licence holder to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the licence holder. Where there remains any doubt about the medical fitness of any licence holder, the AD of Planning, Transport & Public Protection will review the medical evidence and make the final decision on whether to suspend or revoke the licence. The licence may be suspended with immediate effect on the grounds of public safety if there is any doubt as to their medical fitness.
- 8.5. **Criminal record checks**
- 8.5.1. Criminal record checks on drivers are 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. The Council will manage information arising from disclosures in accordance with the [DBS Code of Practice](#).
- 8.5.2. The Rehabilitation of Offenders Act 1974 ("1974 Act") and associated amendments sets out the period after which a conviction/caution/warning would be regarded as 'spent' and not normally require details of that conviction to be provided on any relevant application form. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended to exclude hackney carriage and private hire drivers from certain aspects of the 1974 Act. This was because the driving of hackney carriages and private hire vehicles was listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- 8.5.3. Applicants for such licenses 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, unless those details are "protected" as defined in the 1974 Act. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked. Failure to disclose any information and the making of false declarations will be considered an act of dishonesty and may result in the application being refused or the licence revoked. Applicants should seek advice of officers if they cannot remember full details that they are required to declare or have



any uncertainty about what details they are required to provide.

- 8.5.4. Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the 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 ten, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator. This includes any licence holder who has lived in other countries for three months or more since the licence was granted.
- 8.5.5. No driver's licenses will be issued or renewed without a current enhanced DBS disclosure or one checked through the Update service.
- 8.5.6. Applicants must obtain their DBS disclosure through the Council.
- 8.5.7. All drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. Applicants whose Update check reveals new information will have to complete a new, full DBS application that may take several weeks to be returned. Where a driver fails to maintain their payments to the DBS Update service, their licence may be suspended with immediate effect on the grounds of public safety pending the return of a new DBS disclosure.
- 8.5.8. Where the Council has reasonable cause for concern relating to a particular driver, random enhanced DBS checks may be carried out. If a driver is given notice to undertake a random DBS check by the Council, they must provide all relevant documentation within 7 days of the request. Failure to do so may result in the suspension or revocation of the licence.

#### **8.6. DVLA Licence and Checks**

- 8.6.1. All applicants must have held a full DVLA/EU/EEA driving licence for at least 12 months prior to application. Before the grant or renewal of a driver's licence, all applicants are required to submit a DVLA licence check code so a check can be carried out to confirm the status of the DVLA licence. Any photocard must be current and valid. The authority may undertake random checks of licensed driver's DVLA licenses 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 7 days.
- 8.6.2. Applicants who have held a full driving licence issued by a European Economic Area (EEA) country for at least 12 months can apply for a hackney carriage or private hire vehicle driver's licence.
- 8.6.3. Applicants from EEA Accession States are eligible to acquire a hackney carriage/private hire driver's licence if they have held an ordinary driving licence for 12 months, which was issued by an Accession State.
- 8.6.4. Those applicants whose driving licenses 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 vehicle driver's licence.
- 8.6.5. If an applicant has been disqualified from driving due to motoring offences and they have not held a full and clean licence for a minimum of 12 months, the application will be refused.

#### **8.7. Practical Driving Assessment**

- 8.7.1. All new applicants (and previously licensed drivers who have not held one for 3 years or more) must take and pass the appropriate practical driving assessment(s) from the Council's list of

approved providers which can be found on the Council's website. The assessment certificate will only be valid for the application process for a period of 12 months from the date of issue.

- 8.7.2. Existing drivers may also be required to pass a practical driving assessment if there are concerns about their standard of driving, and the licence may be suspended until the assessment is passed.

## 8.8. **English language proficiency**

- 8.8.1. A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies, guidance and licence conditions. This could have a direct impact on the protection of children and vulnerable adults and being able to identify and act on signs of exploitation. Sitting the knowledge test is a reasonable test of English language proficiency and the Licensing Team Leader may also decide to refer an applicant to an independent organisation who will undertake testing of the applicant's spoken English. Applicants who are referred will be required to demonstrate their ability to converse in English in an independently administered test. Candidates will be responsible for all the costs associated with this additional testing.

## 8.9. **Knowledge test**

- 8.9.1. Hackney carriage and private hire drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street, whereas private hire vehicle drivers will normally have time to check the shortest or quickest route on a map and discuss the options with the hirer prior to the hire commencing. The ability to find destinations and read maps is seen as a fundamental skill in providing a quality service for passengers.
- 8.9.2. To maintain the high standards expected of drivers, the council will not grant a licence to drive a hackney carriage or private hire vehicle until the applicant has passed their knowledge test. This includes previously licensed drivers who have not held one for 3 years or more. The knowledge test will be in a form and structure determined by the council and may be administered by Council officers. Applicants will be given their results as soon as possible and the aim is to provide the results within one week.
- 8.9.3. To determine their fitness, applicants will be required to undertake a test as to their knowledge of:
- local geography (e.g. location of public buildings and recreation destinations, and the shortest route between locations in the area or primary destinations such as airports);
  - the Highway Code;
  - hackney carriage and private hire licensing law and council conditions;
  - Transportation of disabled passengers; and
  - Safeguarding.
- 8.9.4. There is a fee to sit the test and this is published together with the other Council licensing fees. No applicant may sit the test more than three times in any 12-month period commencing on the date of their first test. Any cancellations must be made at least 48 hours before the test date and time. The fee for tests cancelled with less than 48 hours' notice will not be refunded.
- 8.9.5. Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional, the applicant will be given appropriate support such as additional time or a spoken test. Applicants must contact the licensing team prior to booking the knowledge test if they require additional support.

#### **8.10. Disability Awareness Training**

- 8.10.1. All applicants for a hackney carriage driver's licence are required to pass wheelchair assessment training before a licence is granted. The applicant shall meet the cost of the training.

#### **8.11. Safeguarding Training**

- 8.11.1. We recognise that all licensed drivers who transport children, young people and vulnerable adults play a very important role in safeguarding, and this is why mandatory training is provided. Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have. The ability to spot the signs and have the knowledge of how to report concerns can be a major help in preventing this crime. The key message is that safeguarding is everyone's responsibility.
- 8.11.2. All applicants for a hackney carriage/private hire driver's licence will be required to pass approved safeguarding training before a licence is granted. The applicant shall meet the cost of the training.
- 8.11.3. Once passed, the training must be retaken by all licensed drivers every three years in line with the renewal of their licence. Failure to re-take the training will result in the driver's licence being suspended until such time as they have attended and passed the training.

### **9. Private hire operators**

#### **9.1. Requirements and obligations**

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

#### **9.2. Grant and renewal of licences**

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

#### **9.3. Criminal record checks**

- 9.3.1. Applicants must also provide a current (less than one month old) Basic DBS disclosure (although if the operator is also a licensed driver with the Council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure, 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). The Council will then decide whether the applicant is a 'fit and proper person' to hold such a licence.
- 9.3.2. 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.
- 9.3.3. Currently, the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the 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 ten, an

authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator. This includes any licence holder who has lived in other countries for three months or more since the licence was granted.

- 9.3.4. Where the council has reasonable cause for concern relating to an operator, a random DBS check may be carried out. If an operator is given notice to undertake a random DBS check by the Council, they must do so within 7 days of the request. Failure to do so may result in the suspension or revocation of the licence.
- 9.3.5. Operators must keep a register of all staff involved in booking and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave the firm and provided on request. The staff member must be required as part of their contract to advise the operator of any cautions or convictions while they are employed in this role.
- 9.3.6. Operators must keep a written policy on employing ex-offenders in roles that would be on the register as above, and this must be provided to any person on request.

#### 9.4. **Right to work in the UK**

- 9.4.1. All operator licence applicants must prove that they have the right to work in the UK in accordance with the Immigration Act 2016. The Council will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of the right to work. If an applicant is unable to provide satisfactory proof of their right to work in the UK, their application will be refused.
- 9.4.2. Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. There is no discounted fee for a licence of less than five years.
- 9.4.3. If the right-to-work period is extended by the Home Office, a new application to renew the licence will be required. The existing licence cannot be extended to take into account an extension to the right to work.

#### 9.5. **Safeguarding Training**

- 9.5.1. The operator shall ensure that all staff involved in bookings and dispatching work are given appropriate safeguarding training prior to commencing work for the operator. The training must be refreshed every three years and documented by the operator. Staff training records should be kept for the duration of the licence and be available for inspection by any authorised officers.

#### 9.6. **Conditions**

- 9.6.1. The Council has the power to impose such conditions on an operator's licence as it considers reasonably necessary. These conditions can be found at Appendix F.

#### 9.7. **Operator Base**

- 9.7.1. The Council will not grant a private hire operator's licence for an operator with an operating base that is outside the Council's boundary. This is to ensure that proper regulation and enforcement measures may be taken by the Council.
- 9.7.2. The address used on the operator's application must be the one where the invitation and

acceptance of bookings take place. This will be the premises where the records referred to below are kept and at which they may be inspected by licensing officers without notice. It will be the responsibility of the operator to ensure that necessary planning consent exists for the operational address to be used for that purpose before any licence is granted.

9.7.3. If premises are open to the public, applicants must produce evidence that they have taken out a minimum of £5 million of public liability insurance for the premises to be licensed, before the relevant council will approve an application for a private hire operator's licence.

9.7.4. Operators who propose to change their operating base must obtain a licence to operate from the new address prior to commencement of operating from the new base.

#### 9.8. **Sub-contracting**

9.8.1. A private hire operator may sub-contract a booking to another licensed operator or hackney carriage 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.

9.8.2. Passenger Carrying Vehicle (PCV) licensed drivers are subject to different checks from hackney carriage and private hire vehicle licensed drivers as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking must not be permitted without the informed consent of the hirer. The hirer must be informed that a PSV will be used, with a PCV driver who is subject to different checks and not required to have an enhanced DBS check.

#### 9.9. **Trading names**

9.9.1. An operator shall only use company or trading names that are included on the operator's licence. Additional trading names may be added during the period of the licence on approval by the Council in writing.

#### 9.10. **Data protection**

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

#### 9.11. **Record keeping**

9.11.1. The conditions at Appendix F outline the requirements in respect of records to be kept by operators, including booking records, and records in respect of the drivers and vehicles operated. All records kept by the operator shall be kept at the operator base for a minimum of 12 months following the date of the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the operator (for driver and vehicle records).

## Appendix A - Hackney Carriage Vehicle Specifications

### Vehicle emissions and age policy

<b>Hackney Carriage Emissions &amp; Age Policy 14th Nov 2024 to 1st Oct 2035</b> <i>*unless reviewed earlier</i>	
<b>Dates</b>	<b>Policy</b>
23 October 2023	All replacement vehicles must be less than 8 years old and minimum of Euro 5b. This rule applies regardless of whether the vehicle is new to fleet or an existing vehicle. The maximum age limit is 12 years.
01 October 2025	All replacement vehicles are minimum ULEV and less than 7 years old. This rule will apply regardless of whether the vehicle is new to fleet or an existing vehicle.
01 October 2028	<p>All vehicles to be a minimum of LEVC.</p> <p>Age limit for ULEV vehicles to be set at a maximum 15yrs and then removed from fleet. *Each vehicle shall be assessed on its own merit and an extension of a year to a maximum of 3 additional years might be granted on renewal of the licence after a successful RBC compliance test.</p> <p>That the revised Hackney Carriage Vehicle Emissions and Age Policy run until 2035 at which point it would be reviewed again unless changes prompt a review sooner.</p>

### Specifications

In addition to those in the table above, the vehicle must meet the following specifications:

1. Complies with the Public Carriage Office, Hackney Carriage Specification "Conditions of fitness", as amended appropriate to Reading Borough Council;
2. Has means to facilitate the carriage of chair bound disabled persons;
3. Is of the manufacturer's colours or Council approved advertising livery;
4. All hackney carriages must be purpose built to the London standards of fitness specifications in respect of roof signs including the turning circle.
5. All roof signs shall be built into the design of the hackney carriage vehicle. No aftermarket roof signs are permitted.
6. All Mercedes Vito Taxis be fitted with the Mercedes Taxi Graphic Pack (must be light reflective) prior to being licensed as hackney carriages in Reading;
7. the vehicle must be capable of carrying no fewer than four passengers and no more than eight;
8. each passenger seat shall be fitted with a seat belt;
9. the vehicle will be right hand drive;
10. the vehicle will have four wheels;
11. the vehicle must have sufficient space to carry a reasonable amount of luggage.
12. Windows must meet the following standards:
  - Windscreens: must let in at least 75% of the light
  - Front, side windows: must let in at least 70% of the light

- Rear, side windows: must let in at least 65% of the light
- Rear screen windows: must let in at least 65% of the light

Where currently licensed vehicles have factory tinted/privacy glass fitted and can provide documentary evidence of this, they will remain licensed for as long as required assuming they meet the rest of this policy. Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed. Failure to do so will result in the vehicle licence being suspended until rectified.

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## Appendix B – Hackney Carriage Vehicle Legislation and Conditions

### Legislation relevant to the PROPRIETORS of Hackney carriage vehicles in the Borough of Reading

#### TOWN POLICE CLAUSES ACT 1847

Licence plate to be displayed on the vehicle. **(Section 38)**

The proprietor must inform the Council within seven days of any change of address. **(Section 44)**

The proprietor must retain the hackney carriage driver's licence of any person he permits or employs to drive a hackney carriage and shall return it when he ceases to drive such vehicle. **(Section 48)**

#### LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1976

If you transfer your interest in your vehicle you must inform the Council of this person's name and address within 14 days. **(Section 49)**

You must present the vehicle for inspection and testing and produce a certificate of insurance when required by the Council. **(Section 50)**

If the vehicle is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of passengers you must report the damage to the Council as soon as reasonably practicable or in any case within 72 hours of the accident. **(Section 50)**

You must return the licence plate issued to the vehicle within seven days of the request of the Council when it has expired or been revoked or suspended. **(Section 58)**

The Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

That the vehicle is unfit for use as a hackney carriage;  
any offence or non-compliance with the laws and conditions controlling the hackney carriage trade;  
any other reasonable cause. **(Section 60)**

An authorised officer of the Council or police constable may inspect your vehicle at all reasonable times to ascertain its fitness for use and if he/she is not satisfied with its condition may by notice in writing require it to be made available for a further test at a date and time shown in the notice. The vehicle licence is suspended until this examination is carried out. Should you fail to present the vehicle for such a test within two months the licence is deemed to have been revoked. **(Section 68)**

You must not willfully obstruct a council officer or police constable acting under the above Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. **(Section 73)**



**BYELAWS MADE BY THE COUNCIL UNDER SECTION 68 TOWN POLICE CLAUSES ACT 1847  
AND SECTION 171 PUBLIC HEALTH ACT 1875**

**BYELAW 2**

- (a). The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside of the carriage, or on a plate affixed thereto.
- (b). A proprietor or driver of a hackney carriage shall:
  - (i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or playing for hire;
  - (ii) Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material is illegible.

**BYELAW 3**

The Proprietor of a hackney carriage shall:

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) Cause the roof or covering to be kept watertight;
- (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) Cause the seats to be properly cushioned or covered;
- (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) Provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use by the driver; and
- (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress of the driver.

**BYELAW 4**

The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements:

- (a) The taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter or for the taximeter to indicate that the carriage is hired or that a fare is being charged;
- (b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor

or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the Table of Fares;

- (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon;
- (e) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

### **CONDITIONS ATTACHED TO HACKNEY CARRIAGE VEHICLE LICENCES**

*These conditions shall apply to all proprietors of hackney carriage vehicles that operate within the Borough of Reading.*

In these conditions, unless the subject or context otherwise requires:

- (i) "The Act" means the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847 or Public Health Act 1875;
  - (ii) "Authorised Officer" means any officer of Reading Borough Council authorised to deal with private hire vehicles;
  - (iii) "The Borough" means the district controlled by Reading Borough Council;
  - (iv) "The Council" means Reading Borough Council;
  - (v) "Licence" means a Hackney Carriage Vehicle Licence issued by the Council;
  - (vi) "Proprietor" includes a part-proprietor and means the owner of the vehicle, or in relation to any vehicle which is the subject of a hiring agreement, means the person in possession of the vehicle under that agreement.
  - (vii) "Passengers" means members of the public carried in a hackney carriage vehicle; and
  - (viii) "Home-to-School transport contract" means a written contract between a local authority and a licensed private hire operator or hackney carriage driver for the purpose of transporting children from their usual abode to school.
1. The proprietor shall report the loss of any plate or the licence to the Council as soon as the loss becomes known and in the event of ceasing to use his vehicle as a hackney carriage, shall return the plate and licence to the Council within seven days.
  2. In the event of a licence plate being stolen, lost, damaged, or destroyed, the full cost of replacement shall be payable by the proprietor.
  3. The proprietor shall ensure that the internal identification plate issued by the council is displayed on the driver's side of the glass partition, so as to be clearly visible to passengers, without obscuring their view of the taximeter. In the event of the proprietor ceasing to use the vehicle as a hackney carriage, he shall return the plate to the Council within seven days.

4. The proprietor shall ensure that the exterior sign approved by the council clearly displays to the front of the vehicle the word "TAXI" in normal daylight and shall be kept illuminated during the hours of darkness, as defined in the Road Traffic Acts, when plying for hire. "TAXI" shall be shown on the said side on plain letters not less than 50mm high, such lettering to be dark in colour, on a light background.
5. The proprietor shall ensure that no advertisement is displayed, on or within the vehicle, unless prior approval has been received from the Council.
6. All hackney carriage vehicles must have council approved, electronic payment device facilities available for use by customers, at all times and must display council approved signage to show this facility is available.
7. The proprietor shall not attach or affix or cause to be attached or affixed to the vehicle any sign or mark other than those allowed under conditions 3, 4,5 and 6 above and section 38 Town Police Clauses Act 1847.
8. A Hackney carriage vehicle shall comply with Part II of the Public Carriage Office Specification "Conditions of Fitness" as amended appropriate to, the Borough of Reading at all times.
9. No alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the Council.
10. The proprietor shall provide a copy of these conditions and a valid vehicle insurance certificate to any licensed driver of this vehicle.

#### **CONDITIONS APPLICABLE TO HACKNEY CARRIAGE VEHICLES CARRYING OUT 'HOME-TO-SCHOOL' TRANSPORT CONTRACTS**

*When any hackney carriage vehicle is fulfilling/undertaking a 'Home to School Transport' Contract journey the following conditions shall apply, notwithstanding that they may conflict with the conditions stated above.*

11. No child under the age of 8 shall sit in the front passenger seat of any vehicle used for home-to-school transport contracts.
12. The proprietor shall use booster cushions conforming to British Standard BS AU 185 or European Standard ECE44 for use by small children where provided by STS, unless the seat belts installed in the vehicle are designed to be adjusted to the shoulder height of young children.
13. Where a vehicle is fitted with childproof locks on the rear doors, these must be used at all times when the vehicle is carrying children under the age of 18.
14. The vehicle shall display the school transport sign, to a type and standard normally applicable to PCV operators, prescribed in the Road Vehicles Lighting Regulations 1989 and amended in Statutory Instrument 1519 The Vehicles Lighting (Amendment) Regulation 1994, in such position as required by the Council, but only while the vehicle is actively involved in transporting pupils and at no other time.
15. The vehicle shall display, any signs as specified in the contract, such as the school number and contract route number.

## **APPEAL PROCEDURE**

16. Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.
17. The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment thereof) shall apply to the proceedings.
18. The time within which any such appeal may be brought shall be 21 days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

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## Appendix C - Private Hire Vehicle Specifications

### Vehicle emissions and age policy

<b><i>Private Hire Emissions &amp; Age Policy 13 February 2025 to 1 October 2035</i></b> <b><i>*Unless reviewed earlier</i></b>	
<b><i>Dates</i></b>	<b><i>Policy</i></b>
13 February 2026	All new to fleet vehicles are minimum ULEV and less than 5 years old.  Age limit for all vehicles to be set at a maximum of 15 years and then removed from the fleet.
13 February 2027	All replacement vehicles are minimum ULEV and less than 5 years old. This rule will apply regardless of whether the vehicle is new to fleet or an existing vehicle.  Age limit for all vehicles to be set at a maximum of 12 years and then removed from the fleet.
13 February 2028	All replacement vehicles are minimum ULEV and less than 5 years old. This rule will apply regardless of whether the vehicle is new to fleet or an existing vehicle.  Age limit for ULEV vehicles to be set at a maximum 10 years and then removed from the fleet* Each vehicle shall be assessed on its own merits and an extension of a year to a maximum of 2 additional years might be granted on renewal after a successful RBC compliance test.  That the revised Private Hire Vehicle Emissions and Age Policy run until 2035 at which point it would be reviewed again unless changes prompt a review sooner.

### Specifications

In addition to those in the table above, the vehicle must meet the following specifications:

1. New vehicles will only be licensed which fall within the following Euro NCAP or European classification groups as set below:
  - Large Family
  - Executive
  - Small MPV (will only be licensed to carry a maximum of 4 passengers)
  - Large MPV
2. Further to the above, vehicles which do not fall within Euro NCAP classification groups criteria may be considered for Private Hire vehicle licensing on a case-by-case application basis.
3. The vehicle must be capable of carrying no fewer than four and no more than eight passengers;
4. Three-point type seat belts must be fitted to all passenger seats. Lap belts may only be used for the middle rear passenger seat of saloon vehicles.

5. No seats may be side facing;
6. Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The Council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences;
7. Access to the vehicle shall not be more than 15" (38cm) from ground level.
8. In addition to the driver's door, the vehicle will have three doors, each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers;
  - the vehicle will be right hand drive;
  - the vehicle will have four road wheels;
  - the vehicle body must be fixed head type. (A sunroof may be fitted);
  - the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle;
9. Vehicles that do not have a separate luggage compartment (boot) must be fitted with a grill behind the rear seat to prevent luggage entering the passenger area;
10. No alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the Licensing Section of the Council;
11. Windows must meet the following standards:
  - Windscreens: must let in at least 75% of the light.
  - Front, side windows: must let in at least 70% of the light.
  - Rear, side windows: must let in at least 65% of the light.
  - Rear screen windows: must let in at least 65% of the light.
12. Where currently licensed vehicles have factory tinted/privacy glass fitted and can provide documentary evidence of this, they will remain licensed for as long as required assuming they meet the rest of this policy. Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed. Failure to do so will result in the vehicle licence being suspended until rectified.
13. A private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage.
14. Vehicles which are adapted to carry passengers seated in wheelchairs must meet the following specifications:
  - Suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system must be installed and operated in accordance with the manufacturer's instructions. At no time should wheelchair passengers be transported in vehicles that do not have floor restraints fitted.
  - Passengers must not be fitted in wheelchairs facing sideways or rearward.
  - Vehicles may be fitted with ramps or power operated lifts to facilitate entry and exit for passengers in wheelchairs. Vehicles with a floor height of more than 330mm must be fitted with a power operated lift and not a ramp. All such equipment must be installed, operated and maintained in accordance with the manufacturer's instructions.

- If a powered lift is used, an emergency manual method of lowering the lift must be provided.
- Ramps or lifts must not prevent service and emergency doors from being operated from both outside and inside the vehicle.
- The ramp surface must be of non-slip material and raised edges should be provided on each side of the ramp.
- Doorways for use by passengers in wheelchairs must be at least 800mm wide up to a height of 800mm, and 600mm wide (between the handrails) above that height.
- The height of the doorway must be a minimum of 1300mm.
- There should be a minimum floor to ceiling height of 1350mm in any part of the vehicle to be occupied by passengers in wheelchairs.
- Power-operated passenger lifts must have a load-bearing capacity of at least 300kg and have a platform size of at least 750mm wide and 1200 mm long with raised rear rollback plate when deployed and with grip handles fitted to both side edges.
- Vehicles using power-operated passenger lifts must ensure that they have;
  - fluorescent yellow grip handles and strips on the edges of the lift;
  - an audible signal to indicate deployment of the lift;
  - clear warning notices displayed to advise passengers not to board a moving lift, and
  - a lift surface of non-slip material.
- Tail lifts must be maintained and operated in accordance with the British Standard Code of Practice for Tail Lifts BSEN1756. This code of practice requires that the tail lift to be tested once a year and inspected twice a year. Vehicle owners have to pay an extra test fee for this service and will need to supply evidence, if requested, that tail lifts meet the required standard.

15. The Council may vary the requirements of paragraphs 1 – 14 in their absolute discretion in exceptional circumstances but reserve the right to refuse to licence a vehicle if it is considered unsuitable for use as a private hire vehicle.

### **Executive private hire vehicles**

Executive Private Hire Vehicle licences will only be granted to vehicles which comply with the following specifications.

16. The vehicle shall be of a make and model which the Council considers appropriate for an Exemption Notification. The Council may consult any person or organisation as it considers appropriate before deciding whether an Exemption Notification shall be granted in respect of any vehicle.
17. The makes and models of vehicle which may be considered for licensing as an executive vehicle are as follows. This is not an exhaustive list.
- MERCEDES S CLASS
  - MERCEDES V CLASS (MPV)
  - MERCEDES GLS
  - BMW 7 SERIES
  - BMW X7

- VOLVO S90
- VOLVO V90
- VOLVO XC90
- AUDI A8
- AUDI Q8
- LEXUS LS MODEL
- LEXUS LX
- JAGUAR XF
- ROLLS – ROYCE (SEDAN/SALOON)
- ROLLS – ROYCE CULLINAN
- BENTLEY (SEDAN/SALOON)
- BENTLEY BENAYGA
- LAND ROVER – RANGE ROVER
- TOYOTA LAND CRUISER

18. Without prejudice to the generality of Clauses 16 and 17 above, the vehicle shall comply with all the following minimum requirements:
  - Be a recognised model of a four-door saloon motor car or people carrier but **not** a hatchback, kit car or vehicle substantively altered in appearance or modified in any way.
  - The vehicle interior and exterior shall be of the very highest quality in design and use of materials available and in exceptional condition.
  - The vehicle shall not be designed or adapted for off-road purposes.
  - Vehicles manufactured as people carriers may be considered for an exemption to display the plate. However, the vehicle shall be of the highest specification, quality and condition.
  - Each application will be considered on its own merits.
19. Any vehicle presented for licensing for the first time shall not be older than four years on the day that the fully and correctly completed application is received with the appropriate fee and will cease to be licensed once it reaches eight years old.
20. Only vehicles that satisfy Clauses 17 and 18 above are on the approved executive list and at the top of the range within the manufacturer's fleet of vehicles, may be considered for an Exemption Notice not to display the vehicle plate, which will be at the Council's discretion.
21. The Council may vary the requirements of paragraphs 16 to 20 in their absolute discretion in exceptional circumstances but reserve the right to refuse to licence a vehicle if it is considered unsuitable for use as a private hire vehicle.
22. For vehicles not included on the above list contact the Licensing Section by email: [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)

### **Limousine/party vehicles**

Limousine or Party Private Hire Vehicle Licenses will only be granted to vehicles which comply with the following specifications.



23. The vehicle shall be of a make and model which the Council considers appropriate for an Exemption Notification. The Council may consult any person or organisation as it considers appropriate before deciding whether an Exemption Notification shall be granted in respect of any vehicle.
24. Without prejudice to the generality of Clause 23 above, the vehicle shall comply with all the following minimum requirements:
- Be a recognised model of a four-door saloon motor car or people carrier but not a hatchback, kit car or vehicle substantively altered in appearance or modified in any way except as within the section Limousines/Party Vehicles below.
  - The vehicle interior and exterior shall be of the very highest quality in design and use of materials available and in exceptional condition.
  - The vehicle shall not be designed or adapted for off-road purposes.
  - Vehicles manufactured as people carriers may be considered for an exemption to display the plate. However, the vehicle shall be of the highest specification, quality and condition.
  - Each application will be considered on its own merits.
25. Any vehicle presented for licensing for the first time shall not be older than four years on the day that the fully and correctly completed application is received with the appropriate fee and will cease to be licensed once it reaches eight years old.
26. On being presented for licensing for the first time, the vehicle shall have proof of one of the following:
- Individual Vehicle approval certificate
  - A European whole vehicle certificate
  - A UK low vehicle type approval certificate
27. No Stretched Limousine/Party Vehicle shall be licensed by the Council where the conversion carried out results in the vehicle being more than 330.2cm (10 feet 10 inches) long. Where the conversion has been approved there shall be displayed on the vehicle a fixed plate giving the details of the company that carried out the conversion.
28. No Stretched Limousine/Party Vehicle shall be licensed by the Council where the maximum unladen weight of the vehicle exceeds 3,220.50kg (7,100 lbs).
29. A Stretched Limousine/Party Vehicle shall only be considered for licensing where the applicant produces evidence that the "stretch" was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines/party vehicles shall have been built by an approved coachbuilder under the QVM programme for Ford vehicles or the CMC programme for Cadillac vehicles. The onus shall be upon the applicant to prove that the vehicle meets the prescribed standards.
30. Any replacement parts fitted to a Stretched Limousine/Party Vehicle shall meet the approved standards of the stretched specifications i.e. tyres shall meet both the size and weight specifications.
31. Vehicles shall be capable of carrying no fewer than three and not more than eight passengers in addition to the driver. Side facing seats shall only be permitted on a Stretched Limousine/Party Vehicle if they meet the minimum requirements of lap belts fitted to each passenger seat of the side facing seats. A seat shall be a minimum width of 400mm.

Stretched limousines shall only be licensed to carry a maximum of eight passengers regardless of how many seats are fitted to the vehicle.

32. Vehicles shall be always equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers. Seat belts shall comply with current legislation and always be in proper working order.
33. Each passenger shall have direct access to a door without the need to fold flat, tilt up or remove other seating.
34. Vehicles shall be fitted with at least four doors and four wheels.
35. The vehicle may be left or right-hand drive.
36. All paintwork shall be free of rust and corrosion and be of a very high standard.
37. Vehicles shall have adequate space for luggage.
38. All brakes and mechanical parts shall be kept in good order and condition.
39. The vehicle shall have a serviceable spare wheel, together with the proper tools and equipment to change the wheel in the event of a tyre or wheel becoming defective.
40. All tyres (including any spare) shall be suitable for the vehicle.
41. The vehicle shall not be designed or adapted for off road purposes.
42. The vehicle shall not be designed or adapted as a people carrier, minibus, people mover or other like vehicle.
43. The Council may vary the requirements of paragraphs 23 – 42 in their absolute discretion in exceptional circumstances but reserve the right to refuse to licence a vehicle if it is considered unsuitable for use as a private hire vehicle.

Note: **PRIOR TO** purchasing any vehicle to be used as an executive vehicle or limousine/party vehicle you are strongly advised to contact Reading Borough Council's Licensing Team via [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk) for advice concerning the different makes and models of vehicles considered appropriate for licensing for this type of work.

## Appendix D – Private Hire Vehicles - Legislation and Conditions

Legislation relevant to the PROPRIETORS of private hire vehicles in the Borough of Reading.

### LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1976

You must not use or permit the use of a vehicle without a private hire vehicle licence. **(Section 46)**

You must not employ a person who is not the holder of a private hire vehicle driver's licence to drive such a vehicle. **(Section 46)**

You must display the licence plates issued to the vehicle in the manner prescribed by the Council. **(Section 48)**

If you transfer your interest in your vehicle you must inform the council of this person's name and address within 14 days. **(Section 49)**

You must present the vehicle for inspection and testing and produce a certificate of insurance when required by the Council. **(Section 50)**

If the vehicle is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of passengers you must report the damage to the Council as soon as reasonably practicable or in any case within 72 hours of the accident. **(Section 50)**

You must return the licence plate issued to the vehicle within seven days of the request of the Council when it has expired or been revoked or suspended. **(Section 58)**

The Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- (a) that the vehicle is unfit for use as a private hire vehicle;
- (b) any offence or non-compliance with the laws and conditions controlling the private hire trade; or;
- (c) any other reasonable cause. **(Section 60)**

An authorised officer of the council or police constable may inspect your vehicle at all reasonable times to ascertain its fitness for use and if he/she is not satisfied with its condition may, by notice in writing, require it to be made available for a further test at a date and time shown in the notice. The vehicle licence is suspended until this examination is carried out. Should you fail to present the vehicle for such a test within two months the licence is deemed to have been revoked. **(Section 68)**

You must not willfully obstruct a Council officer or police constable acting under the above Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause fail to give any such person, any other assistance or information he may reasonably require in the performance of his duties under the above Act. **(Section 73)**

### CONDITIONS ATTACHED TO PRIVATE HIRE VEHICLE LICENCES

*These conditions shall apply to all proprietors of private hire vehicles that operate within the Borough of Reading.*

In these conditions, unless the subject or context otherwise requires:

- (i) "The Act" means "The Act" means the Local Government (Miscellaneous Provisions)

Act 1976;

- (ii) "Authorised Officer" means any officer of Reading Borough Council authorised to deal with private hire vehicles;
- (iii) "The Borough" means the district controlled by Reading Borough Council;
- (iv) "The Council" means Reading Borough Council;
- (v) "Licence" means a Private Hire Vehicle Licence issued by the Council;
- (vi) "Proprietor" includes a part-proprietor and means the owner of the vehicle, or in relation to any vehicle which is the subject of a hiring agreement, means the person in possession of the vehicle under that agreement.
- (vii) "Passengers" means members of the public who have pre-booked a journey carried in a private hire vehicle;
- (viii) "Home-to-School transport contract" means a written contract between a local authority and a licensed private hire operator or hackney carriage driver for the purpose of transporting children from their usual abode to school.

**The owner shall ensure that:**

1. The vehicle is maintained in a clean comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended;
2. The vehicle is provided with a suitable AFFF (Aqueous Film Forming Foam) fire extinguisher of 1litre or greater capacity. The extinguisher shall be in a position readily available for use by the driver. The licence number shall be painted on the extinguisher.
3. The vehicle has been the subject of an MOT and compliance test as required.
4. Where a vehicle is fitted with a ramp or wheelchair lift, the owner must provide proof that the appropriate maintenance checks have been carried out every 6 months by a suitably qualified and competent person.

**Subject to section 75 of the Act and to any notice thereunder given by the Council, the owner shall at all times:**

5. Permanently display the licence plate issued by the Council securely on the rear exterior of the vehicle by fixing the plate backing bracket to the vehicle and attaching the plate to the bracket with the fixing clips, or in accordance with the reasonable instructions of an authorised officer;
6. Display the interior identification card issued by the Council in a position where it can be readily seen by all passengers;
7. The owner shall not willfully or negligently allow the plate or identification card attached to the vehicle in pursuance of this condition, to become concealed from public view or to become illegible in any way.
8. The owner shall report the loss of any plate, licence or card to the Licensing Section of the Council as soon as the loss becomes known and in the event of ceasing to use the vehicle for private hire purposes shall return the licence plate and interior identification card to the Council

within seven days.

9. In the event of a licence plate being stolen, lost, damaged or destroyed, the full cost of replacement shall be payable by the owner.
10. The owner of a private hire vehicle shall not by calling out or otherwise invite any person to hire such vehicle and shall not make use of the services of any person for such purpose.
11. The owner shall not carry or permit to be carried in such vehicle any more persons than the vehicle is licensed to carry.
12. The owner of the vehicle, or the driver if he is not the owner, shall before commencing employment deposit the vehicle licence and a copy of the certificate of insurance with the vehicle operator for retention by him until such time as the vehicle ceases to be operated by him.
13. Where an owner surrenders his vehicle licence and plate to the Council, a refund will be made equivalent in accordance with the Council's refund policy.
14. The owner shall notify the Licensing Section of the council in writing within 7 days of the following:
  - any change of address, telephone number or email address from that shown on the licence;
  - if the vehicle ceases to work for the operator with whom the licence is deposited.
  - any change in the engine capacity, colour, registration mark or internal features of the vehicle.
  - any conviction in any court involving the proprietor and/or the vehicle giving details of the date, offence, name of Court and penalty imposed.
15. A private hire vehicle shall not carry or display any signs or advertisements of any nature on the exterior of the vehicle apart from:
  - the licence plate issued to the vehicle;
  - side identification panels on the rear doors of the vehicle with the words "Private Hire, Advanced Bookings Only" and the licence plate number, printed in letters and numbers not less than 2.5cm (1") in height. This wording must NOT be handwritten.
  - Operator advertisement or livery approved by the Council.

Where, from time-to-time, changes are necessary to the private hire vehicle side panels, by reason of a change of vehicle, or plate number, the amendment must be carried out by an approved sign writer and must be of the same printed material, colour and design as the remainder of the printing on the side panel.
16. Without prejudice to the generality of conditions 14 and 15, a private hire vehicle shall **not** display any sign or notice:
  - which consists of or includes the word "taxi" or "cab" whether in the singular or plural and whether alone or as part of another word; or
  - which consists of the words "for hire" or the form of wording of which is in any way such as to suggest that the vehicle on which it is displayed is presently available for hire or would be so available if not already hired.
13. Nothing shall be done to the vehicle which will alter its design or appearance to lead any person to believe that the vehicle is a hackney carriage.

14. The proprietor shall keep written records of any maintenance checks of the vehicle and these shall be available for inspection by authorised officers of the Council.
15. At all times during the currency of the licence the owner shall keep in force in relation to that vehicle a policy of insurance complying with the requirement of parts VI of the Road Traffic Act 1988.
16. You must, following a road traffic accident or any other incident involving a licensed Hackney Carriage or Private Hire Vehicle owned by you, give full details of yourself, the driver of the vehicle at the time of the incident, and of the insurance for the vehicle to any person reasonably requesting the information within seven days of such a request being made.

#### **CONDITIONS APPLICABLE TO PRIVATE HIRE VEHICLES CARRYING OUT 'HOME-TO-SCHOOL' TRANSPORT CONTRACTS**

*When any private hire vehicle is fulfilling/undertaking a 'Home-to-School Transport Contract' journey the following conditions shall apply, notwithstanding that they may conflict with the conditions stated above.*

17. No child under the age of 8 shall sit in the front passenger seat of any vehicle used for home-to-school transport contracts.
18. The proprietor shall use booster cushions conforming to British Standard BS AU 185 or European Standard ECE44 for use by small children where provided by STS, unless the seat belts installed in the vehicle are designed to be adjusted to the shoulder height of young children.
19. Where a vehicle is fitted with childproof locks on the rear doors, these must be used at all times when the vehicle is carrying children under the age of 18.
20. The vehicle shall display the school transport sign, to a type and standard normally applicable to PCV operators, prescribed in the Road Vehicles Lighting Regulations 1989 and amended in Statutory Instrument 1519 The Vehicles Lighting (Amendment) Regulation 1994, in such position as required by the Council, but only while the vehicle is actively involved in transporting pupils and at no other time.
21. The vehicle shall display, any signs as specified in the contract, such as the school number and contract route number.

#### **APPEAL PROCEDURE**

22. Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.
23. The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment thereof) shall apply to the proceedings.
24. The time within which any such appeal may be brought shall be 21 days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

## **Appendix E - Approval of advertising on licensed vehicles**

### **Hackney Carriage Vehicles**

#### **1. Advertising Content – General**

- 1.1. All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the council's approval to ensure that they do so.
- 1.2. Each application will be considered on its merits, but advertisements containing the following will not be approved:
  - Those with political, religious, sexual or controversial texts/imagery
  - Those for gaming establishments or online gaming/gambling companies
  - Those for escort agencies, or massage parlours
  - Those displaying nude or semi-nude figures
  - Those which seek to involve the driver as an agent of the advertisers
  - Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language)
  - Those which seek to advertise more than one company. Except where an event is being promoted which is being sponsored by no more than two sponsors.

#### **2. Static Advertisements**

- 2.1. In cabs with a glazed area above the partition, advertising may be permitted on that part of the bulkhead, behind the driver's seat.
- 2.2. No advertising material may be placed on the glazed passenger partition other than official approved notices unless approved by Licensing Officers.
- 2.3. The advertisement is not to exceed the area of screen provided.
- 2.4. Advertisements may be displayed within the passenger compartment on the floor area or on the base of the occasional (tip-up) seats.
- 2.5. Occasional seat advertisements must be encapsulated in clean non-flammable plastic.
- 2.6. The completed advertisement not to exceed the area of the base of the occasional seat and will be of a maximum of 16 inches square.

#### **3. Moving Images**

- 3.1 No moving images, e.g. television, video, computer or similar shall;
  - be capable of, or
  - be permitted,to be directly viewed by the driver whilst driving.
- 3.1. The screen shall be in such a position that it cannot be viewed with the aid of mirrors or other reflective material by the driver whilst driving, as outlined in Condition 3.1 above.
- 3.2. The screen shall not be in such a position so as to deliberately distract other drivers.
- 3.3. No scrolling or moving advertisement shall be exhibit whilst the vehicle is waiting/plying for

hire on a recognised hackney carriage stand or when no passengers are being carried except:

- as part of a static display authorised by the Council;
- when undergoing a test or inspection by an authorised Officer of the Council, a Police Officer or other authorised person from the Advertising Standards Agency or similar body.

- 3.4. No scrolling or moving advertisement(s) may be shown to the annoyance of any passenger(s) who should be able to communicate easily with the driver to the effect that the advertisement(s) is/are not required.
- 3.5. A clear notice, either situated close to the moving image screen, which is visible to passenger(s) whilst on board, and advises that the moving images will be switched off at the passengers' request, must be displayed.
- 3.6. No unauthorised advertising material may be shown.
- 3.7. Only discs showing advertisements provided by authorised advertising agencies shall be used in the equipment provided.
- 3.8. Whilst authorised film trailers or clips may be shown without sound, no full-length film, programme or computer game by DVD or similar disc may be played.
- 3.9. Scrolling or moving adverts will comply with Condition 1.2 above and other relevant sections of these conditions.

#### **4. Dispensers**

- 4.1. No leaflet dispensers to be installed in the passenger compartment.

#### **5. Audio Material**

- 5.1. The Licensing Committee taking the view that the fare-paying passenger is a captive audience and paying premium rate for conveyance from one location to another in safety, comfort and privacy, must not be subjected to excessive or intrusive advertising.
- 5.2. Rear compartment audio systems for the sole purpose for advertising are not allowed.
- 5.3. Scheduled public radio broadcasts or audio material on general sale to the public (i.e. CDs, tapes) may be transmitted to the passenger compartment.
- 5.4. Audible advertisements are permitted only if received via a scheduled broadcast from a public radio station.
- 5.5. The audio material must be of a standard that would be acceptable to the Broadcast Standards Council and the authority for broadcasting to all age groups. It must not contain explicit sexual lyrics, profanities or any other language or sounds likely to cause offence.
- 5.6. A current copyright music licence must be obtained from the Performing Rights Society for the cab concerned and be available for inspection whenever the cab is presented for licensing.
- 5.7. Any audio system for the rear compartment of a cab must be approved by the Public Protection Manager (or his duly authorised officer) before installation.



## **6. Conditions to be applied to liveried hackney carriages**

- 6.1. All liveries must be approved by the Council and proposals must be accompanied by full colour, three-view artwork. The first cab of any contract must be presented at the Council offices for inspection of the finished livery.
- 6.2. The vehicles used must be less than two years old with bodywork in good condition. Vehicles more than two years old may only be used where any defects in bodywork have been remedied and the vehicle has been re-sprayed to an acceptable standard.
- 6.3. No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.
- 6.4. Provision must be made for the immediate replacement of damaged panels. Vehicles will not be allowed to work with damaged or unmatched panels or be accepted for re-licensing in this condition.
- 6.5. No logos or words will be allowed on the boot lid area. (This includes the area between the top of the boot lid and the bottom of the rear screen).
- 6.6. If approved, the livery may remain on the vehicle/s for a maximum of one year. At the end of that year, an extension may be applied for a further 12 months maximum which may be granted subject to an inspection of the quality of the livery and bodywork of the vehicles involved. This would be subject to a renewal application process and fee.

## **7. Private Hire Vehicles**

- 7.1 Private hire vehicles are not permitted to display any advertising and/or livery.
- 7.2 Private Hire Vehicle licence holders shall only display their licence and operator details on side panels located on the rear passenger doors. The side identification panels must include the words "Private Hire, Advanced Bookings Only" and the licence plate number, printed in letters and numbers not less than 2.5cm (1") in height. This wording must NOT be handwritten.

## Appendix F – Private Hire Operator Licence Conditions

**Legislation relevant to the OPERATORS of private hire vehicles within the Borough of Reading.**

### LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1976

You must not operate any private hire vehicles without a private hire vehicle operator's licence **(Section 46)**.

You must not operate a vehicle as a private hire vehicle if it does not have a private hire vehicle licence **(Section 46)**.

You must not employ a person who is not the holder of a private hire vehicle driver's licence to drive a private hire vehicle **(Section 46)**.

You must provide the Local Authority on request of the details of booking records **(Section 56)**.

You must provide the Local Authority on request with the records of any private hire vehicles operated **(Section 56)**.

You produce your private hire operator's licence on request to any authorised officer of the Council or police constable **(Section 56)**.

You must not willfully obstruct a Council officer or police constable acting under the above Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause fail to give any such person, any other assistance or information he may reasonably require in the performance of his duties under the above Act **(Section 73)**.

You must not provide any information or make any statement that you know to be false **(Section 73)**.

### **CONDITIONS ATTACHED TO PRIVATE HIRE VEHICLE OPERATOR LICENCES**

*These conditions shall apply to all operators of private hire vehicles within the Borough of Reading.*

In these conditions, unless the subject or context otherwise requires:

- (i) "The Act" means "The Act" means the Local Government (Miscellaneous Provisions) Act 1976;
- (ii) "Authorised Officer" means any officer of Reading Borough Council authorised to deal with private hire vehicles;
- (iii) "The Borough" means the district controlled by Reading Borough Council;
- (iv) "The Council" means Reading Borough Council;
- (v) "Licence" means a Private Hire Vehicle Operator's Licence issued by the Council;
- (vi) "Proprietor" includes a part-proprietor and means the owner of the vehicle, or in relation to any vehicle which is the subject of a hiring agreement, means the person in possession of the vehicle under that agreement.
- (vii) "Passengers" means members of the public who have pre-booked a journey carried in a private hire vehicle;
- (viii) "Home-to-School transport contract" means a written contract between a local authority and a licensed private hire operator or hackney carriage driver for the purpose of transporting children from their usual abode to school.

1. The records required to be kept by the operator under sections 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. Any information recorded must remain accurate for future reference. If using a book, the pages must be numbered consecutively. The operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
  - name of the hirer
  - phone number of the hirer (unless they refuse to provide it)
  - date & time the booking is made
  - date & time pick up required
  - location of pick up
  - how the booking was received (i.e. telephone, email, web, in person)
  - price quoted for booking (Shall quote price)
  - identity of staff member accepting booking
  - time booking is allocated to driver
  - identity of driver accepting hiring
  - identity of vehicle used for booking
  - identity of staff member dispatching the job
  - time job completed
2. The above records shall be retained by the operator for a period of not less than six months and must be available for inspection on demand by any authorised officer of the Council or any Police Officer at all reasonable times. Any computerised system used must be able to produce a printed record of the details specified above. A backup of the records required to be kept must be made daily.
3. All records held in association with the company or firm, operated by virtue of this operator's licence, must be distinct and separate from that of any other company or firm.
4. If operating more than 5 vehicles, all booking records held in respect of the company or firm operated by virtue of this operator's licence, shall be held on a computerised system or in the event of temporary computer breakdown, booking records may be held in another manner and for a specified time period, both of which require approval by the Council in writing.
5. If operating 5 or less vehicles a manual bookings system, approved by the Council, in writing, may be used.
6. If operating more than 5 vehicles, all bookings allocated to Reading Borough Council licensed private hire drivers, operated by virtue of this operating licence, must be allocated by way of an electronic Personal Digital Assistant (PDA) or similar device, or in the event of temporary computer breakdown, in another manner and for a specified time period, both of which require approval by the Council in writing.
7. The information specified below, shall be submitted to the Council on or before the 7th day of each month in respect of the previous month:
  - the registration number of each vehicle operated;
  - the private hire vehicle licence number of each vehicle operated;
  - the date of expiry of each vehicle licence;
  - the date of expiry of each vehicle insurance;
  - the name of each private hire vehicle driver;
  - the private hire vehicle driver licence number of each driver;
  - the date of expiry of the private hire vehicle driver's licence of each driver;

- the dates the vehicles and drivers commenced and ceased work.
8. Bookings received through the internet or via an app-based booking system shall only be received at the company base stated on the operator's licence, unless otherwise approved by the Council in writing and only at such other addresses supplied on the application form to the Council and approved by the Council in writing.
  9. A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that safeguarding protections are applied which are equivalent to those of Reading Borough Council by the company to which they sub-contract any bookings. If a PSV with PCV driver is used, the hirer must be informed of this and notified that the driver is not required to have an enhanced DBS check.
  10. If the operator uses a computerised booking system, the Council will require access to the system so that the Council is able to establish that records are entered sequentially and that it is able to establish the date and time at which the record was created.
  11. The operator shall be totally responsible for the conduct and actions of controllers engaged in the receiving of bookings and dispatching vehicles to accepted bookings, operating under his/her licence.
  12. Bookings received by telephone shall only be received at the company base stated in the operator's licence, unless otherwise approved by the Council in writing and only on the telephone number(s) supplied on the application form to the Council or such other number(s) as may be approved by the Council on the application by the operator in writing.
  13. All records kept by the operator shall be kept for a minimum of 12 months following the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the operator (for vehicle and driver records) and shall be made available upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.
  14. Operators will be required to give access to their records and adequate instruction to licensing officers upon request so that the licensing officers can interrogate the records to carry out their enforcement duties. Records shall be maintained at the operator base for that purpose.
  15. Operators are required to report any complaints regarding a driver's behaviour, driving standards or the condition of the vehicle to the council within 72 hours of receipt of the complaint. This does not remove responsibility from the operator to conduct a proper investigation of the complaint.
  16. It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the reason for the failure or refusal is because the hirer or a person accompanying the hirer is disabled person who will be accompanied by an assistance dog. It is also an offence to make any additional charge for the carrying of an assistance dog.
  17. Operators 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. In addition, all operators must inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
  18. Operators must notify the relevant Council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the

change taking place.

19. Where the private hire operator is trading as a limited company or partnership, the company must advise the licensing authority within seven days of any change in directors or partners throughout the period of the licence.
20. 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.
21. The operator shall only use trading or company name(s) that are included on the operator licence, or other trading name(s) approved by the Council in writing.
22. Operators must keep a register of all staff involved in bookings and dispatching work including days worked and times of shifts worked and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave, and this must be provided on request to any authorised officer. The staff member must be required as part of their contract to advise the operator of any cautions or convictions while they are employed in this role.
23. Operators must keep a written policy on employing ex-offenders in roles that would be on the register as above, and this must be provided to any person on request.

## **Appendix G – Hackney Carriage Driver’s Byelaws, Conditions & Penalty Points scheme**

### **LEGISLATION, BYELAWS AND CONDITIONS APPLICABLE TO HACKNEY CARRIAGE VEHICLE DRIVER’S LICENCES & PENALTY POINTS ENFORCEMENT SYSTEM**

**Town Police Clauses Act 1847**

**Local Government (Miscellaneous Provisions) Act 1976**

**Public Health Act 1875**

#### **PART 1 – PENALTY POINTS SYSTEM**

##### **1. Operation of Penalty Points System**

- 1.1. Without prejudice to any other course of action or remedy available to the Council, in the event of any contravention of any relevant statute, byelaw, regulation or hackney carriage vehicle driver condition, the Council may use this penalty points system as a means of enforcement. Where the system is used, if a breach or contravention occurs, as indicated in these conditions, the penalty points indicated within this document shall be allocated to the licence.
- 1.2. In the event that a driver surrenders their hackney carriage vehicle driver’s licence or withdraws their application to renew a hackney carriage vehicle driver’s licence or does not apply to renew a licence, any penalty points issued or in process will remain live and will be imposed on any subsequent hackney carriage vehicle driver’s licence issued within 12 months of the issue of any penalty points.

##### **2. Action where a suspected breach or non-compliance occurs**

- 2.1. Where a suspected breach or noncompliance with the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Public Health Act 1875 or Hackney Carriage Vehicle Driver’s Licence Byelaws and Conditions is detected, a letter will be sent to that person setting out the circumstances of the alleged breach or noncompliance. The letter shall offer an opportunity to either admit or deny the allegation. Where the breach is admitted the appropriate number of penalty points shall be allocated to the licence and a letter shall be sent to the licence holder confirming the allocation of points.
- 2.2. If the licence holder fails to respond to the letter setting out the circumstances of the alleged breach or non-compliance within 28 days, the appropriate number of penalty points shall be allocated to that individual’s licence and a letter shall be sent confirming the allocation of points.
- 2.3. If the licence holder responds to the letter but denies the allegation due to them not being the vehicle driver at the time of the incident, they shall be given an opportunity to nominate another driver. If the licence holder fails to nominate another person the appropriate number of penalty points shall be allocated and again, a letter shall be sent to the licence holder confirming the allocation of points. That letter shall also explain the appeal options open to the licence holder.
- 2.4. If the licence holder denies the allegation due to a dispute of facts, they shall have the opportunity to challenge the matter as detailed in the disputes options, as set out at paragraph 7 below.

##### **3. Use of alternative enforcement action in conjunction with penalty points**

- 3.1. Where penalty points are shown in the conditions this shall not preclude alternative formal

action, including prosecution or suspension/revocation, being taken by the Council.

- 3.2. Where enforcement actions such as prosecution or fixed penalty notices are used in respect of breaches, this shall not preclude the issuing of penalty points and penalty points will normally be awarded in addition to the alternative form of enforcement.
- 3.3. Where a driver also holds a private hire vehicle driver's licence any action taken in respect of their hackney carriage vehicle driver's badge will also apply to their private hire driver's badge.

#### **4. First accumulation of 12 penalty points**

- 4.1. If a licence holder accumulates 12 penalty points in any 12-month period the licence will be reviewed by officers, with particular focus on the circumstances relating to the current and earlier imposition of penalty points, and unless the review determines otherwise, the licence shall be suspended for 14 calendar days. Following the suspension the points shall be removed from the licence. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.
- 4.2. In the case of a breach of condition 13.5, resulting in 36 penalty points being awarded, the licence will be reviewed by officers, as above, and unless the review determines otherwise, no suspension shall occur and instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

#### **5. Second accumulation of 12 penalty points**

- 5.1. If, following a first suspension, a licence holder accumulates a further 12 points in any 12-month period, within 4 years of the end of the first suspension, the licence will be reviewed by officers, as above, and unless the review determines otherwise, the licence shall be suspended for a period of 28 calendar days. Following the suspension the points shall be removed from the licence. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.
- 5.2. In the case of a breach of condition 13.5, resulting in 36 penalty points being awarded, the licence will be reviewed by officers, as above, and unless the review determines otherwise, no suspension shall occur and instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

#### **6. Third accumulation of 12 penalty points**

- 6.1. If, following a second suspension, a licence holder accumulates a further 12 points in any 12-month period, within 4 years of the end of the second suspension, their hackney carriage vehicle driver's licence will be reviewed by officers, as above, and unless the review determines otherwise, the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a revocation subsequently occurs, all the penalty points from the breaches resulting in the revocation shall be considered spent and no penalty points will be carried forward.

#### **7. Disputes**

##### **7.1. Review by Senior Officer**

- 7.1.1. In the event of the licence holder disputing that they are liable for points to be awarded against them, the licence holder may request, in writing within 28 days of being notified of the allegation, that the incident and awarding of penalty points be considered by a Senior Officer. Where this occurs, the Senior Officer shall consider the evidence attached to the incident and will aim to respond to the licence holder, in writing, within 28 days of being notified of the dispute. The Senior Officer shall decide whether it is appropriate to allocate the penalty points.
- 7.1.2. If the Senior Officer upholds the decision of the Licensing Officer, no greater punishment shall be imposed other than the awarding of the penalty points for those breaches or requirements.
- 7.1.3. If the award of points does not result in the licence holder accumulating 12 or more points on their licence, there is no further right of appeal.
- 7.2. **Accumulation of 12 points or more – right to request a review by the Licensing Sub Committee**
- 7.2.1. If the licence holder is unhappy with the findings of the Senior Officer and the award of penalty points results in the driver accumulating 12 or more points on their licence, which may result in a suspension/revocation, they may ask for the matter to be reviewed by the Council's Licensing Sub-Committee.
- 7.2.2. This request must be made in writing within 28 days of being notified of the Senior Officers' findings. When this occurs, a hearing shall be held where details of all the incidents that lead to the accumulation of at least 12 penalty points within a 12-month period shall be provided to the Sub-Committee in writing and the licence holder will have the opportunity to present evidence and information in support of his/her case.
8. **Action where licence holders have received a previous suspension or suspensions via the Warning Letter System in operation prior to the introduction of the Penalty Points System**
- 8.1. Where a licence holder accumulates 12 penalty points in any period of 12 months, but their licence has already been suspended previously within the last 4 years, if the licence had been suspended on one occasion, a further suspension for a period of 28 calendar days may occur. Where a licence has been suspended on two previous occasions, the last occasion being within the previous 4 years, the driver's licence will be reviewed by officers, as above, and unless the review determines otherwise, the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.
9. **Appeals to the Magistrates Court in connection with Penalty Points**
- 9.1. Where a driver receives a period of suspension, that person shall be notified in writing within 14 days of the reason(s) for the suspension and shall have the right of appeal to the Magistrates' Court within 21 days of being served with a notice of the Council's decision.
- 9.2. Where a driver's licence is revoked, that person shall be notified in writing within 14 days of the reason(s) for the revocation and shall have a right of appeal to the Magistrates' Court within 21 days of being served a notice of the Council's decision.
10. **Action where a private hire licence is also held**
- 10.1. In the event of the suspension or revocation of a hackney carriage driver's licence an identical suspension or revocation shall apply in respect of any private hire driver's licence held by the same individual. This suspension or revocation and the rights of appeal against it shall be



notified in writing to the driver by officers.

## **11. Action following revocation of licence**

- 11.1 A person who has had a hackney carriage vehicle driver's licence revoked under the penalty points system of enforcement shall not be eligible for the issue of a further hackney carriage vehicle driver's or private hire driver's licence until three years have elapsed since the revocation. The Assistant Director of Planning, Transport & Public Protection is authorised to refuse any application for a licence in these circumstances.

## **Interpretation of Conditions and Byelaws attached to hackney carriage vehicle driver's licence**

In these conditions, unless the subject or context otherwise requires:

- i. "The Act" means the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847 or Public Health Act 1875.
- ii. "Byelaw" means a condition made by the Council under Section 68, Town Police Clauses Act 1847 and Section 171 Public Health Act 1875.
- iii. "The Borough" means the Borough of Reading.
- iv. "The Council" means Reading Borough Council.
- v. "Home-to-School transport contract" means a written contract between a local authority and a licensed private hire operator or hackney carriage driver for the purpose of transporting children from their usual abode to school".
- vi. "Driver" means a person holding and acting in accordance with a hackney carriage vehicle driver's licence issued by the Council.
- vii. "Driving" includes parking or leaving a vehicle unattended.
- viii. "Licence" means hackney carriage vehicle driver's licence.
- ix. "Penalty Points" means the number of points, which may be attached to your hackney carriage vehicle driver's licence for a breach of the Act or the conditions/byelaws in this document.

## **Appeal Procedure in respect of conditions attached to licence**

Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.

The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment or amendment thereto) shall apply to the proceedings.

The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

## PART 2 – HACKNEY CARRIAGE VEHICLE DRIVER CONDITIONS AND BYELAWS

### **CONDITIONS AND BYELAWS**

#### **1. Action where a DVLA Driver's Licence or similar is suspended**

- 1.1. Where a driver has been disqualified from driving by a court, their hackney carriage driver's licence will be revoked by an appropriate officer delegated by the Assistant Director of Planning, Transport & Public Protection.
- 1.2. You must not drive a hackney carriage vehicle if you no longer hold, have had suspended or are disqualified from holding a DVLA, European Economic Area or Northern Ireland driving licence for that type of vehicle. **To do so – 6 penalty points.**

#### **2. Requirement to wear/display Reading Borough Council Hackney Carriage Driver's Badge**

##### **BYELAW 12**

If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible. **Failure to do so – 4 penalty points**

- 2.1. The badge must be worn using a lanyard or a clip fastened to the upper chest area. **Failure to do so – 4 penalty points.**
- 2.2. All drivers must ALWAYS display in the vehicle, in full view of passenger(s), the other hackney carriage driver's badge issued to you. **Failure to do so – 4 penalty points.**

#### **3. Requirement to display a hackney carriage vehicle licence plate**

- 3.1. You must not drive a licensed hackney carriage vehicle without a hackney carriage vehicle plate securely attached to the rear bumper or rear bodywork of the vehicle. **Failure to do so – 6 penalty points.**
- 3.2. You must not wilfully or negligently cause or suffer the licence plate or identification card allocated to your hackney carriage vehicle, to be concealed from public view or to be so defaced such that it is illegible. **To do so – 3 penalty points.**
- 3.3. You must not remove a hackney carriage vehicle licence plate from a hackney carriage vehicle, whilst the vehicle remains licensed. **To do so – 3 penalty points.**

#### **4. Requirement to produce hackney carriage driver's licence**

- 4.1. You must produce your hackney carriage vehicle driver's licence at the request of an authorised officer of Reading Borough Council and/or a Police officer, either forthwith, or, in the case of an Authorised Officer, at the Civic Offices, Reading and in the case of a Police Constable, the Police Station of your choice within the Borough of Reading within five days of the request. **Failure to do so – 3 penalty points.**

#### **5. Medical fitness**

- 5.1 You must undergo a medical examination as prescribed by the Council, confirming your fitness to drive a licensed hackney carriage vehicle as and when required by the Council. The frequencies at which medical examination must usually be undertaken are prior to obtaining your first licence, then at least every 5 years to age 60, then at least every 2 years to age 70

and at least once a year over the age of 70. **Failure to do so – suspension of licence until medical examination passed and 4 penalty points.**

- 5.2 You must not drive a hackney carriage vehicle if you are suffering from any disease or disability which would cause the vehicle being driven by you to be a danger to the public. **To do so – suspension/revocation of licence until medical examination passed and 4 penalty points**
- 5.3 You must ensure that you can, ALWAYS, meet the eyesight requirements specified by the Department of Transport driving test. **Failure to do so – suspension/revocation of licence until eyesight requirements met and 4 penalty points.**

## **6. Provision of information to the Council**

- 6.1 You must not, when providing information to the Council, on applying for a hackney carriage vehicle driver's licence knowingly or recklessly make a false statement and/or knowingly omit any material information. **To do so – 6 penalty points.**
- 6.2 You must provide any relevant document or information requested within the specified timescale. **Failure to do so – 4 penalty points.**
- 6.3 Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA check they must provide all relevant documentation for this to the council within 14 days of the request. **Failure to do so – suspension of licence until DBS check completed and proof of update service reinstated and 6 penalty points.**

## **7. Correct use of taximeter**

### **BYELAW 5**

The driver of a hackney carriage provided with a taximeter shall: -

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter; **Failure to do so - 4 penalty points.**
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter to indicate that the hackney carriage is hired or that a fare is being charged and keep the machinery of the taximeter in action until termination of hiring; **Failure to do so - 6 penalty points**
- (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer. **Failure to do so - 4 penalty points**

### **BYELAW 6**

The driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto. **To do so - 12 penalty points.**

## **8. Use of ranks**

### **BYELAW 7**

The driver of a hackney carriage shall, when plying for hire, in any street and not actually hired:

- (a) proceed with reasonable speed to one of the stands appointed or deemed to have been appointed under section 63 of the Local Government (Miscellaneous Provisions) Act 1976; **Failure to do so – 4 penalty points.**
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand; **Failure to do so – 4 penalty points.**
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; **Failure to do so – 4 penalty points.**
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward. **Failure to do so – 4 penalty points.**
- 7.1. You must not leave your hackney carriage vehicle unattended on a hackney carriage stand at any time unless it is a designated rest rank. **To do so - 6 penalty points**
  - 7.2. Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or whilst waiting on a rank. **Failure to do so – 6 penalty points.**

## **8. Prolonging of journeys and charging of fares**

### **BYELAW 15**

The driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Table of fares the of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Table of Fares which it may not be possible to record on the face of the taximeter. **To do so – 6 penalty points**

### **BYELAW 16**

A Statement of fares fixed by the Table of Fares shall be exhibited inside the carriage in clearly distinguishable letters and figures. The driver of a hackney carriage bearing a statement of fares in accordance with this bylaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire. **Failure to do so – 4 penalty points.**

- 8.1. You must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired. **To do so – 4 penalty points.**
- 8.2. When undertaking a journey which ends outside the licensed area (the Borough of Reading) you must not charge more than the fare shown on the taximeter unless a fare was agreed before commencement of the journey. **To do so – 6 penalty points**
- 8.3. When used as a private hire vehicle, i.e., when not plying for hire or standing on a taxi rank or accepting bookings through a third person, you must only charge the fare shown on the taximeter from where the hirer commenced the journey. **To do so – 6 penalty points**
- 8.4. On payment of a fare by card, no extra or minimum charge shall be imposed on the hirer. **To do so - 6 penalty points**

## **9. Obstruction of authorised officers**

- 9.1. You must not wilfully obstruct an authorised officer of the Council or a police constable acting under the Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause, fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. **To do so – 6 penalty points.**

## **10. Requirement to use a licensed vehicle**

- 10.1. When working as a hackney carriage driver, you must not use an unlicensed vehicle, this includes any vehicle where the hackney carriage vehicle licence has been suspended for any reason. **To do so – 12 penalty points**
- 10.2. When licensed as a driver of hackney carriage vehicles by the Council you must only use a hackney carriage vehicle licensed by Reading Borough Council, unless you are appropriately licensed to use a vehicle licensed by another authority. **Failure to do so – 12 penalty points.**

## **11. Requirement to report loss of licence/badge**

- 11.1. You must report the loss of your licence and/or badge(s) to the Council as soon as such a loss becomes known. **Failure to do so – 4 penalty points.**

## **12. Conduct of driver**

### **BYELAW 9**

The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle. **Failure to do so – 6 penalty points.**

### **BYELAW 10**

The driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place. **Failure to do so – 6 penalty points**

### **BYELAW 14**

Every hackney carriage driver shall present a clean and tidy appearance. **Failure to do so – 4 penalty points.**

- 12.1. You must comply with every reasonable requirement of your passengers. **Failure to do so – 4 penalty points.**
- 12.2. You must not drink or eat in your vehicle whilst you have a passenger or passengers on board. **Failure to do so – 3 penalty points.**
- 12.3. You must not smoke, vape or use any kind of electronic cigarette in a hackney carriage vehicle at any time. **To do so – 3 penalty points**
- 12.4. You must not behave in a sexually offensive manner towards passengers. **To do so – 12 penalty points.**
- 12.5. Without prejudice to the generality of condition 13.4, you are not permitted to have sexual intercourse with passengers whilst on duty or in a licensed vehicle. **To do so – 36 penalty points resulting in licence revocation.**

- 12.6. Without prejudice to the generality of condition 13.4, you are not permitted to have sexual contact, including intimate kissing, touching of private parts, or similar activity, with passengers whilst on duty or in a licensed vehicle. **To do so – 12 penalty points.**
- 12.7. Without prejudice to the generality of condition 13.4, you must not engage in any discussion or dialogue, including by telephone contact, social media, email or any other form of communication, of a sexual nature or about a sexual relationship with a passenger (be it a past, present or future relationship). **To do so – 12 penalty points**

### **13. Carriage of luggage**

#### **BYELAW 13**

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:

- (a) convey a reasonable quantity of luggage. **Failure to do so – 3 penalty points**
- (b) afford reasonable assistance in loading and unloading. **Failure to do so – 3 penalty points**
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person. **Failure to do so – 3 penalty points.**

### **14. Carriage of guide/assistance dogs or disabled passengers**

- 14.1. You must not refuse to carry a guide dog, or assistance dog accompanying a passenger, unless you have a proven medical condition that would preclude such action. **Failure to do so – 12 penalty points.**
- 14.2. You must not charge a fee to carry a guide dog or an assistance dog. **To do so – 6 penalty points.**
- 14.3. You must advise the Council's Licensing Section in writing of any medical condition which would preclude you from carrying a guide dog or assistance dog. **Failure to do so – 4 penalty points.**
- 14.4. You must ensure that wheelchairs are loaded in the correct position and securely fixed using the floor restraint system and manufacturers straps designed for the vehicle. **Failure to do so – 6 penalty points.**
- 14.5. You must not refuse to carry a wheelchair user unless your vehicle is unsuitable in size to safely accommodate the wheelchair and wheelchair user. If you refuse the journey for this reason, you must provide reasonable assistance to facilitate the use of an alternatively suitable hackney carriage. **Failure to do so – 12 penalty points.**
- 14.6. You must not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey. **Failure to do so – 6 penalty points.**
- 14.7. You must provide reasonable assistance to any passengers with a disability, or those with reduced mobility, including providing reasonable assistance to safely load/unload wheelchairs or mobility aids. Unless you have a medical exemption certificate that allows you not to assist on medical grounds. **Failure to do so – 6 penalty points.**

## **16. Provision of receipts**

- 16.1. You must, if requested by your hirer/passenger, give a receipt in respect of the fare paid. The receipt must state the fare paid, date, time and driver badge number. **Failure to do so – 4 penalty points.**

## **17. Lost Property**

### **BYELAW 17**

The driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein. **Failure to do so – 4 penalty points.**

### **BYELAW 18**

The driver of a hackney carriage shall if any property is accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Civic Offices, Reading, or other office for the time being of the Borough Council, and leave it in the custody of the officer in charge on his giving a receipt for it; **Failure to do so – 12 penalty points**
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence on the pound of its estimated value (or the fare for the distance from the place of finding to the office of the council, whichever be the greater) but not more than five pounds.
- 17.1. Where the owner/loser of the property collects the property from you, no charge may be made for the return of that property. **Failure to do so – 4 penalty points.**

## **18. Suitability of vehicles**

- 18.1. You must not drive a hackney carriage vehicle if the vehicle does not comply with the Road Vehicles (Construction and Use) Regulations 1986 as amended. **To do so – 3 penalty points for each breach found.**
- 18.2. You must, before commencing work each day, ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended. **Failure to do so – 3 penalty points for each breach found.**
- 18.3. You must ensure that any hackney carriage vehicle you drive complies with the Council's requirements in relation to tinted windows at all times. (See vehicle specifications). **Failure to do so – 6 penalty points.**
- 18.4. You must not make any changes to the specification, design or appearance of a vehicle without prior approval from a Licensing Enforcement Officer. **To do so – 3 penalty points for each breach found**

## **19. Requirement to notify Council of change of address, contact details or a conviction**

- 19.1. You must notify the Council in writing of any change of address, contact number or email address within 7 days of the change taking place. **Failure to do so – 4 penalty points.**
- 19.2. You must notify the Council in writing of all new convictions and cautions within 48 hours

from the date of formal notification. **Failure to do so - 6 penalty points.** This includes, but is not limited to, 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.

- 19.3. You must notify the council within 48 hours of any arrest and release, charge, caution or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, this includes fixed penalties (FPN). **Failure to do so – 6 penalty points.**

## **20. Insurance**

- 20.1 You must not drive a hackney carriage vehicle if you are not insured to do so. **To do so – 12 penalty points.**
- 20.2 You must provide the Licensing Section of the Council with the original, valid certificate of insurance in respect of third-party risks which must cover your vehicle for hackney carriage purposes. **Failure to do so – 4 penalty points.**

## **21. Leaving the address shown on your licence for more than 28 days**

- 21.1. You must notify the Council in advance, in writing, if you are to be away from the address shown on your licence for a period of more than 28 days. **Failure to do so – 3 penalty points.**
- 21.2. If you are to be away from your home address for a period of more than 28 days and someone else is to use your hackney carriage vehicle whilst you are away you must provide the name, address and home telephone number of that person to the Council prior to going away. **Failure to do so – 3 penalty points.**

## **22. Road traffic accidents and other incidents**

- 22.1. Following a road traffic accident or any other incident involving a hackney carriage vehicle driven by you where there is a likelihood of any dispute over damage or injury, you must give full details of yourself, the owner of the vehicle and the insurance for the vehicle to any person reasonably requesting the information within seven days of such a request being made. **Failure to do so – 3 penalty points.**
- 22.2. If you are not the owner of the hackney carriage vehicle that is involved in a road traffic accident or any other incident while being driven by you, you must notify the owner of the vehicle as soon as is reasonably practicable, and in any case within 72 hours of the incident. **Failure to do so – 3 penalty points.**
- 22.3. If a hackney carriage vehicle driven by you is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of the passengers you must report the damage to the Council as soon as reasonably practicable or in any case within 72 hours of the accident. **Failure to do so – 3 penalty points.**

## **23. Theft or loss of licence plate**

- 23.1. You must report the loss or theft of any hackney carriage vehicle licence plate, hackney carriage vehicle licence or internal vehicle licence plate, to the Police and the Council, as soon as the loss becomes known and in the event of ceasing to use the vehicle for hackney carriage purposes shall return the external and internal licence plates, to the Council within



seven days. **Failure to do so – 3 penalty points.**

## **24. Touting**

### **BYELAW 8**

The driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose. **To do so – 12 penalty points**

## **25. Bus stops and lanes**

25.1 At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to stand or become stationary for any reason at any bus stop or in any bus lay-by. **To do so – 4 penalty points.**

25.2 At any time when driving a hackney carriage vehicle, you must not permit the vehicle to be driven in any bus lane, except for bus lanes that specifically permit use by hackney carriage vehicles. **To do so – 4 penalty points**

## **26. Disabled bays**

26.1. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to stand or become stationary for any reason in a disabled bay without displaying the appropriate badge or other lawful authority. **To do so - 4 penalty points.**

## **27. Dangerous parking/stopping**

27.1. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to be parked, or stop, in such a position to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked/stopped at or close to a road junction, zigzags, any 'keep clear' markings or in the middle of the road, etc). **To do so - 4 penalty points.**

27.2. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to be driven on or become stationary on a footway. **To do so - 4 penalty points.**

## **28. Parking on yellow lines/contravening traffic laws**

28.1. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to be stationary on double yellow lines, or 'Red Routes' other than to pick up or drop off passengers. **To do so - 4 penalty points.**

28.2. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to pick up or drop off passengers. **To do so - 4 penalty points.**

28.3. At any time when driving a hackney carriage vehicle, you must not contravene any traffic laws, regulations, orders or guidance outlined in the current highway code. **To do so - 4 penalty points.**

28.4. At any time when driving a hackney carriage vehicle, you must not drive in a manner that causes your passengers discomfort, alarm or distress. **To do so – 4 penalty points**

## **29. Sounding of horn**

29.1. You must not sound the horn of the vehicle you are driving, whilst it is stationary, to signify

the vehicle is waiting for passengers. **To do so - 4 penalty points.**

### **30. Number of passengers carried**

#### **BYELAW 11**

The driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage provided that for the purpose of this byelaw two children under the age of twelve years shall be regarded as one person and children under the age of three years shall not be reckoned subject to the limitation that no hackney carriage licensed to carry three, four or five persons shall carry more than five, six or seven adults and children respectively. **To do so – 6 penalty points**

30.1. You must not carry any other person in your vehicle without the permission of the hirer. **To do so - 4 penalty points.**

### **31. Giving or lending of vehicle or licence to others**

31.1. You must not lend or give your licence to any other person, other than the copy of your licence that you are required by these conditions to give to your operator. **To do so - 6 penalty points.**

31.2. You must not permit any other person who is not a Reading Borough Council licensed hackney carriage vehicle driver to drive your licensed hackney carriage vehicle. **To do so - 6 penalty points.**

### **32. Playing of radio or similar**

32.1. You must not play a radio or any other sound producing device to the annoyance or discomfort of your passengers. **To do so - 4 penalty points.**

### **33. Use of a mobile phone, navigation or similar device**

33.1. You must not use a mobile phone, handheld communications/navigation device or similar when driving if it is not connected to a 'hands-free' system (Bluetooth earpiece or an inbuilt car system). **To do so - 6 penalty points.**

Devices include, but are not limited to, mobile telephones, tablets, a two-way radio, satellite navigation device or personal digital assistant. 'Use' of the device includes, but is not limited to, making a call (voice or video), texting, watching videos, making videos, searching on the device or interacting with it in anyway which may cause their attention to become distracted.

### **34. Signs and livery/advertisements**

34.1. You must display on your vehicle, always when you are working as a hackney carriage driver, a roof sign in accordance with the Council's approved specification (see vehicle specifications). **Failure to do so – 4 penalty points.**

34.2. You must not permit any hackney carriage vehicle you are driving to display any signs or advertisements of any nature apart from Council approved livery designs/advertisements in accordance with the Council's hackney carriage vehicle licence conditions. **To do so – 4 penalty points.**

### **35. Home-to-School Transport Contract Work**

*When a driver is fulfilling/undertaking a 'Home-to-School Transport Contract' journey the following conditions shall apply, notwithstanding that they may conflict with the conditions stated above.*

- 35.1. You must ensure that each passenger is always wearing a seat belt during the journey, ensure that wheelchairs are loaded in the correct position and securely fixed using the floor restraint system and manufacturers straps designed for the vehicle. **Failure to do so – 6 penalty points.**
- 35.2. When undertaking a home-to-school transport contract, you must not carry any person in your vehicle other than any passengers (including escorts) that you are required to carry pursuant to the contract. **To do so - 4 penalty points.**
- 35.3. You must display on a vehicle being used for a home-to-school contract, the school transport sign, to a type and standard normally applicable to PCV operators, prescribed in the Road Vehicles Lighting Regulations 1989 and amended in Statutory Instrument 1519 The Vehicles Lighting (Amendment) Regulation 1994, in such position as required by the Council, but only while the vehicle is actively involved in transporting pupils and at no other time. **Failure to do so – 4 penalty points.**
- 35.4. You must display on your vehicle when being used for any home-to-school transport contract, any signs as specified in the contract, such as the school number and contract route number. **Failure to do so – 4 penalty points.**
- 35.5. You must comply with all the terms stipulated within any home-to-school contract held or journeys undertaken. **Failure to do so – 4 penalty points.**

## **Appendix H – Private hire driver’s conditions and penalty points scheme**

### **LEGISLATION AND CONDITIONS APPLICABLE TO PRIVATE HIRE VEHICLE DRIVER’S LICENCES & PENALTY POINTS ENFORCEMENT SYSTEM**

#### **Local Government (Miscellaneous Provisions) Act 1976**

#### **PART 1 – PENALTY POINTS SYSTEM**

##### **1. OPERATION OF PENALTY POINTS SYSTEM**

- 1.1 Without prejudice to any other course of action or remedy available to the Council, in the event of any contravention of any relevant statute, byelaw, regulation or private hire vehicle driver condition, the Council may use this penalty points system as a means of enforcement. Where the system is used, if a breach or contravention occurs, as indicated in these conditions, the penalty points indicated within this document shall be allocated to the licence.
- 1.2 In the event that a driver surrenders his/her private hire vehicle driver’s licence or withdraws their application to renew a private hire vehicle driver’s licence or does not apply to renew a licence, any penalty points issued or in process will remain live and will be imposed on any subsequent private hire vehicle driver’s licence issued within 12 months of the issue of any penalty points.

##### **2. Action where a suspected breach or non-compliance occurs**

- 2.1. Where a suspected breach or noncompliance with the Local Government (Miscellaneous Provisions) Act 1976, or Private Hire Vehicle Driver Licence Conditions is detected, a letter will be sent to that person setting out the circumstances of the alleged breach or noncompliance. The letter shall offer an opportunity to either admit or deny the allegation. Where the breach is admitted the appropriate number of penalty points shall be allocated to the licence and a letter shall be sent to the licence holder confirming the allocation of points.
- 2.3 If the licence holder fails to respond to the letter setting out the circumstances of the alleged breach or non-compliance within 28 days, the appropriate number of penalty points shall be allocated to that individual’s licence and a letter shall be sent confirming the allocation of points.
- 2.4 If the licence holder responds to the letter but denies the allegation due to them not being the vehicle driver at the time of the incident, they shall be given an opportunity to nominate another driver. If the licence holder fails to nominate another person the appropriate number of penalty points shall be allocated and again, a letter shall be sent to the licence holder confirming the allocation of points. That letter shall also explain the appeal options open to the licence holder.
- 2.5 If the licence holder denies the allegation due to a dispute of facts, they shall have the opportunity to challenge the matter as detailed in the disputes options, as set out at paragraph 7 below.

##### **3. Use of alternative enforcement action in conjunction with penalty points**

- 3.1. Where penalty points are shown in the conditions this shall not preclude alternative formal action, including prosecution or suspension/revocation, being taken by the Council.
- 3.2. Where enforcement action such as prosecution or fixed penalty notices are used in respect of breaches this shall not preclude the issuing of penalty points and penalty points will

normally be awarded in addition to the alternative form of enforcement.

- 3.3. Where a driver also holds a hackney carriage vehicle driver's licence any action taken in respect of his private hire vehicle driver's badge will also apply to his hackney carriage driver's badge.

#### **4. First accumulation of 12 penalty points**

- 4.1. If a licence holder accumulates 12 penalty points in any 12-month period the licence will be reviewed by officers, with particular focus on the circumstances relating to the current and earlier imposition of penalty points, and unless the review determines otherwise, the licence shall be suspended for 14 calendar days. Following the suspension the points shall be removed from the licence. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.
- 4.2. In the case of a breach of condition 13.7, resulting in 36 penalty points being awarded, the licence will be reviewed by officers as above, and unless the review determines otherwise, no suspension shall occur and instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

#### **5. Second accumulation of 12 penalty points**

- 5.1. If, following a first suspension, a licence holder accumulates a further 12 points in any 12-month period, within 4 years of the end of the first suspension, the licence will be reviewed by officers, as above, and unless the review determines otherwise, the licence shall be suspended for a period of 28 calendar days. Following the suspension the points shall be removed from the licence. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.
- 5.2. In the case of a breach of condition 13.7, resulting in 36 penalty points being awarded, the licence will be reviewed by officers as above, and unless the review determines otherwise, no suspension shall occur and instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

#### **6. Third accumulation of 12 penalty points**

- 6.1. If, following a second suspension, a licence holder accumulates a further 12 points in any 12-month period, within 4 years of the end of the second suspension, their private hire vehicle driver's licence will be reviewed by officers as above, and unless the review determines otherwise, the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a revocation subsequently occurs, all the penalty points from the breaches resulting in the revocation shall be considered spent and no penalty points will be carried forward.

#### **7. Disputes**

##### **7.1. Review by Senior Officer**

- 7.1.1 In the event of the licence holder disputing that they are liable for points to be awarded against them, the licence holder may request, in writing within 2 days of being notified of the

allegation, that the incident and awarding of penalty points be considered by a Senior Officer. Where this occurs, the Senior Officer shall consider the evidence attached to the incident and will aim to respond to the licence holder, in writing, within 28 days of being notified of the dispute. The Senior Officer shall decide whether it is appropriate to allocate the penalty points.

7.1.2 If the Senior Officer upholds the decision of the Licensing Officer, no greater punishment shall be imposed other than the awarding of the penalty points for those breaches or requirements.

7.1.3 If the award of points does not result in the licence holder accumulating 12 or more points on their licence, there is no further right of appeal.

## **7.2. Accumulation of 12 points or more – right to request a review by the Licensing Sub-Committee**

7.2.1. If the licence holder is unhappy with the findings of the Senior Officer and the award of penalty points results in the driver accumulating 12 or more points on their licence, which may result in a suspension/revocation, they may ask for the matter to be reviewed by the Council's Licensing Sub-Committee.

7.2.2. This request must be made in writing within 28 days of being notified of the Senior Officers findings. Where this occurs, a hearing shall be held where details of all the incidents leading to the accumulation of at least 12 penalty points within a 12-month period shall be provided to the Sub-Committee in writing. The licence holder will have the opportunity to present evidence and information in support of their case.

## **8. Appeals to the Magistrates Court in connection with Penalty Points**

8.1 Where a driver receives a period of suspension, that person shall be notified in writing within 14 days of the reason(s) for the suspension and shall have the right of appeal to the Magistrates' Court within 21 days of being served with a notice of the Council's decision.

8.2 Where a driver's licence is revoked, that person shall be notified in writing within 14 days of the reason(s) for the revocation and shall have a right of appeal to the Magistrates' Court within 21 days of being served with a notice of the Council's decision.

## **9. Action where a hackney carriage licence is also held**

9.1. In the event of the suspension or revocation of a private hire driver's licence an identical suspension or revocation shall apply in respect of any hackney carriage driver's licence held by the same individual. This suspension or revocation and the rights of appeal against it shall be notified in writing to the driver by officers.

## **10. Action following revocation of licence**

10.1. A person who has had a private hire vehicle driver's licence revoked under the penalty points system of enforcement shall not be eligible for the issue of a further private hire vehicle driver's or hackney carriage driver's licence until three years have elapsed since the revocation. The Assistant Director of Planning, Transport and Public Protection is authorised to refuse any application for a licence in these circumstances.

## **Interpretation of Conditions attached to private hire vehicle driver's licence**

In these conditions, unless the subject or context otherwise requires:

- (i) "The Act" means the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) "The Borough" means the Borough of Reading.
- (iii) "The Council" means Reading Borough Council.
- (iv) "Home-to-School transport contract" means a written contract between a local authority and a licensed private hire operator for the purpose of transporting children from their usual abode to school".
- (v) "Driver" means a person holding and acting in accordance with a private hire vehicle driver's licence issued by the Council.
- (vi) "Driving" includes parking or leaving a vehicle unattended.
- (vii) "Licence" means private hire vehicle driver's licence.
- (viii) "Penalty Points" means the number of points, which may be attached to your private hire vehicle driver's licence for a breach of the Act or the conditions in this document.

## **11. Appeal Procedure in respect of conditions attached to licence**

- 11.1 Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.
- 11.2 The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment or amendment thereto) shall apply to the proceedings.
- 11.3 The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

## PART 2 – PRIVATE HIRE VEHICLE DRIVER CONDITIONS

### CONDITIONS

#### 1. Action where a DVLA Driver's Licence or similar is suspended

- 1.1 Where a driver has been disqualified from driving by a court, their private hire driver's licence will be revoked by an officer delegated by the Assistant Director of Planning, Transport & Public Protection.
- 1.2 You must not drive a private hire vehicle if you no longer hold, have had suspended or are disqualified from holding a DVLA, European Economic Area or Northern Ireland driving licence for that type of vehicle. **To do so – 12 penalty points.**

#### 2. Requirement to wear/display Reading Borough Council Private Hire Badge

- 2.1. When driving a private hire vehicle, you must always wear one of your current private hire driver's badges issued to you over the top of any clothing so that it is clearly visible. The badge must be worn using a lanyard or a clip (fastened to the upper chest area). **Failure to do so – 4 penalty points.**
- 2.2. You must always display in the vehicle, in full view of passenger(s) at all times, the other private hire driver's badge issued to you. **Failure to do so – 4 penalty points.**

#### 3. Requirement to display a private hire vehicle licence plate

- 3.1. You must not drive a licensed private hire vehicle without a private hire vehicle plate securely attached to the rear bumper or rear bodywork of the vehicle. **Failure to do so – 4 penalty points.**
- 3.2. You must not wilfully or negligently cause or suffer the licence plate or identification card allocated to your private hire vehicle, to be concealed from public view or to be so defaced such that it is illegible. **To do so – 4 penalty points.**
- 3.3. You must not remove a private hire vehicle licence plate from a private hire vehicle whilst the vehicle remains licensed. **To do so – 4 penalty points.**

#### 4. Requirement to produce private hire driver's licence

- 4.1. You must produce your private hire vehicle driver's licence at the request of an authorised officer of Reading Borough Council and/or a Police officer, either forthwith, or, in the case of an Authorised Officer, at the Civic Offices, Reading and in the case of a Police Constable, the Police Station of your choice within the Borough of Reading within five days of the request. **Failure to do so – 4 penalty points.**

#### 5. Medical fitness

- 5.1. You must undergo a medical examination as prescribed by the Council, confirming your fitness to drive a licensed private hire vehicle as and when required by the Council. The frequencies at which medical examination must usually be undertaken are prior to obtaining your first licence, then at least every 5 years to age 60, then at least every 2 years to age 70 and at least once a year over the age of 70. **Failure to do so – suspension of licence until medical examination passed and 4 penalty points.**



- 5.2. You must not drive a private hire vehicle if you are suffering from any disease or disability which would cause the vehicle being driven by you to be a danger to the public. **To do so – suspension/revocation of licence until medical examination passed and 4 penalty points.**
- 5.3. You must ensure that you can, ALWAYS, meet the eyesight requirements specified by the Department of Transport driving test. **Failure to do so – suspension/revocation of licence until eyesight requirements met and 4 penalty points.**
- 6. Provision of information to the Council**
- 6.1. You must not, when providing information to the Council on applying for a private hire vehicle driver's licence knowingly or recklessly make a false statement and/or knowingly omit any material information. **To do so – 6 penalty points.**
- 6.2. You must provide any relevant document or information requested within the specified timescale. **Failure to do so – 4 penalty points.**
- 6.3. Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA check, they must provide all relevant documentation for this to the council within 14 days of the request. **Failure to do so – suspension of licence until DBS check completed and proof of update service reinstated and 6 penalty points.**
- 7. Waiting on a hackney carriage stand**
- 7.1. You must not cause or permit a vehicle to wait or stop on a hackney carriage stand without reasonable excuse. **To do so - 6 penalty points.**
- 8. Prolonging journeys**
- 8.1. You must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired. **To do so – 4 penalty points.**
- 9. Obstruction of authorised officers**
- 9.1. You must not wilfully obstruct an authorised officer of the Council or a police constable acting under the Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause, fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. **To do so – 6 penalty points.**
- 10. Copy of licence to be deposited with Operator**
- 10.1. You must deposit the copy of your licence marked "operator copy" with your private hire vehicle operator, who shall retain such licence during the period of your employment with him and shall return it to you when you cease to be employed by or with that operator. **Failure to do so – 4 penalty points.**
- 11. Requirement to use a licensed vehicle and work for a licensed operator**
- 11.1. When working as a private hire driver, you must not use an unlicensed vehicle, this includes any vehicle where the private hire vehicle licence has been suspended for any reason. **To do so – 12 penalty points.**

- 11.2. When licensed as a driver of private hire vehicles by the Council you must only use a private hire vehicle licensed by Reading Borough Council, unless you are appropriately licensed to use a vehicle licensed by another authority. **Failure to do so – 12 penalty points.**
- 11.3. When licensed as a driver of private hire vehicles by the Council you must only work for a private hire vehicle operator who is also licensed by Reading Borough Council, unless you are appropriately licensed to work for an operator licensed by another authority. **Failure to do so – 4 penalty points.**
- 11.4. You must not take bookings from any person other than the licensed private hire vehicle operator for whom you are working. **To do otherwise – 4 penalty points.**
- 11.5. You must not take bookings personally direct from customers. **To do – 6 penalty points.**
- 11.6. If you change the operator that you work for you must notify the Council within 7 days in writing of your new operator. **Failure to do so – 4 penalty points.**
- 12. Requirement to report loss of licence/badge**
- 12.1. You must report the loss of your licence and/or badge(s) to the Council as soon as such a loss becomes known. **Failure to do so – 4 penalty points.**
- 13. Conduct of driver**
- 13.1. You must always conduct yourself in an orderly and professional manner and be civil towards your passengers, council officers, other road users and police officers. **Failure to do so – 4 penalty points.**
- 13.2. You must always present a clean and tidy appearance and wear appropriate clothing and footwear. **Failure to do so – 4 penalty points.**
- 13.3. You must comply with every reasonable requirement of your passengers. **Failure to do so – 4 penalty points.**
- 13.4. You must not drink or eat in your vehicle whilst you have a passenger or passengers on board. **Failure to do so – 4 penalty points.**
- 13.5. You must not smoke, vape or use any kind of electronic cigarette in a private hire vehicle at any time. **To do so – 4 penalty points.**
- 13.6. You must not behave in a sexually offensive manner towards passengers. **To do so – 12 penalty points.**
- 13.7. Without prejudice to the generality of condition 13.6, you are not permitted to have sexual intercourse with passengers whilst on duty or in a licensed vehicle. **To do so – 36 penalty points resulting in licence revocation.**
- 13.8. Without prejudice to the generality of condition 13.6, you are not permitted to have sexual contact, including intimate kissing, touching of private parts, or similar activity, with passengers whilst on duty or in a licensed vehicle. **To do so – 12 penalty points.**
- 13.9. Without prejudice to the generality of condition 13.6, you must not engage in any discussion or dialogue, including by telephone contact, social media, email or any other form of communication, of a sexual nature or about a sexual relationship with a passenger (be it a past, present or future relationship). **To do so – 12 penalty points.**

#### **14. Carriage of luggage**

- 14.1. You must convey a reasonable quantity of luggage. **Failure to do so - 4 penalty points.**
- 14.2. You must give reasonable assistance in removing luggage to or from the entrance of any building, station or place when picking up or setting down a passenger. **Failure to do so – 4 penalty points.**

#### **15. Carriage of guide/assistance dogs and disabled passengers**

- 15.1. You must not refuse to carry a guide dog, or assistance dog accompanying a passenger unless you have a proven medical condition that would preclude such action. **Failure to do so – 6 penalty points.**
- 15.2. You must not charge a fee for carrying a guide dog or assistance dog. **To do so – 6 penalty points.**
- 15.3. You must inform your operator in writing, of any medical condition that precludes you from carrying a guide dog or assistance dog. **Failure to do so - 4 penalty points.**
- 15.4. You must advise the Council in writing of any medical condition which would preclude you from carrying a guide dog or assistance dog. **Failure to do so - 4 penalty points.**
- 15.5. You must not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey. **Failure to do so – 6 penalty points.**
- 15.6. You must provide reasonable assistance to any passengers with a disability, or those with reduced mobility, including providing reasonable assistance to safely load/unload wheelchairs or mobility aids. Unless you have a medical exemption certificate that allows you not to assist on medical grounds. **Failure to do so – 6 penalty points.**

#### **16. Provision of receipts**

- 16.1. You must, if requested by your hirer/passenger, give a receipt of the operator for whom you work, in respect of the fare paid. The receipt must state the operating company, fare paid, date, time and driver badge number. **Failure to do so – 4 penalty points.**

#### **17. Lost Property**

- 17.1. You must search your vehicle at the end of each hiring or as soon as possible afterwards for any property which may have been left there. Any property accidentally left in your vehicle, if not claimed by the owner, must be taken to the Lost Property Office at Reading Police Station within 24 hours. **Failure to do so – 4 penalty points.**
- 17.2. Where within the first 24 hours, the property owner contacts you or your operator and the operator informs you that he/she has been contacted, an agreement should be reached in respect of the return of the property. This may be by the property being lodged at Reading Police Station, the owner/loser collecting the property from you or your operating base, the property being delivered to the owner/loser as soon as possible or by the property being returned by post/courier or similar. If agreement cannot be reached in respect of the return of the property then the property must be taken without delay to the Lost Property Office at Reading Police Station. **Failure to do so – 4 penalty points.**

- 17.3. Where the owner/loser of the property collects the property from you or your operator base, no charge may be made for the return of that property. **Failure to do so – 4 penalty points.**
- 17.4. Where an agreement has been reached that the property will be returned either by posting, by courier, or by similar means no charge over and above the postage cost, courier cost or similar may be made for the return of the property. **To do so – 4 penalty points.**
- 17.5. Where the property is returned to the owner/loser by private hire vehicle, the normal charge for the journey may be made, but the charge must be agreed to by the owner/loser in advance of the journey being made. **Failure to do so – 4 penalty points.**

## **18. Suitability of vehicles**

- 18.1. You must not drive a private hire vehicle if the vehicle does not comply with the Road Vehicles (Construction and Use) Regulations 1986 as amended. **To do so – 3 penalty points for each breach found.**
- 18.2. You must, before commencing work each day, ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended. **Failure to do so – 3 penalty points for each breach found.**
- 18.3. You must ensure that any private hire vehicle you drive complies with the Council's requirements in relation to tinted windows at all times. (See vehicle specifications). **Failure to do so – 6 penalty points.**
- 18.4. You must not make any changes to the specification, design or appearance of a vehicle without prior approval from a Licensing Enforcement Officer. **To do so – 3 penalty points for each breach found.**

## **19. Requirement to notify Council of change of address, contacts details or a conviction**

- 19.1. You must notify the Council Licensing Section within 7 days in writing of any change of address, contact number and email address. **Failure to do so – 4 penalty points.**
- 19.2. You must notify the Council in writing of all new convictions and cautions within 48 hours from the date of formal notification. **Failure to do so - 6 penalty points.**

This includes, but is not limited to, 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.

- 19.3. You must notify the council within 48 hours of any arrest and release, charge, caution or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, this includes fixed penalties (FPN). **Failure to do so – 6 penalty points.**

## **20. Insurance**

- 20.1. You must not drive a private hire vehicle if you are not insured to do so. **To do so – 12 penalty points.**
- 20.2. You must provide the Licensing Section of the Council with the original, valid certificate of insurance in respect of third-party risks which must cover your vehicle for private hire purposes. **Failure to do so – 4 penalty points.**

## **21. Leaving the address shown on your licence for more than 28 days**

- 21.1. You must notify the Council in advance, in writing, if you are to be away from the address shown on your licence for a period of more than 28 days. **Failure to do so – 4 penalty points.**
- 21.2. If you are to be away from your home address for a period of more than 28 days and someone else is to use your private hire vehicle whilst you are away you must provide the name, address and home telephone number of that person to the Council prior to going away. **Failure to do so – 4 penalty points.**

## **22. Road traffic accidents and other incidents**

- 22.1. Following a road traffic accident or any other incident involving a private hire vehicle driven by you where there is a likelihood of any dispute over damage or injury, you must give full details of yourself, the owner of the vehicle and the insurance for the vehicle to any person reasonably requesting the information within seven days of such a request being made. **Failure to do so – 4 penalty points.**
- 22.2. If you are not the owner of the private hire vehicle that is involved in a road traffic accident or any other incident while being driven by you, you must notify the owner of the vehicle as soon as is reasonably practicable, and in any case within 72 hours of the incident. **Failure to do so – 4 penalty points.**
- 22.3. If a private hire vehicle driven by you is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of the passengers you must report the damage to the Council as soon as reasonably practicable or in any case within 72 hours of the accident. **Failure to do so – 4 penalty points.**

## **23. Theft or loss of licence plate**

- 23.1. You must report the loss or theft of any private hire vehicle licence plate, private hire vehicle licence or internal vehicle licence plate, to the Police and the Council, as soon as the loss becomes known and in the event of ceasing to use the vehicle for private hire purposes shall return the external and internal licence plates, to the council within seven days. **Failure to do so – 4 penalty points.**

## **24. Action whilst not engaged in carriage of customers**

- 24.1. At any time when not engaged in the carriage of passengers or goods, you must proceed without delay to either the nearest lawful parking area e.g. lawful car park, a road or street without any parking restriction or your operator base, provided sufficient legal parking exists. **Failure to do so – 4 penalty points.**
- 24.2. Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or whilst waiting. **Failure to do so – 6 penalty points.**

## **25. Plying for hire**

- 25.1. At any time when driving a private hire vehicle, you must not cause or permit the vehicle to stand or ply for hire or otherwise be used so as to suggest that it is a hackney carriage vehicle. Contravention during a test purchase operation by Reading Borough Council when a prosecution has not been undertaken. **To do so - 12 penalty points, all other cases - 6**

**penalty points.**

- 25.2. You must not, by calling out or otherwise, invite any person to hire such vehicle and shall not make use of the services of any other person for such purpose. **To do so – 12 penalty points.**

**26. Bus stops and lanes**

- 26.1. At any time when driving a private hire vehicle, you must not cause or permit the vehicle to stand or become stationary for any reason at any bus stop or in any bus lay-by. **To do so – 4 penalty points.**
- 26.2. At any time when driving a private hire vehicle, you must not permit the vehicle to be driven in any bus lane, except for bus lanes that specifically permit use by private hire vehicles. **To do so – 4 penalty points**

**27. Disabled bays**

- 27.1. At any time when driving a private hire vehicle, you must not cause or permit the vehicle to stand or become stationary for any reason in a disabled bay without displaying the appropriate badge or other lawful authority. **To do so - 4 penalty points.**

**28. Dangerous parking/stopping**

- 28.1. At any time when driving a private hire vehicle, you must not cause or permit the vehicle to be parked, or stop, in such a position to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked/stopped at or close to a road junction, zigzags, any 'keep clear' markings or in the middle of the road, etc). **To do so - 4 penalty points.**
- 28.2. At any time when driving a private hire vehicle, you must not cause or permit the vehicle to be driven on or become stationary on a footway. **To do so - 4 penalty points.**

**29. Parking on yellow lines/contravening traffic laws**

- 29.1. At any time when driving a private hire vehicle, you must not cause or permit the vehicle to be stationary on double yellow lines, or 'Red Routes' other than to pick up or drop off passengers. **To do so - 4 penalty points.**
- 29.2. At any time when driving a private hire vehicle, you must not cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to drop off or pick up passengers. **To do so - 4 penalty points.**
- 29.3. At any time when driving a private hire vehicle, you must not contravene any traffic laws, regulations, orders or guidance outlined in the current highway code. **To do so - 4 penalty points.**
- 29.4. At any time when driving a private hire vehicle, you must not drive in a manner that causes your passengers discomfort, alarm or distress. **To do so – 4 penalty points**

**30. Sounding of horn**

- 30.1. You must not sound the horn of the vehicle you are driving, whilst it is stationary, to signify the vehicle is waiting for passengers. **To do so - 4 penalty points.**

### **31. Number of passengers carried**

- 31.1. In the event of a parent or guardian of a child asking you to carry a child in your vehicle when a suitable child restraint is not available, you may carry the child provided the following arrangements are adhered to;
- (a) if the child is under 3 years old the child must travel unrestrained (not held in the standard adult seat belt of your car) in the rear of your vehicle; or
  - (b) if the child is 3 years or older the child must use the adult seat belt in the rear of your vehicle. **Failure to do so – 6 penalty points**
- 31.2. You must not carry more persons than specified on the vehicle licence plate. One child under the age of 3, carried in accordance with condition 32.1(a) above does not count towards the total number of persons permitted to be carried. **To do so - 4 penalty points.**
- 31.3. You must not carry more persons than the number of seats with seat belts fitted. One child under the age of 3, carried in accordance with condition 32.1(a) above does not count towards this total. **To do so – 4 penalty points.**
- 31.4. You must not carry any other person in your vehicle without the permission of the hirer. **To do so - 4 penalty points.**

### **32. Giving or lending of vehicle or licence to others**

- 32.1. You must not lend or give your licence to any other person, other than the copy of your licence that you are required by these conditions to give to your operator. **To do so - 6 penalty points.**
- 32.2. You must not permit any other person who is not a Reading Borough Council licensed private hire vehicle driver to drive your licensed private hire vehicle. **To do so - 6 penalty points.**

### **33. Playing of radio or similar**

- 33.1. You must not play a radio or any other sound producing device to the annoyance or discomfort of your passengers. **To do so - 4 penalty points.**

### **34. Use of a mobile phone, communications/navigation or similar device**

- 34.1. You must not use a mobile phone, communications/navigation device or similar when driving if it is not connected to a 'handsfree' system (Bluetooth earpiece or an inbuilt car system). **To do so - 6 penalty points.**

Devices include, but are not limited to, mobile telephones, tablets, a two-way radio, satellite navigation device or personal digital assistant.

'Use' of the device includes, but is not limited to, making a call (voice or video), texting, watching videos, making videos, searching on the device or interacting with it in anyway which may cause your attention to become distracted.

### **35. Signs**

- 35.1. You must always display on your vehicle side identification panels in accordance with the Council's approved specification. **Failure to do so – 4 penalty points.**
- 35.2. Where from time-to-time changes are necessary to the private hire vehicle side identification

panels due to a change of vehicle registration, operator or plate number the amendment must be carried out by a professional sign writer and must be the same printed material, colour and design as the remainder of the printing on the panel. **Failure to do so – 4 penalty points.**

- 35.3. You must not permit any private hire vehicle you are driving to display any signs or advertisements of any nature on the exterior of the vehicle apart from the licence plate for the vehicle, Council approved side identification panels or advertisements approved in accordance with the Council's private hire vehicle and operator licence conditions. **To do so – 4 penalty points.**

### **36. Home to School transport contract journeys**

*When a driver is fulfilling/undertaking a 'Home-to-School Transport Contract' journey the following conditions shall apply, notwithstanding that they may conflict with the conditions stated above.*

- 36.1. You must ensure that each passenger is always wearing a seat belt during the journey and ensure wheelchairs are loaded in the correct position and securely fixed using the floor restraint system and manufacturers' straps designed for the vehicle. **Failure to do so – 6 penalty points.**
- 36.2. When undertaking a home-to-school transport contract, you must not carry any person in your vehicle other than the passengers (including escorts) that you are required to carry pursuant to the contract. **To do so - 4 penalty points.**
- 36.3. You must display on a private hire vehicle being used for home-to-school contracts, the school transport sign, to a type and standard normally applicable to PCV operators, prescribed in the Road Vehicles Lighting Regulations 1989 and amended in Statutory Instrument 1519 The Vehicles Lighting (Amendment) Regulation 1994, in such position as required by the Council, but only while the vehicle is actively involved in transporting pupils and at no other time. **Failure to do so – 4 penalty points.**
- 36.4. You must display on your vehicle when being used for any home-to-school transport contract, any signs as specified in the contract, such as the school number and contract route number. **Failure to do so – 4 penalty points.**
- 36.5. You must comply with all the terms stipulated within any home-to-school contract held or journeys undertaken. **Failure to do so – 4 penalty points.**

### **37. Drivers of Executive Private Hire Vehicles**

*When a driver is using a Private Hire Vehicle that has been licensed as an Executive Private Hire Vehicle the following conditions shall apply, notwithstanding that they may conflict with the conditions stated above.*

- 37.1. You must ALWAYS display the private hire vehicle licence identification disc issued by the Council within the nearside of the front windscreen. **Failure to do so – 4 penalty points.**
- 37.2. You must ALWAYS carry within the vehicle the 'Exemption Notification' issued by the council in respect of the licensed private hire vehicle and driver, which you must present for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer. **Failure to do so – 4 penalty points.**
- 37.3. The private hire vehicle licence identification plate issued by the Council, shall not be affixed to the vehicle and shall not be displayed in, on or from the vehicle at any time, except as



provided in condition 37.5 (ii). **To do so – 4 penalty points.**

37.4. The vehicle shall not be fitted with side identification panels at any time. **To do so – 4 penalty points.**

37.5. You must ensure that the private hire vehicle licence identification plate issued by the Council, shall be:

- (i) Carried within the boot of vehicle at all times;
- (ii) Fixed in the boot in a way it can be easily inspected and not cause damage to any luggage carried;
- (iii) Produced for inspection, upon the request of:
  - an authorised officer of the council;
  - a police officer (including traffic wardens);
  - the hirer.

**Failure to do so – 4 penalty points.**

37.6. You shall always convey within the vehicle, but are not obliged to wear, your private hire driver's identification badge issued by the Council. **To fail to do so – 4 penalty points.**

37.7. The driver of an executive private hire vehicle shall be appropriately dressed in a smart business or morning suit when the vehicle is hired. **To fail to do so – 4 penalty points.**

37.8. You must not carry more passengers than specified within the vehicle licence, unless it is a stretched limousine, which is specifically designed or adapted and licensed to carry a maximum of eight passengers. **To do so – 4 penalty points.**

37.9. You must not settle accounts and/or tender direct payment by any method, including, credit card, debit card, cheque, cash, online or via any Apps from passengers. Payment may only be made to the operator's office either before or after the journey. **To do so – 4 penalty points.**

## **Appendix I - Hackney Carriage & Private Hire Criminal Convictions Policy**

The Council approved the Hackney Carriage and Private Hire Convictions Policy on 23 July 2024 which provides guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal offence.

### **Information for applicants and existing licence holders**

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused, or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Council operates a Scheme of Delegation from the Assistant Director for Planning, Transport & Public Protection to Licensing Officers. The scheme gives delegated authority to officers to make decisions on behalf of the Assistant Director regarding the grant, renewal, suspension and revocation of hackney carriage and private hire licences.
4. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be considered by the appropriate officer delegated by the Assistant Director for Planning, Transport & Public Protection, or a Licensing Sub-Committee, who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case.
5. If an application is refused or a licence is revoked the applicant or licence holder will have the right to appeal to the Magistrate's Court. The appeal to the Magistrate's Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
6. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have the right to appeal to the Magistrate's Court against a suspension/revocation issued with immediate effect, however they may not use the licence until any decision is made by the Court.
7. The bar has been raised. Existing licence holders that have been granted licences prior to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been less, or those offences not included. It is not reasonable that those licences should be automatically revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by the appropriate officer delegated by the Assistant Director for Planning, Transport & Public Protection or a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account

will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

## OVERVIEW

8. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have confidence that the driver is safe and suitable.
9. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
10. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
11. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction check on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
12. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
13. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions.  
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>;  
and the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022  
<https://www.legislation.gov.uk/ukpga/2022/14/enacted>
14. The Licensing Authority will consider each case on its own merits; applicants and licensees are entitled to a fair and impartial consideration of their application.
15. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
16. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
  - Relevance and date of the offence;
  - Sentence imposed by the court;
  - Age of person and circumstances when the offence was committed; and
  - Subsequent periods of good behaviour.

## Their overall conviction history

- Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is

considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding the suitability of the applicant.

- Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process.
- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services.
- Any other matters that are relevant.

17. Convictions for attempt or conspiracy offences will be regarded as a conviction for the substantive crime (ref: Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 Sections 1(1), 1(2),1(3)  
<https://www.legislation.gov.uk/ukpga/2022/14/enacted#section-1-1>).
18. A caution is regarded in the same way as a conviction.
19. In this policy, fixed penalties and community resolutions will also be considered in the same way as a conviction. The date of issue of fixed penalties and community resolutions will be considered as the date of the completion of a sentence. (Any resolution order that contains, for example, the requirement to do unpaid work, the 'sentence' in that case is deemed completed on the date that the last set of hours has been worked).
20. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered.
21. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
22. 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, where a decision not to prosecute has been made or an investigation which is continuing where the individual has been bailed, can and will be considered by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
23. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
24. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
25. 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.

26. 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.
27. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (drivers, vehicles, and operators) 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. There is a further ongoing duty to notify the licensing authority of arrest and/or prosecution within the timescales set out in the adopted statutory standards.
28. 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.
29. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
30. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
31. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## **OFFENCES**

### **Barred lists**

32. A licence will not be granted to a person who is on any barred list. Any licence holder found to be on any barred list will have their licence revoked.

### **Crimes resulting in death**

33. 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 (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

### **Exploitation**

34. 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 (this is not an exhaustive list)

- (a) Slavery,
- (b) Child sexual abuse,
- (c) Exploitation,

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

### **Offences involving violence against the person**

35. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
36. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least TEN YEARS have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

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

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

### **Possession of a weapon**

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

### **Sexual offences**

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

41. Sexual/Indecency Offences include (this is not an exhaustive list)
- (a) Rape,
  - (b) Assault by penetration,
  - (c) Offences involving children or vulnerable adults,
  - (d) Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003),
  - (e) Making or distributing obscene material,
  - (f) Possession of indecent photographs depicting child pornography,
  - (g) Sexual assault,
  - (h) Indecent assault,
  - (i) Exploitation of prostitution,
  - (j) Soliciting (kerb crawling),
  - (k) Making obscene / indecent telephone calls,
  - (l) Indecent exposure,
  - (m) Any similar offences (including attempted or conspiracy to commit) offences.
42. Any licence holder charged with, convicted, or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

### **Dishonesty**

43. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously.
44. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least SEVEN YEARS have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked.
45. Dishonesty offences include (this is not an exhaustive list):
- (a) Theft,
  - (b) Burglary,
  - (c) Fraud,
  - (d) Benefit fraud,
  - (e) Handling or receiving stolen goods,
  - (f) Forgery,
  - (g) Conspiracy to defraud,
  - (h) Obtaining money or property by deception,
  - (i) Other deception,
  - (j) Any similar offence.

### **Drugs**

46. 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.
47. 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 may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

## **Discrimination**

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

## **Motoring convictions**

50. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviour of a safe road user and one that is suitable to drive professionally.
51. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website: <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>.
52. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years are 'valid' for 10 years. There is more information on the Government's website: <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>.
53. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
54. Where an applicant has a major conviction, the application will be refused whilst the relevant points remain 'valid' on their driving licence.
55. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the



Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.

Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete an extended driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by an appropriate officer delegated by the Assistant Director for Planning, Transport & Public Protection or a Licensing Sub-Committee.

56. Where a licence holder has more than 6 valid penalty points for driving offences, their licence will be revoked.

### **Drink driving/driving under the influence of drugs**

57. 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 the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

### **Using a hand-held device whilst driving**

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

### **'Totting up' offences**

59. Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.
60. Any driver who has been disqualified as a result of "totting-up", which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

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

61. Where an applicant has a conviction for any offences under any relevant hackney carriage or private hire legislation, a licence will not be granted until at least FIVE YEARS have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked.

## Appendix J - Glossary of Terms

Term	Description
Authorised officer	An officer authorised by the council under the relevant legislation governing the licensing of hackney carriage and private hire vehicles, operators and drivers
MOT/Compliance testing centre	One of the designated test centres located within the borough boundary where vehicles may be MOT and compliance tested.
Compliance certificate	Test of mechanical fitness for a licensed vehicle and its compliance with the standards set out in this policy
Convictions and cautions	Applicants should note that any reference in this document to 'conviction' includes all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders and fixed penalties (including traffic offences), including those that are regarded as spent under the 1974 Rehabilitation of Offenders Act (see Regulated Occupation below).
Council	Reading Borough Council in its capacity as licensing authority
DBS	Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB)
DfT	The Department for Transport
DfT guidance	The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010 and Private Hire Vehicle Licensing: Guidance Note, published in August 2011
DfT guidance on stretched limousines	The Department for Transport Guidance for Operators of Stretched Limousines, published March 2013
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency
EEA	European Economic Area
Licensing Applications Committee	The committee of Councillors at Reading Borough Council that is responsible for the Council's Licensing functions including hackney carriage and private hire licensing in the borough of Reading.
Group 2 Medical	The DVLA Group 2 standard of medical fitness for professional drivers.
Guidance on suitability etc.	The Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018

Hackney carriage	A vehicle licensed to ply for hire throughout their respective area.
HGV	Heavy Goods Vehicle
Low emission vehicle (LEV)	One with CO2 emissions of 120 g/km or lower
Licensing Sub Committee	A Taxi Licensing Panel of Committee members dealing with hackney carriage and private hire licensing in the borough of Reading.
Passenger	A traveller in a vehicle other than the driver.
Private hire vehicle	A motor vehicle constructed or adapted to seat fewer than 9 passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers
Private hire operator	A person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle
PSV	Passenger Service Vehicle
Regulated occupation	The principles of the Rehabilitation of Offenders Act 1974 do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence. See also Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
Taxi	This word has no meaning in law but is routinely used in government documents to describe hackney carriages and Private hire vehicles. To avoid confusion, the use is limited to instances where reference is made to other documents which have used it.
Ultra-low emission vehicle	An ultra-low emission vehicle is a vehicle that produces less than 75g/km of CO2.
Vehicle or licensed vehicle	Both a hackney carriage and private hire vehicle.

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## Equality Impact Assessment (EIA)

For advice on this document please contact Clare Muir on 72119 or email

[Clare.Muir@reading.gov.uk](mailto:Clare.Muir@reading.gov.uk).

Please contact the Project Management Office at [pmo@reading.gov.uk](mailto:pmo@reading.gov.uk) for advice and/or support to complete this form from a project perspective.

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Name of proposal/activity/policy to be assessed: Hackney Carriage & Private Hire Licensing Policy

Directorate: Economic Growth & Neighbourhood Services

Service: Licensing

Name: Rob Abell

Job Title: Consumer Protection Group Manager

Date of assessment: 24 June 2025

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### Version History

Version	Reason	Author	Date	Approved By
1	New	Rob Abell	24/6/25	Matt Golledge

## Scope your proposal

- What is the aim of your policy or new service/what changes are you proposing?

---

The new policy is mainly bringing together various separate existing policies into one place and taking the opportunity to make some minor amendments to the standards expected of hackney carriage and private hire vehicles, operators and drivers. A new penalty-points system to Hackney Carriage drivers is proposed. At this committee stage we are asking that the draft policy goes out to consultation.

The policies which were previously separate and now brought together under this one all-encompassing policy include:

- Hackney Carriage and Private Hire Licensing Policy
- Hackney Carriage Licence Conditions
- Private Hire Licence Conditions
- Criminal Convictions Policy
- Penalty Points System

The change to the penalty points system is the introduction of a new system of applying penalty points to hackney carriage driver records of minor breaches of licence conditions. This replaces the previous warning letters scheme.

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- **Who will benefit from this proposal and how?**

The transport users will benefit from a safe, reliable and transparent service. Vehicle owners, drivers and operators will benefit from having certainty around our licensing requirements. Residents will benefit from our continued drive to improve air quality by ensuring over time the vehicles become newer and cleaner.

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- **What outcomes does the change aim to achieve and for whom?**

The change to the penalty points system will improve our ability to enforce the licence conditions which ultimately protects the public.

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- **Who are the main stakeholders and what do they want?**

The hackney carriage and private hire trades are the main stakeholders, and they want less regulation, however the purpose of a licensing scheme is to afford a level of protection for users and maintain standards. By increasing consumer confidence through effective enforcement we are maintaining the high status of the trades and protecting their economic interests. Users know they can confidently and safely use these modes of transport which increases custom for the drivers.

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## Assess whether an EqlA is Relevant

How does your proposal relate to eliminating discrimination; advancing equality of opportunity; promoting good community relations?

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- Do you have evidence or reason to believe that some groups may be affected differently than others (due to race, disability, sex, gender, sexuality, age, religious belief or due to belonging to the Armed Forces community)? Make reference to the known demographic profile of the service user group, your monitoring information, research, national data/reports etc.

We have noted that those with mobility problems may be more inclined to use taxis and so may be more affected by any changes made in this policy. It is possible that age will also be a factor.

Drivers are predominantly from the global majority.

Overall, however, I do not feel that this policy will have any positive or negative impact on discrimination, equality of opportunity or community relations.

---

- Is there already public concern about potentially discriminatory practices/impact or could there be? Make reference to your complaints, consultation, feedback, media reports locally/nationally.

No.

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If the answer is **Yes** to any of the above, you need to do an Equality Impact Assessment.

If **No** you **MUST** complete this statement.

**An Equality Impact Assessment is not relevant because:**

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This policy is not anticipated to have any impact whatsoever on anyone within the protected characteristics disproportionately to the wider Reading populace.

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Completing officer

Lead Officer



Rob Abell



## Assess the Impact of the Proposal

Your assessment must include:

- **Consultation**
- **Collection and Assessment of Data**
- **Judgement about whether the impact is negative or positive**

Think about who does and doesn't use the service? Is the take up representative of the community? What do different minority groups think? (You might think your policy, project or service is accessible and addressing the needs of these groups, but asking them might give you a totally different view). Does it really meet their varied needs? Are some groups less likely to get a good service?

How do your proposals relate to other services - will your proposals have knock on effects on other services elsewhere? Are there proposals being made for other services that relate to yours and could lead to a cumulative impact?

**Example:** A local authority takes separate decisions to limit the eligibility criteria for community care services; increase charges for respite services; scale back its accessible housing programme; and cut concessionary travel.

Each separate decision may have a significant effect on the lives of disabled residents, and the cumulative impact of these decisions may be considerable.

This combined impact would not be apparent if decisions are considered in isolation.

### Consultation

How have you consulted with or do you plan to consult with relevant groups and experts. If you haven't already completed a Consultation form do it now. The checklist helps you make sure you follow good consultation practice.

[Consultation manager form - Reading Borough Council Dash](#)

Relevant groups/experts	How were/will the views of these groups be obtained	Date when contacted
No consultation has yet been conducted	No consultation has yet been conducted	No consultation has yet been conducted

## Collect and Assess your Data

Using information from Census, residents survey data, service monitoring data, satisfaction or complaints, feedback, consultation, research, your knowledge and the knowledge of people in your team, staff groups etc. describe how the proposal could impact on each group. Include both positive and negative impacts.

(Please delete relevant ticks)

- Describe how this proposal could impact on racial groups
- Is there a negative impact? ~~Yes~~ / No / ~~Not sure~~

- 
- Describe how this proposal could impact on Sex and Gender identity (include pregnancy and maternity, marriage, gender re-assignment)
  - Is there a negative impact? ~~Yes~~ / No / ~~Not sure~~

- 
- Describe how this proposal could impact on Disability
  - Is there a negative impact? ~~Yes~~ / ~~No~~ / Not sure

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The changes will apply to both hackney carriage cabs (taxis) and private hire (mini-cabs) so it has potential to affect people who cannot drive or walk to the bus stop and require a door to door transport solution as those people are more likely to use a pre-booked driver for their essential journeys.

- 
- Describe how this proposal could impact on Sexual orientation (cover civil partnership)
  - Is there a negative impact? ~~Yes~~ / No / ~~Not sure~~
-

- Describe how this proposal could impact on age
- Is there a negative impact? ~~Yes~~ / ~~No~~ / Not sure

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Elderly people may be more likely to need to use taxis and minicabs.

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- Describe how this proposal could impact on Religious belief
  - Is there a negative impact? ~~Yes~~ / No / ~~Not sure~~
- 

- Describe how this proposal could impact on the Armed Forces community (including reservists and veterans and their families)
  - Is there a negative impact? ~~Yes~~ / No / ~~Not sure~~
-

## Make a Decision

If the impact is negative then you must consider whether you can legally justify it. If not you must set out how you will reduce or eliminate the impact. If you are not sure what the impact will be you **MUST** assume that there could be a negative impact. You may have to do further consultation or test out your proposal and monitor the impact before full implementation.

(Delete numbers below which don't apply)

**1. No negative impact identified - Go to sign off**

~~**2. Negative impact identified but there is a justifiable reason**~~

~~You must give due regard or weight but this does not necessarily mean that the equality duty overrides other clearly conflicting statutory duties that you must comply with.~~

~~**3. Negative impact identified or uncertain**~~

~~What action will you take to eliminate or reduce the impact? Set out your actions and timescale~~

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- **How will you monitor for adverse impact in the future?**
- 
-

X 

X

Completing Officer

Lead Officer

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Project / Proposal Name or Reference:		Date:	Your Name:	
Hackney Carriage and Private Hire Licensing Policy		24-Jun-25	Rob Abell	
<b>1. IMPACT ON CARBON EMISSIONS</b>				
HOW WILL THIS PROJECT/PROPOSAL AFFECT:		CONSIDERATIONS <i>See guidance below on determining whether negative or positive impacts are High, Medium or Low</i>	IMPACT? <i>Use drop down list</i>	GUIDANCE IF NEGATIVE/NIL RATING HAS BEEN AWARDED
1	ENERGY USE	* More energy will be consumed or emissions generated (by RBC or others) = Negative Impact * No extra energy use is involved or any additional energy use will be met from renewable sources = Nil Impact * Energy use will be reduced or renewable energy sources will replace existing fossil fuel energy = Positive Impact	Medium Positive	Consider: - Energy efficiency measures - Renewable energy - Reducing demand for energy
2	WASTE GENERATION	* More waste will be generated (by RBC or others) = Negative Impact * No waste will be generated = Nil Impact * Less waste will be generated OR amount of waste that is reused/recycled will be increased = Positive Impact	Nil	Consider: - Re-usable/recycled goods - Recycling facilities - Reducing/reusing resources
3	USE OF TRANSPORT	* RBC or others will need to travel more OR transport goods/people more often/further = Negative Impact * No extra transport will be necessary = Nil Impact * The need to travel, the use of transport and/or of fossil fuel-based transport will be reduced = Positive Impact	Nil	Consider: - Use of public transport - Reducing need to travel or transport goods - Alternative fuels/electric vehicles/walking and cycling
<b>2. IMPACT ON RESILIENCE TO THE EFFECTS OF CLIMATE CHANGE</b>				
HOW WILL THIS PROJECT/PROPOSAL AFFECT THE ABILITY OF READING TO WITHSTAND:		CONSIDERATIONS <i>See guidance below on determining whether negative or positive impacts are High, Medium or Low</i>	IMPACT? <i>Use drop down list</i>	GUIDANCE IF NEGATIVE/NIL RATING HAS BEEN AWARDED
4	HEATWAVES	* Increased exposure of vulnerable people and/or infrastructure to heat stress = Negative Impact * No increase in exposure to heat stress = Nil Impact Reduced exposure of vulnerable people and/or infrastructure to heat stress = Positive Impact	Low Positive	Greater need for cooling, ventilation, shading and hydration methods
5	DROUGHT	* Water use will increase and/or no provision made for water management = Negative Impact * Levels of water use will not be changed = Nil Impact * Provision made for water management, water resources will be protected = Positive Impact	Nil	Greater need for water management and perhaps reserve supplies
6	FLOODING	* Levels of surface water run-off will increase, no management of flood risk = Negative Impact * Levels of surface water run-off & flood risk are not affected = Nil Impact * Sustainable drainage measures incorporated, positive steps to reduce & manage flood risk = Positive Impact	Nil	Consider flood defence mechanisms or alternative arrangements (business continuity)
7	HIGH WINDS / STORMS	* Exposure to higher wind speeds is increased or is not managed = Negative Impact * No change to existing level of exposure to higher wind speeds = Nil Impact * Exposure to higher wind speeds is being actively managed & reduced = Positive Impact	Nil	Greater need for stabilisation measures, robust structures resilient to high winds
8	DISRUPTION TO SUPPLY CHAINS	* Exposure to supply chain disruption for key goods and services is increased = Negative Impact * No change in exposure to supply chain disruption for key goods and services = Nil Impact * Exposure to supply chain disruption for key goods and services is reduced = Positive Impact	Nil	Source key goods and services locally as it reduces exposure to supply chain disruption and boosts the local economy
			Net Low Positive	This overall rating is what you need to include in your report/ budget proposal, together with your explanation given below.

#### Guidance on Assessing the Degree of Negative and Positive Impacts:

Note: Not all of the considerations/ criteria listed below will necessarily be relevant to your project

Low Impact (L)	* No publicity
	* Relevant risks to the Council or community are Low or none
	* No impact on service or corporate performance
Medium Impact (M)	* No impact on capital assets; or relates to minor capital assets (minor works)
	* Local publicity (good or bad)
	* Relevant risks to the Council or community are Medium
	* Affects delivery of corporate commitments
High Impact (H)	* Affects service performance (e.g.: energy use; waste generation, transport use) by more than c.10%
	* Relates to medium-sized capital assets (individual buildings or small projects)
	* National publicity (good or bad)
	* Relevant risks to the Council or community are Significant or High
	* Affects delivery of regulatory commitments
	* Affects corporate performance (e.g.: energy; waste; transport use) by more than c.10%
	* Relates to major capital assets (larger buildings and infrastructure projects)

In the box below please summarise any relevant policy context, explain how the overall rating has been derived, highlight significant impacts (positive and negative) and explain actions being taken to mitigate negatives and increase positives. This text can be replicated in the 'Environment and Climate Impacts' section of your Committee Report, though please note you

We are reinforcing the need for hackney carriage vehicles to move towards ULEV. We are maintaining having a positive impact again on the reduction of carbon emissions.

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