



Taxi and Private Hire Vehicle Licensing Standardised Conditions Template

Last updated September 2010

Introduction

District and unitary councils in England and Wales have powers to set conditions on taxi and Private Hire Vehicle (PHV) licenses, and PHV drivers' licences through the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Many councils also attach conditions to taxi drivers' licences by way of local byelaws. Though discussions with local councils it was found that there was differing practice as to what conditions were present and the extent of the conditions within local areas. In some instances this inconstancy of business regulation has led to specific problems such as cross border hiring, as well as creating unfairness for disabled persons, administrative burdens on licensing authorities and confusion for the local taxi and PHV trade.

The conditions reviewed within this template were debated and discussed at a LG Regulation Taxi and PHV licensing working group, which was made up of a representative from each region in England and Wales as well as the Institute of Licensing (IoL) and National Association of Licensing and Enforcement Officers (NALEO).

The template is intended to act as a guide for local licensing authorities to judge whether their existing conditions reach the adjudged minimum standards which are considered to be fair and reasonable for the trade, as well as helping to ensure the public are protected whilst travelling by taxi and PHV. Many licensing authorities have higher standards which may be considered good practice which are included in the 'other' column, it is expected that local licensing authorities may wish to consider these standards in line with the needs of their local areas.

The template is a 'live' web document which will be subject to change following additional relevant case law or legislation. The template contains a number of hyperlinks to further guidance/information. If your licensing authority would like to comment or suggest additional conditions which should be standardised in England and Wales please contact tom.moody@local.gov.uk.

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
<p>1) Vehicle testing/Age of vehicle</p>	<p>Age of vehicle No maximum age of vehicle.</p> <p>National mechanical testing standards indicate whether a vehicle is fit for purpose.</p> <p>The National Mechanical Testing Standards are considered to be a good practice standard and are endorsed by the Department for Transport (DfT).</p> <p>Licensing authorities may wish to consider including an exceptional vehicle policy once vehicles reach a set limit (such as 8 years) where a visual assessment is undertaken with advice on what issues need resolving both inside and outside the vehicle.</p> <p>Licensing authorities may wish to consider an emissions policy (see condition 4 - Emissions/air quality).</p> <p>Frequency of testing 2 times per year. 3 times per year after vehicles are 8 years or over as vehicles are more likely to encounter mechanical problems which may affect passenger safety.</p>	<p>As an alternative to no age limit, some licensing authorities have a maximum age of vehicle which acts as a definite cut off for licensing and acts as a quality control measure.</p> <p>If a maximum age of vehicle is implemented care must be exercised on the nature of full consultation before any policy change see R (Lionel Morris) v Newport City Council [2009] EWHC 3051 (Admin).</p> <p>The Mayor of London has recently commissioned a draft London air quality strategy which looks to introduce 10 year age limits on PHVs and initial 15 year age limits on taxis.</p>
<p>2) Vehicle type</p>	<p>PHVs – each case should be judged on its own merits rather a blanket refusal in policy of a type/model of vehicle.</p> <p>Taxis - left to local discretion what is considered 'safe and comfortable'.</p>	

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	<p>Engine size is not a relevant factor, and there should not be a minimum engine size requirement as part of council policy.</p> <p>There should not be a minimum capacity on vehicles. Each case should be judged on its own merits including taxi bikes.</p> <p>Disability accessibility</p> <p>A fleet should have mixed vehicle types to cater for passengers with differing needs (further guidance will follow from the DfT). Consideration should be made that the types of vehicles licensed meet the needs of disabled residents. See Alma Lunt and Allied Vehicles Limited v Liverpool City Council</p> <p>Consideration must be given to all disabled accessibility, such as saloon cars with swivel seating, hearing loops etc rather than just wheelchair accessible vehicles.</p>	<p>DfT technical standards pending following the accessibility pilots and further research.</p> <p>The Equality Act 2010 will enable future regulation on a number of accessible vehicle requirements. Guidance including commencement dates on the taxi and PHV sections of the act can be found here.</p> <p>Consideration could be made on reducing licence fees, with agreement by the trade, for vehicles that have a range of accessibility features.</p>
3) Medical fitness	<p>All drivers should have Group 2 medical checks performed by a medical practitioner who has full access to the driver's medical records. The medical practitioner's licence number should be provided to ensure the checks have been completed in full.</p> <p>All drivers, regardless of age, should have Group 2 medical checks on initial application and at regular intervals thereafter. Group 2 licences are renewable every five years up to age 65 years unless restricted</p>	<p>The medical practitioner must confirm that:</p> <ul style="list-style-type: none"> • They have examined the applicant • The applicant is registered with the practice and/or • They have had full access to the applicant's medical records • The medical examination was carried out to the Group 2 standard • S/he considers the applicant to be fit to act as the driver of a taxi or PHV.

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	<p>to a shorter period for medical reasons.</p> <p>From age 65 years Group 2 licences are renewable annually without upper age limit.</p> <p>Medical check requirements should be applied to the council's taxi and PHV licensing policy, not as conditions, to ensure the medical checks also apply to hackney carriage drivers' licences.</p>	<p>Some licensing authorities use independent occupational health advisors to make the decision as not all GPs understand the Group 2 medical requirements and an independent decision takes the pressure of GPs who may have known their patients for many years.</p> <p>Licensing authorities may wish to consider requiring Group 2 medical checks in line with the frequency of vehicle testing.</p>
<p>4) Emissions/air quality</p>	<p>No specific policy, however as this is an emerging area consideration should be made to adopting an emissions policy. A template emissions policy will be developed by LG Regulation shortly. If you have an example from your licensing authority's policy please send to tom.moody@local.gov.uk</p> <p>Local Government Regulation publication 'A clean bill of health' makes the point that tackling pollution should be considered alongside other important local health issues such as reducing smoking, healthy eating and exercise.</p>	<p>Adopting targeted air quality policies for road transport can significantly reduce noxious pollutants in the atmosphere.</p> <p>Air quality improvements are hampered through the length of time it takes for vehicles to be retired.</p> <p>The European wide emission limits for new vehicles are as follows:</p> <ul style="list-style-type: none"> • Euro I – became mandatory for new cars from 1993 (light goods vehicles 1994) • Euro II - became mandatory for new cars from 1997 (light goods vehicles 1998) • Euro III – became mandatory for new cars from 2001 (light goods vehicles 2002) • Euro IV – became mandatory for new vehicles from 2006 • Additional standards are proposed for 2010 and 2015

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<p>5) Driver competency training</p>	<p>DSA taxi driver test as standard for all new drivers. Existing drivers who receive complaints or have received a set number of penalty points on their licence would be required to sit the test.</p> <p>The NVQ/BTEC (curriculum developed by GoSkills) should be encouraged, but only on a discretionary basis and not mandated within policy. The existing NVQ and BTEC taxi and PHV driver qualification will be available until 31 December 2010 and GoSkills aims to have the replacement qualification in place by this date. Licensing authorities which have made the existing qualifications mandatory may wish to consider these timescales in terms of adapting current taxi and PHV licensing policy.</p>	<p>There could be various incentives given to drivers who pass the NVQ such as a longer licence, or working with the tourist office to develop a 'gold badge' which, for example, could encourage companies to use those drivers.</p> <p>Training providers must be vetted as there has been past problems with their competence. Councils could suggest 2-3 preferred training providers which have demonstrated their competence, although at the same time advise that other training providers do exist.</p>
<p>6) Driver disability accessibility/awareness training</p>	<p>Every licensing authority should mandate within their taxi and PHV licensing policy that each driver must have attended disability training. The DSA test is not proficient on its wheelchair handling module.</p>	<p>Many councils provide their own training with other service areas within the authority such as Telford and Wrekin.</p> <p>It is important that staff working for operators taking private hire bookings also understand their duties to disabled persons such as communicating with disabled persons and so they can arrange an appropriate vehicle for those with a particular disability. As a condition of licence private hire operators should arrange appropriate training of such staff.</p>

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7) Driver knowledge/locality test	<p>Licensing authorities should provide a local knowledge test, in advance of the application. The detail of which should be left to local discretion, as for example in particularly rural areas the topographical knowledge will be considerably different to a metropolitan area.</p> <p>Numeracy should be included as proportionate to the role a driver is expected to undertake, i.e. giving change.</p> <p>Literacy can be judged subjectively as part of the application process or, if included in the test should be multiple choice, with information provided on how applicants who fail the test can apply for free training at a local college (ESOL). If the applicant provides written proof of dyslexia a verbal test should be given.</p>	
8) Applicants from outside UK (5 years)	<p>Applicants must provide a certificate of good conduct from every country the applicant has lived in (many applicants have lived in several countries and had the potential to commit crime in each one).</p> <p>All applicants must provide documentary evidence confirming their right to live and working in the UK. The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK.</p> <p>The UK Border Agency has produced a list of documents that can provide this evidence.</p>	

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9) Liaison arrangements with trade	Every licensing authority should have arrangements to ensure they consult regularly with the trade. These should include trade forums, newsletters, email updates and working groups with the trade when reviewing taxi and PHV licensing policy.	
10) Pre licence checks (CRB/ISA)	An enhanced Criminal Records Bureau (CRB) check should be a requirement for all new applicants and every 3 years thereafter. Enhanced checks include details of spent convictions, police cautions and intelligence. CRB checks are not portable.	Some licensing authorities allow portability checks if the CRB checks are less than 6 weeks old as drivers often are CRB checked by the county council for undertaking school runs.
11) Criminal Convictions Policy	A criminal convictions policy should be included in the council's overall taxi and PHV licensing policy to ensure applicants can be considered to be a fit and proper person in light of previous convictions and cautions. This will be used as guidance for members of taxi and PHV licensing committees, officers, applicants and magistrates.	See LG Regulation Template Criminal Convictions Policy
12) Drug testing	No specific policy.	<p>Anecdotal evidence and public perception is that there are strong links between the supply of drugs and the taxi trade. It is believed that the introduction of random drug testing would increase public safety, improve the reputation of the reputable licensees and assist the authority in fulfilling its duties under Section 17 of the Crime and Disorder Act 1998.</p> <p>Some councils such as Stockton undertake random drug testing of taxi drivers for both licensed and new applicants.</p>

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13) Drivers' dress code	A dress code for drivers of taxis and PHVs enhances the reputation of the trade, improves the quality of service received by the public and promotes the concept that taxi and PHV drivers are vocational drivers such as in other areas of public transport provision.	Examples of a driver's dress code. For clarity dress code should be written in the negative, for example: shall not wear football tops, shall not wear vests that leave shoulders and tops of arms uncovered etc.
14) Stretched Limousines	All licensing authorities should license stretched limousines with up to 8 passenger seats as PHVs, subject to meeting the requirements of the licensing authority.	Step by step guidance for licensing authorities to follow. Contact tom.moody@local.gov.uk if you are interested in developing this work. The Seating Capacity Guidance may help licensing authorities determine whether vehicles are LA or VOSA enforced.
15) Enforcement programme	Licensing authorities should organise joint enforcement operations where appropriate with the police, neighbouring councils and VOSA. Licensing authorities should have a written enforcement policy.	VOSA area managers contact details . LG regulation is developing a police training package to develop good relationships and to give new and existing officers an overview of their powers with regard to taxi and PHV enforcement. Available autumn 2010.
16) Written records of bookings	All private hire operators are required to keep full records of bookings.	Although not a requirement for taxis, keeping records is seen as good practice and should be encouraged.
17) Written policy	Every licensing authority should produce a written policy which brings together all conditions and byelaws and the DfT's best practice guidance . To be reviewed regularly when the local licensing authority considers appropriate (for example every 3 years), the extent of the review proportionate to the nature of the change, Include consultation with the trade and user groups.	

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<p>18) LOLER (Lifting Operations & Lifting Equipment Regulations 1998)</p>	<ul style="list-style-type: none"> • Any lifting equipment used to lift persons or loads and fitted to Private Hire Vehicles or a Hackney Carriage must have received a thorough examination by a competent person, (see Thorough Examination of Lifting Equipment – an employer’s guide, INDG442 available from free HSE). • Any lifting equipment which lifts persons must be thoroughly examined every 6 months, after its initial installation or refit following an RTC/ accident or incident and as directed by the competent person. • The thorough examination is not maintenance or covered by the MoT but a separate inspection of the working parts of the lifting equipment and includes attachments which lift or support weight including chains or slings. • LOLER does not cover winches or hoists which are used to pull loads rather than lift and support; this is covered by separate legislation. • Examiners of lifting equipment will provide a report to the duty holder who must act on the reports findings. Any potentially serious faults must be rectified immediately these are usually notified as ‘A’ or potentially hazardous on a report. 	<p>Failure to have lifting equipment examined;</p> <ul style="list-style-type: none"> • This is should be passed to the enforcing authority (Health & Safety Inspectors/ EHO’s) , and may result in an enforcement notice to prevent further use; • And or suspension of the operators vehicle licence until rectified. • Any failure of the lift at the roadside or whilst operating on the public highway will be dealt with by HSE Inspectors and reported via RIDDOR, as a ‘Dangerous Occurrence’ (see www.hse.gov.uk for further information). • Lifting equipment which fails examination should be notified by the examiner to the enforcing agency which will be the LA in majority of cases.

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19) Drivers code of conduct	No specific policy.	It is considered good practice to include a code of conduct expected of drivers within the policy. Breaches can be referred to in enforcement operations and if drivers are brought before committee.
20) Smoke free	<p>It is illegal for anyone to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward)</p> <p>Requirement to display <u>NO SMOKING</u> in each enclosed compartment of the vehicle in which people can be carried.</p> <p><i>Health Act 2006</i></p>	The case study from Luton gives an example of various schemes and enforcement a licensing authority can undertake to limit smoking in taxis and PHVs.
21) Vehicle insurance	<p>Each licensing authority should have information available to drivers to make sure they are aware:</p> <ul style="list-style-type: none"> • Drivers must have a minimum of third party insurance cover (the statutory minimum) unless local council policies require greater cover. • Drivers are required to disclose all material facts when applying for insurance cover, including previous claims history and pending prosecutions as well as fixed penalty notices for traffic offences etc. • That policies become void if the premiums become unpaid or are cancelled. • That insurers may refuse to honour policies if the 	<p>Officers should take care when accepting insurance certificates and should not automatically accept the following potential invalid policies without first making further appropriate checks, e.g. with the Association for British Insurers:</p> <ul style="list-style-type: none"> • Policies issued for less than a month. • Policies issued by brokers or for insurers outside of the UK. • Policies where the Insured (e.g. the owner of a private operator firm with fleet insurance) does not have a legal interest in the vehicle being insured (e.g. they do not have ownership rights over the insured vehicle).

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	<p>vehicle is used otherwise than in accordance with its licence (e.g. using a private hire vehicle for plying for hire).</p> <ul style="list-style-type: none"> It is recommended that private hire vehicle operators consider having public liability insurance to cover risks by employees or self-employed drivers they contract to work for them. 	<ul style="list-style-type: none"> Policies that are not clear whether they are for “public” or “private” hire depending on the type of vehicle being licensed. Policies that allow non-licensed drivers to use them (e.g. that allow “any named driver” or the non-licensed partner of a licensed driver).