

# Licensing Policy

## Taxi and Private Hire



**Oldham**  
Council

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# 1. Introduction

## 1.1 Powers & Duties

- 1.1.1 The Licensing of hackney carriages dates back to 1847 and for private hire vehicles (outside of London) to 1976.
- 1.1.2 The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act'), places on Oldham Council as the Licensing Authority ('the council'), the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades.
- 1.1.3 In carrying out its regulatory functions relating to hackney carriage and private hire licensing, the council will have regard to this policy document. Notwithstanding the existence of this policy, each application or enforcement action will be considered on its own merits.
- 1.1.4 This policy has been formed from several previous documents, combining them into one informative and comprehensive guide. It sets out the requirements and standards which are expected of all those involved in Oldham's hackney carriage and private hire trades.
- 1.1.5 Applicants for licences are particularly encouraged to read the contents carefully.
- 1.1.6 This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.
- 1.1.7 The council reserves the right to undertake such relevant checks that it deems necessary on the suitability of applicants. This would include checks with the DVLA, motor insurers and other agencies, partners, and councils.

## 1.2 Objectives

- 1.2.1 The council has set the following objectives in relation to the licensing of the hackney carriage and private hire trades and aims to regulate them to promote these objectives:
  - Ensuring passengers have safe journeys at a transparent price
  - Ensuring that vehicles are safe, accessible, and reducing their impact on the environment
  - Ensuring drivers are safe and know what they are doing
  - Ensuring drivers provide a quality service to the public within the borough
  - The protection of children and vulnerable adults

## 1.3 Implementation

- 1.3.1 This policy shall take effect from 7<sup>th</sup> June 2023 in its revised form, and the council expects licence holders to comply with its terms immediately.

1.3.2 The council will keep this policy under review and will, where appropriate, consult on any proposed revisions.

1.3.3 From the effective date, this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

#### 1.4 Partnership Work

1.4.1 The council will work in partnership with the following agencies to promote the policy objectives:

- Local hackney carriage and private hire trade
- Hackney carriage and private hire trade associations
- Local Residents
- Disability Groups
- Services Users
- Greater Manchester Police (GMP)
- Driving Vehicle Standards Agency (DVSA)
- HM Revenues & Customs (HMRC)
- Department of Work & Pensions (DWP)
- Department of Environment, Food & Rural Affairs (DEFRA)
- Home Office
- Department for Transport (DfT)
- Other Councils – including those outside Greater Manchester
- Other Council Departments

#### 1.5 Licensing Profile

1.5.1 Hackney carriage and private hire vehicles are vehicles licensed to carry no more than 8 passengers but may be licensed to carry less.

1.5.2 Hackney carriages may be used to ply for hire in the street, at ranks, or at stands and may take bookings over the telephone. Private hire vehicles must be booked in advance, by the customer, through a private hire operator and cannot be hailed in the street or stand at a rank.

1.5.3 Strictly speaking a ‘taxi’ is a licensed hackney carriage but in this policy, it is used more informally as are the expressions ‘taxi trade’ and ‘taxi licensing’.

1.5.4 The council currently licences 85 hackney carriage vehicles and approximately 1000 private hire vehicles, as well as 39 private hire operators and approximately 1300 dual drivers.

#### 1.6 Application Procedure

1.6.1 For specific details of the application procedures for any of the licences mentioned in this policy please visit the licensing webpages at [www.oldham.gov.uk/taxis](http://www.oldham.gov.uk/taxis).

## 1.7 Timescales for Issuing Licences

1.7.1 Licences, identification plates and badges, will be issued within 5 working days once granted.

## 1.8 Power to Refuse Inactive Applications

1.8.1 Where an application has been dormant for a period of 6 months or more, where the applicant has either not progressed their application or has failed to submit required documents, a delegated officer may refuse an application on the grounds that we cannot be satisfied they are a fit and proper person to hold a licence. A decision will only be made once the applicant has been given notice of our intention to refuse and given 14 days to respond.

1.8.2 The council at its discretion may undertake such checks, deemed relevant and necessary, on the suitability of applicants. This may include, but is not limited to, police, DVLA, government departments, multi-agency partners and councils. The council reserves the right to request updated or additional information in relation to an applicant's fitness and suitability to hold a licence.

## 2. Vehicles

### 2. Limitations of Numbers

2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles they licence.

2.1.2 In relation to hackney carriage vehicles, the current legal provision on quantity restrictions is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the numbers of licensed hackney carriages 'if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

2.1.3 The council is satisfied that there is no significant unmet demand for the services of hackney carriages; therefore, the council shall limit the number of hackney carriages it licences to 85. The council will determine whether there is any significant unmet demand at regular intervals.

### 2.2 Exemptions from Control

2.2.1 The 1976 Act exempts the following vehicles from control under the Act:

- Vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director
- Vehicles while being used in connection with a wedding



## 2.3 Vehicle Age Limits

- 2.3.1 Vehicles licensed before 22<sup>nd</sup> March 2022 can continue to be licensed until the age of 12, or the age of 15 in the case of purpose-built hackney carriages or wheelchair accessible vehicles (WAVs).
- 2.3.2 Vehicles new to licence, or applicants who seek to change their vehicle during an existing licence, will be licensed until the age of 10.
- 2.3.3 The above requirements are subject to all new and replacement vehicles meeting the latest emission standard which is outlined in this policy.

## 2.4 Vehicle specification

- 2.4.1 Local licensing authorities have a wide range of discretion over the types of vehicle they can licence as hackney carriage or private hire.
- 2.4.2 The council have differing vehicle specifications for hackney carriage vehicles, private hire vehicles, stretch limousines, and highly adapted vehicles.
- 2.4.3 Both hackney carriage and private hire vehicles are not allowed to have towing bars on their vehicles.

### 2.4.4 Private Hire:

- Vehicles may be a saloon, estate, hatch, or a vehicle designed to carry no more than 8 passengers. No purpose-built taxi can be licensed as a private hire vehicle.
- Passengers must be able to access the rear seats without having to move or fold down any other passenger seat.
- Passengers must be able to exit the vehicle, via the relevant means of egress, without having to move or fold down any other passenger seat.
- All vehicles must be suitable to carry at least 4 passengers.

### 2.4.5 Hackney Carriage

- A purpose-built hackney carriage is a vehicle that has been manufactured and sold by the relevant manufacturer as a hackney carriage. A vehicle that has been converted since being manufactured and registered is not considered to be purpose-built. Whilst vehicles converted by an approved company post-manufacturing process may be permitted onto the fleet, it does not meet the definition of purpose-built.
- All hackney carriages must be purpose-built and wheelchair accessible by 31<sup>st</sup> December 2029. Until that date, a mixed fleet of saloon and WAVs will be permitted. Any vehicle change must be to a vehicle which is emissions compliant. Any current non-emission compliant vehicles must become compliant by 31<sup>st</sup> December 2025.
- Vehicles which have a WAV condition attached to their licence must still comply with that condition.

- Passengers must be able to access the rear seats without having to move or fold down any other passenger seat.
- Passengers must be able to exit the vehicle, via the relevant means of egress, without having to move or fold down any other passenger seat.

#### **2.4.6 Stretched Limousine**

- A stretch limousine shall be required to have a Certificate of Single Vehicle Approval issued by the Driver and Vehicle Standards Agency (DVSA), or another competent national authority of an EEA member state.
- A stretch limousine shall be permitted to have left-hand drive and tinted glass in the passenger compartment only.
- A stretch limousine shall be fitted with tyres that meet both the side and weight specification for the vehicle as determined by DVSA.
- The seating capacity of a stretch limousine shall not exceed eight passengers, excluding the driver's seat and a front seat in the driver's compartment, which must not be used for carrying passengers. Any advertisement placed for the services of the limousines shall state that it is restricted to carrying a maximum of eight passengers. An infant counts as a passenger regardless of age.
- All seatbelt requirements in the Road Vehicles (Construction & Use) Regulations 1986 as amended must be complied with.

### **2.5 Emissions**

2.5.1 All vehicles, when first licensed/new to licence, must be Euro 6 (diesel), Euro 4 (petrol) or zero emissions compliant.

2.5.2 Existing non-emission compliant vehicles have until 31<sup>st</sup> December 2025 to become compliant, within age limits outlined in this policy.

2.5.3 Where retrofit emissions technology is installed in a vehicle it shall be approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

2.5.4 There is a strong ambition within Greater Manchester to move existing fleets to zero emission capable vehicles as soon as possible. Further consultations on this will take place in due course.

### **2.6 Vehicle Testing**

2.6.1 All licensed vehicles are tested at the council's Moorhey Street testing station. Tests are conducted at the time of being licensed and mid-year depending on the age of the vehicle.

2.6.2 Tests are conducted at the following intervals:

- 0 to 3 years of age – 1 test per year
- to 10 years of age – 2 tests per year



- For those existing licensed vehicles that are permitted to remain licensed until the age of 12, will be subject to 3 tests per year between 10 – 12 years of age
- Purpose-built and WAVs which are over the age of 10 years of age, will be subject to 3 years per year between 10 – 15 years of age.
- If a vehicle reaches the next age bracket for additional tests, it will not require the additional test(s) until its next renewal.
- The new vehicle testing criteria above will only take effect for existing vehicles upon the next licence renewal.

2.6.3 Vehicle owners are required to book their own vehicle tests using the online booking system. Details of this can be found at [www.oldham.gov.uk/taxis](http://www.oldham.gov.uk/taxis).

2.6.4 Failure to attend a test without 48 hours' notice will result in a further payment for a test being charged.

2.6.5 Where the council is not satisfied with the roadworthiness of a vehicle it may request an HPI check or require the vehicle to undergo an independent inspection and an 'Autolign' report produced, at the cost of the applicant. This is to provide information and guidance relating to the proposed licensing of the vehicle ([www.autolign.co.uk](http://www.autolign.co.uk)).

2.6.6 Where a vehicle fails its test and the vehicle tester is not satisfied as to the roadworthiness of the vehicle, the vehicle may be suspended by an authorised officer of the council.

2.6.7 Where a vehicle has passed its test, all supporting documents to complete the application must have been received by the licensing service within 30 days. Failure to do so will result in needing a new test.

2.6.8 Where a vehicle is suspended, the identification plates must be removed and returned to the council. The identification plates may be handed to an officer immediately upon suspension, otherwise a notice will be placed over the plates, and you will have 7 days to return them. Where a notice is placed on the plates the proprietor of the vehicle will be required to pay for new plates upon the suspension being lifted.

2.6.9 The licensing authority will issue a document outlining the criteria upon which a vehicle will be tested. This document does not form part of the policy document, although it may be referred to within it. The testing criteria may be subject to change during the life of this policy, but such amendments may not result in a review of the policy.

2.6.10 Copies of the testing criteria can be obtained via the licensing webpage at [www.oldham.gov.uk/taxis](http://www.oldham.gov.uk/taxis).

## 2.7 Insurance Write Offs

2.7.1 On 1<sup>st</sup> October 2017 the system used by insurance companies to classify write-offs changed. The following table details how the council, in its capacity as a licensing authority, will deal with vehicles that have been written off by an insurance company.

<b>Category</b> <i>(from 1<sup>st</sup> October 2017)</i>	<b>Action</b>
<b>A</b> – scrap only	The council will not licence or re-licence a vehicle written off in this category
<b>B</b> – break for parts	The council will not licence or re-licence a vehicle written off in this category
<b>S</b> – structurally damaged but repairable	The council will consider licensing or re-licensing a vehicle in this category; however, a vehicle will only be considered if it has passed an Autolign inspection and receives a satisfactory report/certificate ( <a href="http://www.autolign.co.uk">www.autolign.co.uk</a> )
<b>N</b> – not structurally damaged, repairable	The council will consider licensing or re-licensing a vehicle in this category; however, dependent on the information contained within a report by a member or associate member of the Institute of Automotive Engineer Assessors. In certain cases, a vehicle may have to pass an Autolign inspection, and a satisfactory report/certificate produced before it will be considered.

## 2.8 Accidents

2.8.1 In accordance with section 50(3) of the 1976 Act, “the proprietor of a hackney carriage or private hire vehicle shall report to the authority as soon as reasonably practicable, and in any case within 72 hours, any accident, causing damage materially affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of passengers.

2.8.2 Following the reporting of an accident an authorised officer will examine the vehicle to ascertain its fitness to remain licensed.

2.8.3 Where the officer is not satisfied as to the fitness of the vehicle, the officer may suspend it from use under section 68 of the 1976 Act. To ascertain the vehicles fitness, the officer may require the vehicle to be examined by the council’s vehicle testers located at Moorhey Street testing station.

2.8.4 Where a vehicle is suspended, the identification plates must be removed and returned to the council. The identification plates may be handed to an officer immediately upon suspension, otherwise a notice will be placed over the plates, and you will have 7 days to return them. Where a notice is placed on the plates the proprietor of the vehicle will be required to pay for new plates upon the suspension being lifted.

2.8.5 If an officer is not satisfied as to the fitness of the vehicle before a period of 2 months has passed since the suspension was issued, the vehicle licence will be revoked, and a new licence must be applied for.

## 2.9 Signage & Advertising

2.9.1 It is important that the public can identify and understand the difference between a hackney carriage and a private hire vehicle.

2.9.2 Private hire vehicles are not permitted to display roof-mounted signs and any signs that include the words 'taxi', 'cab', or 'for hire'.

2.9.3 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed, with the exception of stretch limousines and approved executive hire vehicles, all other licensed vehicles shall display the identification plate on the rear of the vehicle.

2.9.4 All private hire vehicles must display a mandatory door sign. The sign must contain the words "Advance Bookings Only", the letters must be block capitals, in the colour black, on a yellow background. Each letter must be at least 60mm high and 6mm wide.

2.9.5 The door sign must include the name and contact information of the private hire operator company, and the words "Private Hire". Any other lettering on the sign must be under 50mm high and 5mm wide, can be any colour but must not have a yellow background.

2.9.6 The overall size of the door sign must be a minimum of 150mm wide and 500mm high.

2.9.7 The mandatory door signs must be permanently displayed on the top half of the front driver and passenger door panels by way of adhesive, rather than magnetic means. These signs must always be in place whilst the vehicle is licensed.

2.9.8 Hackney carriage vehicles must display a mandatory door sign which must be permanently displayed on the top half of the front driver and passenger door panels by way of adhesive, rather than magnetic means. These signs must always be in place whilst the vehicle is licensed. These signs must include the word "TAXI" and the name of the council together with its specified logo.

2.9.9 All non-purpose-built hackney carriage vehicles must display a roof sign showing white to the front and red to the rear. The roof sign must be 90cm x 15cm x 15cm.

2.9.10 The council, by way of conditions, restricts advertising that can be placed on any licensed vehicle. Permission to display advertisements on a licensed vehicle must be sought from the council.

## 2.10 Byelaws

2.10.1 Vehicles will be licensed for a period of 12 months. Renewal of the licence will be subject to the vehicle undertaking and passing a further test at the appointed test station.

## 2.11 Ownership of Multiple Vehicles

2.11.1 There is no limit on the number of vehicle licences an individual or a company can hold.

## 2.12 Security Cameras / Audio Recording Equipment in Vehicles

2.12.1 Security cameras are permissible in vehicles subject to the certain safeguards. In addition, there are limited circumstances in which audio recording may be justified, for example, where recording is triggered due to a specific threat i.e., a 'panic button' in a vehicle.

2.12.2 Equipment should not be used to record conversations between members of the public. If possible, a system without this facility should be used. If your system comes equipped with a sound recording facility, then you should turn this off or disable it in some way.

2.12.3 No vehicle equipped with a security camera, and/or audio recording facilities, shall be used unless the existence of the camera and/or audio recording is clearly indicated by a notice displayed.

2.12.4 The council recognises the sensitive nature of security surveillance in general, but also recognises the legitimate concerns of licensed drivers. Equipment should be available to inspect, and images downloaded by authorised officers or constables. The owner of the footage must be registered with the Information Commissioners Office (ICO) and signage clearly displayed to show passengers that recording takes place.

## 2.13 Smoking

2.13.1 It is an offence to smoke, or allow another person to smoke, in a vehicle whilst it is licensed. This applies even if you are not working.

2.13.2 The use of e-cigarettes and/or vaping in a licensed vehicle by the driver and/or passenger(s) is not permitted.

## 2.14 Style of Plates and Badges

2.14.1 The style of plates and badges is likely to change from time to time. The authority will keep up to date with new developments and current health and safety best practice, image, value for money, and recognition will always be a high priority.

2.14.2 Plates must be firmly fitted, in their holder, any window discs displayed, and badges must always be worn whilst working.

2.14.3 The council has specified that the vehicle licence number, make, model, licence expiry date, and number of passengers it is licensed to carry shall be placed on the identification plate. This plate must not be tampered with, or amended, by anyone other than an authorised officer.

## 2.15 Transfer of Owner

2.15.1 If a vehicle is sold to a new owner, the existing licence holder must notify the council within 14 days. Failure to do so is an offence and makes the licence holder liable for prosecution.

## 2.16 Conditions

2.16.1 The council is permitted to impose such conditions on hackney carriage and private hire vehicle licences as it considers reasonably necessary. Appendix A of this policy sets out the conditions attached to private hire vehicles, and Appendix B sets out those attached to hackney carriage vehicles.

2.16.2 The conditions at Appendices A and B do not form part of the policy document, although they may be referred to within it. The conditions could be subject to change during the life of this policy, but such amendments may not result in a review of this policy.

## 2.17 LPG & Electric Vehicles

2.17.1 The councils testing station at Moorhey Street does not currently have facilities to test the fuel systems of LPG and electric vehicles; therefore, the proprietor of such vehicles must obtain the relevant certificates from a DVSA approved testing station.

## 2.18 Carrying of Assistance Dogs

2.18.1 Under the Equality Act 2010, drivers of hackney carriage and private hire vehicles are under a duty to carry assistance dogs without additional charge. When carrying passengers with assistance dogs, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner
- Not to make any additional charge for doing so

2.18.2 It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

2.18.3 It is an offence for any operator or driver to refused to carry an assistance dog or to charge more for the fare or booking. On conviction for such an offence drivers can face a fine of up to £1,000 and having their licence revoked.

## 2.19 Taxis & Private Hire Vehicles (Disabled Persons) Act 2022

2.19.1 The 2022 Act amends the Equality Act 2010 to place duties on hackney carriage and private hire vehicle drivers and operators, so any disabled person has specific rights and protections to be transported and receive assistance when using a taxi without being charged extra.

2.19.2 Although each situation will be different, and reasonable mobility assistance will be subject to other applicable law, including health and safety legislation, it is expected that drivers provide basic assistance which could include, but may not be limited to the following:

- Opening the passenger door
- Folding manual wheelchairs and placing them in the luggage compartment
- Installing the boarding ramp
- Securing a mobility aid within the passenger compartment

2.19.3 For more information about the Act, the guidance can be found at [www.gov.uk](http://www.gov.uk).

## 2.20 Compliance with the Equality Act 2010

2.20.1 To ensure the Acts are upheld, the licensing authority will:

- a) Have a zero-tolerance policy to accessibility refusals – investigating all reported violations of the Acts with a view to pursuing a conviction
- b) Undertake periodic test purchasing on licensed vehicles to ensure that licensing requirements are being complied with
- c) Make it a condition that drivers of hackney carriage and private hire vehicles have undertaken disability equality training, which includes information regarding the carriage of assistance dogs and their obligations under the 2022 Act

## 2.21 Medical Exemption Certificates

2.21.1 Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are required to carry assistance dogs.

2.21.2 Drivers who have a physical condition or medical grounds which make it impossible or reasonably difficult for them to provide the sort of physical assistance which the mobility assistance duties require can apply for an exemption to the council. An exemption may be issued for as short or long a period as the council considers appropriate, bearing in mind the nature of the relevant physical or medical condition.



2.21.3 The licensing authority will:

- a) Make it a condition to the licence that any notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example, on the windscreen or in a prominent position on the dashboard
- b) Seek to use tactile medical exemption certificates so that visually impaired passengers can identify the certificate, which should be presented to the passenger upon request. The cost of this certificate will be borne by the driver being granted the exemption.
- c) Only issue exemption certificates when it is authorised by the driver's own GP and is accompanied by medical evidence, for example a blood test, skin prick test, or clinical history.

## 2.22 National Database of Vehicle Licences

2.22.1 The Government (DEFRA) have issued regulations which require licensing authorities to upload and regularly update details of all licensed vehicles onto a central register for the purposes of creating a register to use when creating clean air zones across the country.

## 2.23 Seat Belts – Driver Exemption

2.23.1 Generally speaking, every person driving a motor vehicle must wear a seatbelt. However, this requirement does not apply to:

- The driver of a hackney carriage vehicle while it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire
- A private hire driver while they are using a private hire vehicle to carry passengers for hire

## 2.24 Converted Vehicles

2.24.1 Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved certification for that vehicle.

2.24.2 Typically, the type of vehicles adapted or modified are small vans (N1 vehicles), and larger vehicles such as minibuses (M1 vehicles). Where vehicles have been converted, applicants need to provide additional certification to satisfy the council that the conversion has been carried out to the proper and safe standard.

2.24.3 Where vehicle has been registered with DVLA, no change, structural alteration, or rearrangement of detail shall be carried out to the vehicle unless such change has been subsequently granted M1 Whole Type Approval.

2.24.4 Any vehicles which have had their seating capacity reduced or increased since manufacture must have a Voluntary Individual Vehicle Approval (VIVA) test. Where seating has been reduced, all bolt holes or tracks where seats have been removed must be covered over. Before a licence is granted, the applicant

must produce to the Council an updated logbook (V5C) to reflect the correct seating capacity.

2.24.5 In the first instance applicants must contact DVSA to obtain the correct IVA application form. For further information or advice, applicants must contact DVSA on 0300 123 9000 or email [approvals@dvsa.gov.uk](mailto:approvals@dvsa.gov.uk).

2.24.6 Any seats that have been added must be fitted to the manufacturers specification and pass the IVA test and have all the necessary documentation in place. Any limousines, imported or converted vehicles from outside the UK will require an IVA test irrespective of age.

2.24.7 Further information with respect to vehicle approvals can be found at [www.gov.uk/vehicle-approval](http://www.gov.uk/vehicle-approval).

## 2.25 Manufacturers Window Tint

2.25.1 Manufacturer only fitted window tints will be permitted as follows:

- a) Front windscreen minimum 75% light transmission
- b) Front side glass minimum 70% light transmission
- c) Remaining glass or rear side windows (excluding rear window) minimum 20% light transmission

## 2.26 Executive Hire

2.26.1 The main distinction between private hire and executive hire is the type of client, service offered and cost of the service.

2.26.2 When determining if a booking is executive hire, consideration will be given to the following factors:

- How the booking is made
- How the payment is made
- The type of vehicle used
- The dress code of the driver
- The business plan of the operator

2.26.3 Executive hire vehicles must be of an executive, prestige standard. They must be less than 5 years old when first licensed and will not be permitted to display any form of advertising, including company details.

2.26.4 A full list of vehicle requirements and the application form can be found at [www.oldham.gov.uk/taxis](http://www.oldham.gov.uk/taxis).

## 3. Drivers

### 3.1 Parallel Procedures

3.1.1 The statutory and practical criteria and qualifications for private hire and hackney carriage drivers' licences are similar. Therefore, the sections below apply equally to both unless indicated.

### 3.2 Application Requirements

3.2.1 A full guidance document for applicants on making an application is available online at [www.oldham.gov.uk/taxis](http://www.oldham.gov.uk/taxis).

3.2.2 The council will not grant a licence unless it is satisfied the applicant is fit and proper.

3.2.3 An applicant must be at least 21 years of age when making an application.

3.2.4 Criminal offences are checked through the Disclosure & Barring Service via the council's contractor whose details are on our webpages. They will process the applicants online DBS application. The council requires applicants for driver licences to disclose all convictions, whether spent or otherwise, and in addition disclose any fixed penalties, cautions, bind-overs, or anti-social behaviour orders. Other applicants need only declare unspent convictions etc.

3.2.5 All applicants are required to sign up to the DBS Update Service within 30 days of the date printed on their DBS certificate. Failure to do so will result in a new DBS certificate being required.

3.2.6 As part of their application for a licence, by making that application they agree to a check of their DBS on the Update Service being carried out at a minimum of 6 monthly intervals. This is in line with the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards.

3.2.7 Where a 6 monthly check of a DBS fails or cannot be completed for any reason, and the original DBS certificate is over 6 months old, a new DBS must be applied for and produced. Where this affects licensed drivers, their licence will be suspended until the new DBS is produced.

3.2.8 It is the licence holder's responsibility to keep the Update Service live by paying the annual amount directly to the DBS. This fee is charged to the card they have registered and is not a direct debit payment.

3.2.9 Where an applicant has lived outside the UK for more than three continuous months since the age of 18, they must obtain a Certificate of Good Conduct authenticated and translated into English by the relevant Embassy or Consulate to assess their suitability and review any previous convictions.

- 3.2.10 All applicants must by law prove to the satisfaction of the council that they are legally entitled to work in the UK prior to a licence being granted.
- 3.2.11 All new applicants must undertake an English language assessment. Details of the implementation date and requirements will be inserted here once approved.
- 3.2.12 All drivers and operators who are renewing a licence from 4<sup>th</sup> April 2022 must provide they are registered with HMRC to pay UK tax. Information in relation to this can be found at [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence).
- 3.2.13 The applicant must produce a standard passport sized photograph as part of their application which will be used on the council's database and on the council issued ID badge if a licence is granted. The photograph must resemble their usual appearance as it would be seen by the public. No sunglasses may be worn, nor any hats not required by way of religion that may otherwise obscure the face or usual appearance.
- 3.2.14 Should an applicant who has an application pending have any change in circumstances including medical, driving record, or conviction/arrest, they should notify the council in writing immediately to enable this information to be assessed for relevance. The council will carefully consider the application/licence of any person who does not notify the council of matters they should under the application criteria or licence conditions.
- 3.2.15 A copy of the council's guidance on the suitability of applicants can be found at [www.oldham.gov.uk/taxis](http://www.oldham.gov.uk/taxis).

### 3.3 Driver Awareness Training & Knowledge Test

- 3.3.1 All applicants will be required to attend a Driver Awareness Training course, which will be directly followed by a Knowledge Test.
- 3.3.2 The Driver Awareness Training will last for approximately 90 minutes and will cover the following material as a minimum:
- Disability awareness
  - Equality, diversity, and inclusivity
  - Safeguarding – Child Sexual Exploitation and Vulnerable Adults
  - County Lines
  - Licensing & other relevant legislation
  - Licensing condition
  - Knowledge test preparation
- 3.3.3 Applicants will take a short refreshment break after the training before completing their Knowledge Test.

3.3.4 The test will comprise of 20 multiple choice questions. To successfully pass the test the applicant must get at least 15 questions correct (75%).

3.3.5 The test will be multiple choice; applicants will have one hour to complete it.

3.3.6 The questions will cover the following topics as a minimum:

- Licence conditions/policy
- Customer care skills
- Basic numeracy skills
- Child sexual exploitation (CSE)
- Road signs
- Highway code

3.3.7 If an applicant fails the test 6 times, their application will be referred to an authorised officers will consider refusing the application.

3.3.8 If an existing licence lapses and a period of 5 years or more passes before applying to be re-licensed, the applicant will be required to undertake the Driver Awareness Training & Knowledge Test before a new licence will be issued. This policy is in place to ensure the applicant has up to date knowledge on key licensing conditions, policy, and other relevant topics such as CSE are understood before the grant of a new licence.

### 3.4 Driving Licence Requirements

3.4.1 Applicants must have held a full GB or EU driving licence for at least two years when applying for a licence. If you do not fall into the categories above and you have a foreign driving licence you must have held a valid licence for at least two years, of which 12 months must have been GB or EU. The two years commences from the issue date of the licence, rather than the date of passing the test.

3.4.2 Online DVLA checks of driving licences are conducted by the council's contractor and are paid for by the applicant in advance. Details of this can be found in the guidance for new applicants document on the council's website at [www.oldham.gov.uk/taxis](http://www.oldham.gov.uk/taxis).

### 3.5 Application Process Delays

3.5.1 Where an application is submitted for a dual driver's licence, and the application process exceeds 6 months, an online check of the DBS will be carried out. If the check fails a new DBS will be required before any licence can be granted.

3.5.2 Where a new application is submitted for a dual driver's licence and the date on the medical submitted exceeds 6 months, the applicant will be required to complete a medical self-declaration before any licence can be granted.

3.5.3 Where a renewal application is submitted for a dual driver's licence and the licence cannot be granted within a period of 3 months, due to incomplete supporting information/documentation, the application will be refused as the council cannot verify the applicant is a fit and proper person to hold a licence.

### 3.6 Medical Standards

3.6.1 The Council has adopted the DVLA Group 2 medical standards for licensed drivers. This is the same standard applied to bus & lorry drivers and has been adopted due to the long hours worked by licensed drivers, along with the responsibility of carrying members of the public as passengers.

3.6.2 The medical certificate required by the council requests medical practitioners have regard to the DVLA Assessing Fitness to Drive, A Guide for Medical Professionals, which can be found at [www.gov.uk/assessing-fitness-to-drive](http://www.gov.uk/assessing-fitness-to-drive).

3.6.3 Medicals must be completed on the DVLA D4 form and accompanied by the GP/Doctor Medical Declaration. Both forms can be found at [www.oldham.gov.uk/taxis](http://www.oldham.gov.uk/taxis).

3.6.4 The medical must be completed by a registered doctor who has full access to the applicant's medical history. This requirement is to ensure full disclosure of the applicant's medical conditions is made.

3.6.5 Any medicals submitted to the council must be dated within the last 3 months.

3.6.6 Any licence holder must, as soon as is reasonably practicable, notify the council of any newly diagnosed medical condition which may restrict their entitlement to a dual driver licence.

3.6.7 Medicals are required upon first application, and every 6 years thereafter until the age of 65. From the age of 65 medicals will be required annually.

### 3.7 Duration of Licences

3.7.1 Dual driver licences are granted for a period of 3 years. There may be circumstances where a licence cannot be issued for 3 years; this may include:

- The applicant is due to retire or cease being a licensed driver
- The driver is being given a trial (probationary period) following a hearing or assessment of their fitness to hold a licence
- Other cases that may arise from time to time that the Licensing Driver Panel or an authorised officer feel requires a licence to be issued for a period of less than 3 years

### 3.8 Licence Conditions

3.8.1 The council is permitted to impose such conditions as it considers reasonably necessary on private hire drivers.



3.8.2 Hackney carriage drivers are subject to Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875.

3.8.3 Appendix C sets out the conditions attached to all private hire drivers' licences.

3.8.4 Appendix D sets out the Byelaws attached to all hackney carriage drivers' licences.

### 3.9 Database of Refusals, Revocations, and Suspensions (NR3S)

3.9.1 The sharing of information, within the rules governing data protection, is an essential part of our role in protecting the public. By sharing information on our decisions, it helps other licensing authorities make informed decisions.

3.9.2 Applicants and licence holders should be aware that Oldham Council is required to use the NR3S register to record details of refusals, revocations, and suspensions.

3.9.3 All applicants upon first application, and each renewal, will be checked against the this register to see whether any other licensing authority holds information about that applicant that may be useful in the decision-making process. The council also publishes records of decisions made for the benefit of other authorities.

### 3.10 Dress Code

3.10.1 The purpose of the dress code is to set a standard that provides a positive image of the licensed hackney carriage and private hire trade, promoting public and driver safety.

#### 3.10.2 Dress Standard:

- All clothing worn by those working as a hackney carriage or private hire driver must be in good condition and the driver must keep good standards of personal hygiene.
- As a minimum standard whilst working males should wear trousers and a shirt/t-shirt or polo shirt which has a full body and short/long sleeves. Knee length shorts are acceptable. Exceptions related to faith or disability are accepted.
- As a minimum standard whilst working females should wear trousers or a knee length skirt or dress, and a shirt/blouse/t-shirt or polo shirt which has a full body and a short/long sleeve. Knee length shorts are also acceptable. Exceptions related to faith or disability are accepted.
- Footwear whilst working shall fit (i.e., be secure) around the toe and heel.

#### 3.10.3 Examples of Unacceptable Standards of Dress

- Clothing that is not kept in a clean condition, free from holes, rips, or other damage.

- Words or graphics on any clothing that is of an offensive or suggestive nature which might offend.
- Sportswear e.g., football/rugby kits including team shirts or beachwear (tracksuits are acceptable).
- Sandals with no heel straps, flip flops, or any other footwear not secured around the heel.
- The wearing of any hood or any other type of clothing that may obscure the driver's vision or their identity.

#### **3.10.4 Uniforms**

The council recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform. The council acknowledges that many hackney carriage and private hire companies do require licensed drivers to wear appropriate corporate branded uniforms, and this is a practice that the council would encourage licensed drivers to support.

## 4. Operators

### 4.1 Requirements

- 4.1.1 Operators of private hire vehicles are required to be licensed under the 1976 Act. No person may operate a vehicle as a private hire vehicle if the vehicle or driver is unlicensed. “Operate” means, in the course of business, to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.1.2 The council must grant an operator’s licence unless the applicant is not a fit and proper person to hold one.
- 4.1.3 The council may refuse to grant an operator’s licence where the trading name is the same, or similar, to an existing operator.

### 4.2 Conditions

- 4.2.1 The council is permitted to impose such conditions as it considers reasonably necessary on private hire operators. Appendix D sets out the conditions attached to private hire operator licences, and operators must comply with these conditions.
- 4.2.2 The conditions set out in Appendix D do not form part of the policy document, although they may be referred to within it. The conditions could be subject to change during the life of this policy, but such amendments may not result in a review of this policy.

### 4.3 Duration of Licences

- 4.3.1 Operator licences are granted for 5 years, unless circumstances dictate it should be granted for a lesser period.

### 4.4 Insurance

- 4.4.1 As a private hire operator, you may be required to obtain public liability insurance and or employee liability insurance. You should seek advice from the council as to whether you do require such insurance.

### 4.5 Criminal Check

- 4.5.1 An operator requires an annual basic criminal records check, conducted by the Disclosure Barring Service (DBS).
- 4.5.2 An operator must ensure all staff paid and unpaid, who have access to booking and despatch records requires a basic criminal records check, conducted by the DBS every 3 years.
- 4.5.3 Such checks will be carried out before initial employment commences and then every 3 years thereafter for staff, and annually for the operator.

#### 4.6 Operator Policies

- 4.6.1 Operators are required by virtue of the private hire operator licence conditions to adopt, implement, review, and update as necessary the policies outlined in Section 11 of the conditions.

#### 4.7 CSE & Licensing Training

- 4.7.1 All base/office staff are required to attend the council's CSE and Licensing Training Course.

#### 4.8 Data Protection

- 4.8.1 Operators must ensure they are registered with the Information Commissioners Office (ICO) for the provision of handling and storing customer data. Furthermore, operators must ensure that customers personal data i.e., phone numbers, are not accessible or shared with the individual drivers without the express consent of the hirer.

## 5. Enforcement

### 5.1 Authorised Officers

5.1.1 Authorised officers are officers appointed by the council to fulfil duties and carry out licensing functions on its behalf.

5.1.2 The 1976 Act defines an authorised officer as “an officer of a district council authorised in writing by the council for the purposes of this Act”. Authorised officers have the right to do the following:

- Require drivers to produce licences, insurance certificates, and other documents.
- Require operators to produce records.
- Remove plates and discs from vehicles.
- Inspect and test vehicles.
- Suspend vehicles from use.
- Suspend or revoke a driver’s licence.

5.1.3 Obstruction of authorised officers is a criminal offence. The council employs Licensing Officers who have the authority to exercise the powers set out in the 1847 and 1976 Acts.

5.1.4 The council has a published Enforcement Policy which details its approach to dealing with investigations, prosecutions, and sanctions.

### 5.2 Complaints

5.2.1 Should a complaint be received about a driver, operator, or vehicle proprietor it will be investigated fully. Ideally complaints should be put in writing and emailed to [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk).

### 5.3 Enforcement

5.3.1 Many rules and regulations apply to taxi licensing and a system of enforcement exists to oversee the process.

5.3.2 If a criminal offence is committed prosecutions may be brought by either the council or the police.

## 6. Offences

### 6.1 Criminal Offences

6.1.1 There are several specific offences that apply to the hackney carriage and private hire trades. The 1847 Act, and Byelaws made under it, together with the 1976 Act all have offences contained within them and are the ones to be aware of. Copies of the abovementioned Acts are available on request or can be downloaded from our website. Copies of the offences can be viewed at Appendix F.

6.1.2 In addition, all those concerned with the hackney carriage and private hire trades should make themselves aware of the relevant provisions of the Road Traffic Act 1988 e.g., speeding, traffic signs, insurance and defective vehicles.

## 6.2 Driving Whilst Unlicensed

6.2.1 It is very important to note that offences can be committed by the driving of a hackney carriage or private hire vehicle by unlicensed drivers.

6.2.2 Hackney carriage and private hire vehicles remain licensed at all times a licence is in force; they cannot be driven otherwise than by the appropriate driver. This extends to any unlicensed driver including members of the family of the licensed driver.

6.2.3 Contravention of this rule may also result in the offence of driving whilst uninsured (and/or permitting another to drive while uninsured).

## 6.3 Rights of Appeal

6.3.1 Any person aggrieved by a requirement, refusal, or other decision of the council, including authorised officers, may appeal to the Magistrates Court.

6.3.2 The 1976 Act makes special provisions relating to rights of appeal. Certain decisions in relation to applications being refused are suspended etc. until the 21-day appeal period has expired and if an appeal is lodged until such appeal is disposed of. On public safety grounds certain decisions may take immediate effect. There are also further rights of appeal to the Crown Court under the Public Health Act 1936.

# 7. Delegated Powers

## 7.1 Delegation Scheme

7.1.1 The council cannot take all decisions directly through its committees. An Executive Director is authorised to take all action on behalf of the council that are not specifically reserved to the council or a committee. The Executive Director can then further delegate functions to officers who carry out the daily tasks and actions under that authority.

# 8. Fares

## 8.1 General

8.1.1 The council is not able to set the fares for private hire vehicles; this is a matter for the operator of the firm the vehicle works for.

8.1.2 In relation to hackney carriage vehicles, the 'Hackney Carriage Table of Fares' is set by the council and are the maximum fares that can be charged by hackney



carriage drivers, which can be negotiated downwards by the hirer for journeys within the Borough.

## 9. Fees

### 9.1 Fees

- 9.1.1 The council is entitled to charge fees in respect of the various licences it administers, and legislation provides that the fees charged to applicants should cover the cost of application, administration, and enforcement. In relation to vehicles this extends to inspection, creation/maintenance of hackney stands, and training.
- 9.1.2 Licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.
- 9.1.3 Fees are reviewed annually in accordance with the council policy and Licensing Fees Model.

## 10. Hackney Carriage Stands

### 10.1 Taxi Ranks

- 10.1.1 The purpose of hackney carriage stands (taxi ranks) is to provide the public with a set location at which they can hire a licensed hackney carriage. Only hackney carriages licensed by Oldham Council can stand on a taxi rank or stand (as they are sometimes referred to). A list of ranks is available on our website.
- 10.1.2 There is an obligation on drivers when plying for hire in any street, and not actually hired, to proceed to one of the ranks designated under the 1976 Act. The 1847 Act defines a street as extending to any “road, square, court, alley and thoroughfare, or public passage”. Land will only be a street in the public have a right to be there.

## 11. Public Registers

### 11.1 Registers

- 11.1.1 The council is required by the 1847 Act to maintain a register of licences it issues. These, and other information, can be viewed on our website.

## Appendix A – Private Hire Vehicle Conditions

**The licensee shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.**

### **1. Definitions**

For a legal definition of the following terms, see the Local Government (Miscellaneous Provisions) Act 1976.

“Appointed Test Station” a garage approved by the Council for the purposes of carrying out a Vehicle Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" Oldham Council

"Identification Plates" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle

"The Licensee" means the holder of a private hire vehicle licence.

"The Operator" / “PHO” a person who makes provisions for the invitation and acceptance of booking / hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"The Proprietor" means the person(s) who owns, or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"The Meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both

“Test” a compliance test of the vehicle undertaken at an Appointed Test Station  
Words importing the masculine gender such as “he” and “him” shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council’s Licensing Department.

### **2. Identification Plates**

2.1 The vehicle front and rear licence identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and the plate must be fixed in the plate holder using the clips provided, so as to allow them to be easily

removed by an authorised officer. The plate holder should be securely fixed to the vehicle in such a way that neither it, nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.

2.2 The Licensee shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.

2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

### **3. Condition of Vehicle**

3.1 The Licensee shall ensure that the private hire vehicle shall be maintained in good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the period the vehicle is licensed.

3.2 The interior and exterior of the Private Hire Vehicle shall be kept in a clean and safe condition by the Proprietor.

3.3 The Licensee shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.

3.4 The Licensee of the Private Hire Vehicle shall: -

- provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of the hiring;
- ensure the interior of the vehicle is kept wind and watertight and adequately ventilated;
- ensure the seats in the passenger compartment are properly cushioned and covered;
- ensure the floor in the passenger compartment has a proper carpet, mat or other suitable covering;
- ensure fittings and furniture of the Private Hire Vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
- provide facilities for the carriage of luggage safely and protected from damaging weather conditions.

3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Licensee).

3.6 A daily vehicle check log must be completed by the driver of the vehicle at the beginning of each shift. The checks to be carried out are as follows:

- Lights and indicators
- Tyre condition, pressures and tread
- Wipers, washers and washer fluid levels

- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with these conditions
- Any internal discs on display and facing inwards so customers can see.
- Door and bonnet stickers on display
- Tariff sheet in display
- Horn in working order

The Licensee shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

#### **4 Accidents & Incidents**

4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident/incident, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the damage including photos.

#### **5. Vehicle signage**

5.1 No sign, notice, flag or emblem or advertisement shall be displayed in or on any Private Hire Vehicle without the express permission of the Council.

5.2 The Licensee shall ensure that the Council issued mandatory bonnet and rear door and rear window signs are affixed permanently to the vehicle and are not removed whilst the vehicle is licensed.

#### **6. Assistance Dogs**

6.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.

6.2 The location of the assistance dog must be agreed with the passenger at all times.

6.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

#### **7. Other Animals**

7.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

#### **8. Meters**

8.1 If the vehicle is fitted with a meter:

- The licensee shall ensure the meter is of a type approved by the Council and maintained in a sound mechanical condition at all times
- The licensee shall ensure the meter is set to display any fare table which may be adopted by the private hire operator
- The Council may ensure calibrate and seal, at the expense of the licensee, any meter which is to be used in the licensed vehicle

- The licensee shall ensure the meter is illuminated and is located in a position where any hirer can see the fare easily
- The licensee shall ensure that the words 'FARE' shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon
- The licensee shall ensure that the meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle
- No meter shall be replaced without the consent of an authorised officer of the council.

## **9. Fare Tables**

9.1 The Licensee shall ensure that a copy of the current fare table is available, when not working for an 'app only' based operator, at all times, so it can be easily read by passengers.

9.2 The Licensee shall ensure that the fare table is not concealed from view or rendered illegible whilst the vehicle is being used for hire.

## **10. Licence**

10.1 The Licensee shall retain a copy of the original private hire vehicle drivers' licences of all drivers driving the private hire vehicle and produce the same to an Authorised Officer or Police Constable on request.

## **11. Convictions and Suitability Matters**

11.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

11.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

11.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

## **12. Notifications and Licence Administration**

12.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

12.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.

12.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

12.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -

- The name of the driver and their badge number;
- The address of the driver;
- The company for whom the driver works for;
- The date and time you hired / lent / leased / rented your vehicle to the driver;
- Whose insurance the driver will be using the vehicle under;
- Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
- The expected duration the vehicle will be hired / lent / leased / rented to the driver

### **13. CCTV**

13.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

**NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.**



## Appendix B – Hackney Carriage Vehicle Conditions

### 1. Definitions

“Appointed Test Station” a garage approved by the Council for the purposes of carrying out a Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Oldham Council

"Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847

"The Identification Plates" the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage

The “Licensee” is the person who holds the Hackney Carriage Vehicle Licence

"The Proprietor" means the person(s) who owns or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"Taximeter" any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or combination of both

“Test” a compliance test of the vehicle undertaken at an Appointed Test Station

“Vehicle” the vehicle licensed as a Hackney Carriage

Words importing the masculine gender such as “he” or “him” shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council unless otherwise stipulated, all communication must be with the Council’s Licensing Department.

### 2. Identification Plates

- 2.1 The front and rear vehicle identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and that the plate must be fixed in the plate holder using the clips provided so as to allow them to be easily removed by an authorised officer. The plate holder should be fixed to the vehicle in such a way that neither it nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.

- 2.2 The Licensee of the vehicle shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

### **3. Condition of Vehicle**

- 3.1 The Licensee shall ensure that the vehicle is always maintained in a good mechanical and structural condition and be capable of satisfying the Council's mechanical and structural inspection at any time during the period of the licence.
- 3.2 The interior and exterior of the Hackney Carriage shall be kept in a clean condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Council.
- 3.4 The Licensee of the vehicle shall: -
- provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
  - ensure the interior of the vehicle to be kept wind and watertight and adequately ventilated;
  - ensure the seats in the passenger compartment are properly cushioned and covered;
  - cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering;
  - ensure fittings and furniture of the vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
  - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.
- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Proprietor).
- 3.6 The Licensee must ensure that a daily vehicle check log must be completed by the licensee or driver(s) of the vehicle at the beginning of each shift. The checks to be carried out are as follows:

- Lights and indicators
- Tyre condition, pressures and tread
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with these conditions
- Any internal discs on display and facing inwards so customers can see.
- Door and bonnet stickers on display
- Tariff sheet in display
- Horn in working order

3.7 The Licensee shall ensure that he or the driver shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

#### **4. Accidents & Incidents**

4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident/incident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the damage including photos.

#### **5. Advertisements**

5.1 The Licensee may only display advertisements on the outside of a London Style Hackney Carriage which must comply with the Council's policy and for which consent has been provided by an Authorised Officer.

#### **6. Vehicle Signage**

6.1 The Licensee will not allow any sign, notice flag, emblem, or advertisement to be displayed in or from any Hackney Carriage Vehicle without the express permission of the Council

6.2 The Licensee will ensure that any mandatory signs be affixed permanently to the vehicle as directed by the Council and are not removed whilst the vehicle is licensed.

#### **7. Assistance Dogs**

7.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.

- 7.2 The location of the assistance dog must be agreed with the passenger at all times.
- 7.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

## **8. Other Animals**

- 8.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

## **9. Taximeters**

- 9.1 The Licensee shall ensure the vehicle is fitted with a Council approved, tested and sealed Taximeter before plying or standing for hire and shall use the approved meter only.
- 9.2 The Licensee shall ensure that the Taximeter is located within the vehicle in accordance with the reasonable instruction of an authorised officer, and sufficiently illuminated that when it is in use, it is visible to all passengers.
- 9.3 The Licensee shall ensure that the authorised Taximeter is maintained in a sound mechanical/electrical condition at all times and programmed to calculate the fare in accordance with the current fare's tariffs fixed by the Council.
- 9.4 The Licensee shall ensure that the 'for hire' sign is extinguished when the fare commences, and the taximeter is brought into operation.
- 9.5 The Licensee shall ensure that the 'for hire' sign is not illuminated when the vehicle is outside of its licensing district.

## **10. Tampering with Taximeters**

- 10.1 Taximeters must not be tampered with by anybody other than an Authorised Officer or an approved contractor approved by the Council.

## **11. Fare Table**

- 11.1 The Licensee shall ensure that a copy of the current fare table supplied by the Council is displayed and visible at all times so that it can be easily read by passengers.

## **12. Drivers Licence**

- 12.1 The Licensee shall retain copies of the hackney carriage drivers' licence of each driver of his vehicle and produce the same to an Authorised Officer or Police Officer on request.

## **13. Communication Equipment**

13.1 The Licensee shall ensure that any communication equipment, used to communicate with passengers, fitted to his Hackney Carriage is at all times kept in a safe and sound condition and maintained in proper working order.

#### **14. Convictions and Suitability Matters**

14.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

14.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

14.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

#### **15. Notifications and Licence Administration**

15.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

15.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.

15.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

15.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -

- The name of the driver and their badge number;
- The address of the driver;
- The company for whom the driver works for;
- The date and time you hired / lent / leased / rented your vehicle to the driver;
- Whose insurance the driver will be using the vehicle under;
- Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
- The expected duration the vehicle will be hired / lent / leased / rented to the driver

## **16. Intended Use**

16.1 The Licensee of the Hackney Carriage vehicle licence shall ensure that an accurate and contemporaneous record is made and maintained either by himself or the driver of the vehicle, of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a private hire operator licensed by another local authority;

16.2 The accurate and complete record should include, as a minimum, the following information, and be recorded in a stitch or heat / glue bound book so as to provide a continuous record without breaks between rows: -

- date;
- time of first pick up;
- first 'pick up' point by location / name / address including house number;
- destination point by location / name / address including house number;
- the name and address of the operator on behalf of which the journey was being undertaken.

16.3 Each book shall legibly and clearly display the details of the vehicle to which it relates, including the make, model, registration number and vehicle licence number;

- 16.4 The record of journeys shall be available for inspection at any time by a Police Officer or PCSO; and an Authorised Officer of any local authority who through the course of their normal duties are authorised to inspect the licensed vehicle;
- 16.5 Each book, when full, shall be delivered to the Council's Licensing Department;
- 16.6 Where the Licensee wishes to maintain a record of use in any other format than set out above, prior approval must be obtained from an Authorised Officer.

## **17. CCTV**

- 17.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

**NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.**



## Appendix C – Private Hire Driver Conditions

The licensee shall at all times comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

### Definitions

In this licence:

"the Act" means the Local Government (Miscellaneous Provisions) Act 1976.

"the Council" means Oldham Council

"the Operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Act.

"private hire vehicle" has the same meaning as in Section 80 of the Act.

"the proprietor" has the same meaning as in Section 80 of the Act.

"the meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both.

"authorised officer" has the same meaning as in section 80 of the Act.

"licensee" means the person who holds the private hire drivers' licence.

"hirer" means the customer that has made the booking, who could also be the passenger

"passenger" means the person(s) travelling in the booked vehicle. For the avoidance of doubt, all children (including babies) count as individual passengers.

'Sexual Activity' includes but not limited to touching, kissing, inappropriate comments or conversation or propositioning.

"Owner" means a person to whom any lost property belongs to

"Drivers badge" has the same meaning as in Section 80 of the Act.

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, all communication must be to the Council's Licensing Department unless otherwise stated. Reference to the Council's email address means the email address of the Council's Licensing Department.

### 1. Licence Administration

1.1 The licensee shall notify the Council in writing of any change of their address and contact details during the period of the licence within 7 days of such change taking place.

1.2 The licensee shall notify the Council in writing within 7 days of commencing work with a private hire operator.

1.3 The licensee shall notify the Council in writing within 7 days of any subsequent change of operator.

1.4 The licensee shall provide a copy of his private hire driver's licence with the Operator through which the Private Hire Vehicle is being used.

1.5 The licensee shall ensure that relevant documentation (including DBS certificate/status, Medical Certificate, and right to work documentation) required by the Council to assess their fit and proper status, is kept up to date and remains 'valid' in line with the Council's policies.

1.6 For the duration of the licence, the licensee shall attend (as required) and pay the reasonable administration charge or fee attached to any requirement for training or to produce a relevant certificate (i.e. new medical certificate), assessment, validation check or other administration process.

1.7 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

## **2. Convictions and Suitability Matters**

2.1 The licensee shall notify the Council immediately in writing (or in any case within 24 hours) if they are subject to any of the following;

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty or speed awareness course,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- any matter of restorative justice

And shall provide such further information about the circumstances as the council may require.

## **3. Notification of Medical Conditions**

3.1 The licensee shall notify the council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVSA Group 2 medical standard. Notification must be sent to the

Council's email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.

3.2 The licensee shall at any time (or at such intervals as the council may reasonably require) produce a certificate in the form prescribed by the council signed by an appropriate Doctor/Consultant who has access to the driver's full medical records to the effect that he/she is or continues to be fit to be a driver of a private hire vehicle.

#### **4. Driver Badge**

4.1 The licensee shall at all times when driving a private hire vehicle wear the driver's badge issued to them by the Council so that it is plainly and distinctly visible and show it to any passenger(s) if requested.

4.2 The badge shall be returned to the council immediately upon request by an Authorised Officer (i.e., the licence is suspended, revoked, or becomes invalid for any reason).

4.3 The licensee must wear any lanyard, clip, or hold issues to them by the Council.

#### **5. Driver Conduct and Dealing with Passengers**

5.1 The licensee shall behave and drive in a civil, professional, and responsible manner to passengers, other road users, members of the public, Council officers and other agencies.

5.2 The licensee shall comply with any reasonable request made by an Authorised Officer, Testing Mechanic or Police Officer. The licensee will also comply with any reasonable request of the passenger regarding their comfort during the journey (e.g., heating/ventilation)

5.3 The licensee shall, unless delayed or prevented by some sufficient cause, punctually attend with the private hire vehicle at the appointed time and place as required by the operator booking or as instructed by an Authorised Officer.

5.4 The licensee shall stop or park the private hire vehicle considerately and legally (not in contravention of any road traffic orders) and shall switch off engine if required to wait (no idling).

5.5 The licensee shall not use the vehicle's horn to attract customer attention. The horn must only be used in an emergency.

5.6 The licensee shall comply with the Council's Licensed Drivers Dress Code.

5.7 The licensee shall provide reasonable assistance to passengers as required by the hirer (e.g. mobility assistance and loading/unloading luggage). The licensee shall not provide mobility assistance to passengers by physically touching without consent to do so.

5.8 The licensee shall ensure that luggage (including shopping and other large objects) are safely and properly secured in the vehicle.

5.9 The licensee and passengers are not permitted to smoke in the vehicle. The licensee also must not;

- a) vape or use an e-cigarette in the vehicle
- b) drink or eat whilst driving
- c) use any handheld device whilst driving or allow themselves to be distracted in any other way
- d) display any moving images or have any form of visual display screen fitted to the licensed vehicle other than satellite navigation
- e) conduct lengthy telephone conversations whilst driving passengers
- f) play a radio or sound reproducing instrument or equipment in the vehicle (other than for communicating with the operator) without the express permission of the passenger(s)
- g) cause or permit the noise emitted from any radio or sound reproducing instrument or equipment in the private hire vehicle to cause nuisance or annoyance to any person

5.10 The licensee when hire shall, (subject to any directions given by the passenger), take the shortest route bearing in mind likely traffic problems and known diversions and explain to the passenger any diversion from the most direct route. Alternative routes must be discussed with the passengers before being taken.

5.11 The licensee shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of the passengers within, entering or alighting from the vehicle.

5.12 The licensee shall report immediately to the operator any incident of concern including accidents where hurt or distress has been caused, customer disputes or passenger conduct concerns.

5.13 The licensee shall be vigilant regarding vulnerable passengers and safeguarding concerns when carrying out his duties and shall report any concerns immediately or in any event within 24 hours in accordance with council guidance.

5.14 The licensee shall report (on the conclusion of the booking to the operator any complaints a passenger/member of the public has made to the licensee regarding their conduct or the conduct of other personnel/drivers.

5.15 The licensee shall not engage in any sexual activity in a licensed vehicle, even if consensual.

5.16 The licensee shall not, except with the express consent of the hirer/passenger or approved ride share journey, carry any person (other than the hirer/passenger) in the private hire vehicle.

5.17 The licensee shall not carry a greater number of passengers than is prescribed on the vehicle licence and shall not allow any unaccompanied child to be carried in the front seat of the vehicle.

5.18 The licensee will ensure that the vehicle is clean for passengers and the plate clearly visible at all times he is on control of the vehicle.

5.19 The licensee will ensure that he is aware of all the workings and mechanics of the vehicles before undertaking bookings.

5.19 The licensee will ensure that he is aware of all the workings and mechanics of the vehicles before undertaking bookings.

5.20 The licensee shall report any accidents involving a licensed vehicle they are driving within 72 hours to the Licensing Department and must comply with any request thereafter by an Authorised Officer.

5.21 The licensee shall ensure that a daily vehicle check log has been completed (either by himself or the vehicle proprietor) at the beginning of each shift. The check to be carried out are as follows:

- lights and indicators
- tyre condition, pressures and tread
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with these conditions
- Any internal discs on display and facing inwards so customers can see
- Door and bonnet stickers on display
- Tariff sheet on display
- Horn in working order

The licensee shall ensure a record of the above information is kept in the vehicle at all times and will ensure the information is available to an Authorised Officer or Police Officer upon request.

## **6. Assistance Dogs**

6.1 The licensee shall carry a disabled passenger's assistance dog with the passenger. The licensee will follow the advice of the passenger as to the exact position and location for the assistance dog to travel, to best suit their needs.

6.2 Where the licensee has been granted a medical exemption so as to exempt them from any requirement under the Equality Act 2010; the notice of the exemption must be displayed in the vehicle so that it is visible by fixing it in an easily accessible place (for example on the dashboard) or as prescribed by the Council.

6.3 The licensee must notify their operator of any medical exemption they hold in relation to the requirements under the Equality Act 2010.

## **7. Fares**

7.1 If the vehicle is fitted with a meter the licensee shall ensure it is always visible. The licensee shall ensure it is not cancelled or concealed until the passenger has paid the fare.

7.2 The licensee shall ensure a copy of the current fare table is always displayed and visible in the vehicle.

7.3 The licensee shall not demand from any passenger a fare in excess of that previously agreed, displayed on a fare card, or if the vehicle is fitted with a meter the fare shown on the face of the taximeter.

7.4 The licensee shall, if requested by the passenger, provide a written receipt for the fare paid.

## **8. Conduct relating to illegally plying or standing for hire**

8.1 The licensee shall ensure that the passenger(s) entering the vehicle is/are the correct person(s) for whom the vehicle has been pre-booked.

8.2 The licensee must take precautions against behaviour that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking:

- a) in high footfall /high visible locations
- b) outside busy venues/businesses or in close proximity to events
- c) at the front or back of designated hackney ranks
- d) in groups or lines that present as a 'rank'
- e) in contravention of road traffic orders

8.3 The licensee shall not while driving or in charge of a private hire vehicle:

- a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- b) Cause or allow any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- c) Offer any Private Hire vehicle for immediate public hire (whether the journey was undertaken or not)
- d) Accept, or consider accepting, an offer for the immediate hire of that vehicle, including any such hire that is then communicated to the Operator to be recorded on the Operator's booking system. For the avoidance of doubt, bookings can only be undertaken when first communicated to the licensee by the operator.

## **9. Responsibility for lost property**

9.1 The driver must immediately after the end of every hiring or as soon as is practical thereafter, search the vehicle for any property which may have been accidentally left there.

9.2 If any property accidentally left in a private hire vehicle is found by or handled to the licensee then all reasonable steps must be taken to return the property to its rightful owner. If the property cannot be returned to the owner, then the property should be reported to the operator through whom the passenger booked the vehicle at the earliest opportunity and handed to the Operator as soon as is practical and in any case within 24 hours of the property being found.

## Appendix D – Hackney Carriage Byelaws

### **Hackney Carriage Byelaws**

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of Oldham Metropolitan Borough with respect to hackney carriages in Oldham.

#### **Interpretation**

1. Throughout these byelaws “the Council” means Oldham Metropolitan Borough Council and “the district” means Metropolitan Borough of Oldham.

#### **Provisions Regulating the Manner in which the Number of each Hackney Carriage corresponding with the Number of its Licence, shall be Displayed**

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

#### **Provisions regulating how Hackney Carriages are to be furnished or provided**

2. 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; provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
- h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

3. 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, that is to: -

- 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

- 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; 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 time as well as for distance in pursuance of the tariff fixed by the Council;
- c) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- d) 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
- e) 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.

**Provisions Regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within the District in their Several Employments and Determining whether such Drivers shall wear any and what Badges**

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

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter
- b) 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 and keep the machinery of the taximeter in action until the termination of the hiring; and
- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

6. 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 by the Council
- 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
- 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; and
- 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.



7. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

8. 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.

9. The proprietor or 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.

10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

11. 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.

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

- a) convey a reasonable quantity of luggage,
- b) afford reasonable assistance in loading and unloading; and
- 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.

**Provisions Fixing the Rates or Fares to be paid for Hackney Carriages within the District and Securing the Due Publication of such Fares**

13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate of fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

14. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

**Provisions Securing the Safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages and Fixing the Charges to be made in respect thereof**

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

18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by 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 a police station in the Borough and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

**Penalties**

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction.

**Repeal of Byelaws**

20. These byelaws revoke any byelaws previously made by Oldham Metropolitan Borough Council which are subsisting at the date of these byelaws, and which relate to hackney carriages and their drivers.

**Dated 15th March 2004**

## Appendix E – Private Hire Operator Conditions

**The Operator shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.**

### **1. Definitions**

For a legal definition of these terms, see the Local Government (Miscellaneous Provisions) Act 1976. You can get a copy online.

"Authorised Officer" any Officer of the Council authorised in writing for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Oldham Council

"The Operator / PHO" a person who makes provisions for the invitation and acceptance of bookings/hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"District" means the area within the Licensing Authority boundary

Words importing the masculine or feminine gender such as 'his' and 'her' shall include a company and be construed accordingly.

Reference to the Council's email address means the email address for the Council's Licensing Department.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

### **2. Premises & Equipment**

2.1 The Operator shall obtain any necessary planning permission required for his/her premises and shall comply with any conditions imposed.

2.2 The Operator shall provide adequate communication facilities and staff to provide an efficient service to the public using the operator's facilities.

2.3 The Operator's premises shall be kept clean and tidy, and adequately heated, ventilated and lit.

2.4 The Operator shall ensure that any waiting area for the use of prospective hirers shall be provided with adequate and comfortable seating.

2.5 The Operator's radio/electrical equipment where installed shall be regularly maintained in good working condition and any defects shall be repaired promptly.

2.6 The Operator shall at no time cause or permit any audio equipment to be a source of nuisance, annoyance or interference to any other person. In addition, all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.

2.7 The Operator shall obtain and maintain in force at all times a public liability insurance policy in respect of his/her premises and produce the same to an Authorised Officer or Constable on request.

2.8 The Operator must display the following at all times, at any premises that the general public have access to and/or on online booking sites and applications:

- A copy of the current Operator licence
- A schedule of fares
- A notice which provides information on how to complain to the Licensing Authority including email and phone number
- A copy of the public liability insurance policy certificate

The above shall be displayed in a prominent position within the relevant premises where it can be easily read; or clearly marked on the relevant online site/app where it can be easily accessed.

2.9 If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed at 2.8 above must also be available to view on the relevant web pages or application menu.

2.10 The Operator shall not allow their Licensed Operator Premises to be used to conduct business relating to licensees of other non-Greater Manchester local authorities.

### **3. Booking Fares**

3.1 When accepting the hiring, the Operator shall, unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.

3.2 When accepting the hiring, the Operator shall, if requested by the person making the booking, specify the fare or the rate of the fare for the journey to be undertaken and, in every case, the Operator shall immediately enter all the details of the hiring legibly as required, by Condition 3.3.

3.3 The records of hiring accepted by the Operator as required under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976, shall contain the following detail:

- Time and date booking received (using 24-hour clock)
- Name and contact details (phone number or address) of person making the booking
- How the booking was made e.g., Telephone/Online etc
- Time and detailed pick-up location
- Specific destination (the use of the term 'as directed' or similar term should only be used exceptionally).

- ID of dispatched driver (i.e., name and call sign)
- ID of dispatched vehicle (Licence/fleet number)
- ID of person taking booking (excludes electronic bookings)
- Any special requirements e.g., wheelchair accessible or disability assistance
- Details of any subcontracting to or from another PHO (Inc. any other Operator owned by the Operator subject to these conditions)
- Any fare quoted at time of booking, if requested by the person making the booking.

3.4 The Operator shall not allow drivers to pass a booking on to the Operator on the passenger's behalf and will take all reasonable steps to ensure their drivers are aware that such practice is illegal.

3.5 Where a booking is sub-contracted the customer must be so advised and informed as to the sub-contracted Operator who will be undertaking the booking.

3.6 If a non – Oldham Council licensed driver and vehicle are being dispatched to fulfil the booking, the Operator must communicate the following message to the person making the booking (whether via telephone, automated booking or booking App) before the booking is made (allowing the requester the opportunity to confirm the booking or not):

*The driver and vehicle you are about to book are not licensed by Oldham Council to their standards and Oldham Council are not empowered to take licensing action in the event of a complaint. Your driver and vehicles are licensed by **{insert name of Council}** and customers will have to deal with that authority in the event of a complaint.*

3.7 The despatch, by an Operator, of a passenger carrying vehicle (PCV) and the use of a public service vehicle (PSV), such as a minibus, is not permitted without the express consent of the hirer.

3.8 Where the hirer is being given the option of one of the above-mentioned vehicles being despatched, they should be notified that the driver is subject to different checks than a private hire driver and are not required to have an enhanced DBS check.

3.9 The Operator must advise the authority of the booking system it uses and advise in writing when the booking system is changed. The operator must demonstrate the operation of the system to an authorised officer upon request. Only the confirmed booking system (whether that be an electronic or manual system) can be used to record journeys taken for and carried out by vehicles licensed by Oldham Council (or a Public Services Vehicle, operating under a licence from the Vehicle and Operator Services Agency).

#### **4. Record Keeping & Responsibility**

4.1 The Operator must keep detailed, up to date, records of every driver and vehicle operated by him (whether licensed as private hire or hackney carriage) and no matter which Council licensed the driver/vehicle. The records must include:

- a) Name and home address of the driver

- b) The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable).
- c) A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence and that Licensing Authority that issued it.
- d) Name and home address of the proprietor of every vehicle
- e) A copy of the current vehicle licence including expiry date, the licensing authority that issued it.
- f) The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)
- g) The vehicle registration number
- h) A list of unique radio/call sign allocated to the driver and vehicle
- i) A copy of the valid insurance in place for the driver and vehicle

4.2 The Operator must ensure that booking records are:

- Kept electronically
- Are available for immediate inspection by an Authorised Officer or Police Office
- Able to be printed onto paper or downloaded in an electronic format
- Continuous and chronological
- Not capable of retrospective alteration or amendment
- Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records.
- The name of the person compiling the records must be detailed on the records.
- Are clear, intelligible, kept in English and retained for a minimum of 12 months from the date of the last entry or for such other period as required by an Authorised Officer.

4.3 The Operator must retain records for a minimum period of 12 months and make available any GPS data and any voice recording system for inspection upon request by an Authorised Officer or Police Officer.

4.4 The Operator must implement a robust system to ensure that drivers and/or vehicles do not operate when their licence or insurance has expired. This must be documented and approved by an Authorised Officer.

4.5 The Operator must conduct a check of the Council's public register (where it exists) when contracting a driver to carry out bookings.

4.6 The Operator must take all reasonable steps to ensure that its drivers and vehicles, when plotting or waiting without bookings around the district, do not do so:

- a) in high footfall / high visible locations
- b) outside busy venues/businesses or in close proximity to large events
- c) at the front or back of designated hackney ranks
- d) in groups or lines that present as a 'rank'
- e) in contravention of road traffic orders

Operators will upon request by an Authorised Officer or Police Officer demonstrate how they monitor and control this behaviour.

4.7 The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have contracted for this purpose.

4.8 The Operator will ensure registration with the Information Commissioner's Office for Data Controller, CCTV, and other relevant purposes. Where the Operator is exempt from registration with the Information Commissioner's Office, they will notify the Council within 7 days of the commencement of these conditions.

4.9 Where the Operator agrees sub-contracting arrangements with other non-Oldham Council licensed Operators, it must have due regard for the comparative licensing policies and standards of the relevant licensing authority their partner Operator is subject to, and take steps not to undermine the Council's licensing standards which have been set in the interests of promoting high levels of public safety.

## **5. Complaints**

5.1 The Operator must notify the Council immediately by email (or in any case within 24 hours) of receiving or otherwise becoming aware of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters of a sexual nature, violence/threats of violence or substance misuse.

5.2 The Operator must notify the Council within 72 hours of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters involving dishonesty or equality.

5.3 The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the Operator ceases any contractual arrangement with the driver.

5.4 The Operator must record every complaint received against its service (against any driver operated by him, including those licensed by other authorities carrying out a sub-contracted booking on the Operator's behalf) and, if unable to resolve the complaint within 7 days (from the date of the complaint) the Operator must provide the complainant with the relevant Licensing Authority contact details within 10 days (from the date of complaint).

5.5 Where a complaint not covered by section 5.1 above is received against a driver and it remains unresolved after 7 days (from the date of complaint), the operator must notify the Council within 10 days (from the date of complaint). The Operator is required to provide at the time of notification, the identity of the driver involved, the nature of the complaint/enquiry including the complainant's details.

5.6 The Operator must keep all complaint records for at least 12 months (including against drivers carrying out sub-contracted bookings) and ensure these records are available for inspection at any time an authorised officer may request to review them.

## **6. Convictions and Staff Vetting**

6.1 The licensee shall notify the Council immediately in writing (or in any case within 24 hours) if they are subject to any of the following:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- any matter of restorative justice

and shall provide such further information about the circumstances as the Council may require.

6.2 The Operator must keep up to date records of all individuals working in any capacity (paid or unpaid) and who have access to booking records for the business as follows:

- Full Name
- Address
- Date of Birth
- Contact details (phone and email)
- DBS issue date and certificate number
- Start and finish dates of employment
- Job Title

6.3 The Operator must ensure that all individuals (non-drivers) working in any capacity and have access to booking records (paid or unpaid) have obtained a basic DBS Certificate from the Disclosure and Baring Service before commencing employment. The DBS certificate must be dated within one month before the commencement of employment.

6.4 The Operator must ensure that DBS checks are carried out for all existing relevant staff (as per condition 6.3) within one month of the commencement of these conditions.

6.5 The employee should be registered with the DBS Update Service to enable the Operator to conduct regular checks (six monthly as a minimum) of the individual's DBS status.

6.6 The Operator must have a policy compatible with the Council's suitability policy or adopt the Council's suitability policy and implement this policy in relation to the recruitment of all staff (paid or unpaid) and the recruitment of ex-offenders. This must be produced upon request.

6.7 The Operator must be able to evidence that they have had sight of a basic DBS by maintaining a register. The register should be a 'living document' that maintains



records of all those in employment for at least 12 months, being the duration of how long booking records are to be kept and allows cross referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

6.8 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

## **7. Advertisements**

7.1 The Operator shall not cause or permit to be displayed in, on or from his/her premises or to be published in relation to the Operator's business any sign, notice or advertisement which consists of or includes the words "Taxi" whether in the singular or plural or the words "For Hire" or any other word or words of similar meaning or appearance whether alone or as part of another word or phrase or any other word or words likely to cause a person to believe that any vehicle operated by him/her is a hackney carriage.

7.2 All advertisements by the Operator should first be approved by the Council to ensure they comply with conditions and do not breach the Codes of Practice of the Advertising Standards Authority or those of the Portman Group relating to alcohol advertising.

7.3 The Operator must not dispatch any vehicle that has been licensed by another Authority, which uses, displays or exhibits any literature, documentation, advertising or which displays any signage associated to the Private Hire Operator or the Council which suggests, indicates, misleads or might lead to a misunderstanding that the vehicle is licensed by this Council.

## **8. Notifications and Licence Administration**

8.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

8.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.

8.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

## **9. Duty to Co-Operate**

9.1 The Operator and his/her staff shall co-operate fully with any Local Authority Authorised Officer or Police Officer in respect of any enquiries or investigations

carried out relating to drivers or vehicles currently connected to the business or formerly connected to the business.

9.2 The operator will provide the Council with details of appropriate members of staff (whether at the base or via telephone) to be contactable during the times of operation (day or night) in relation to compliance/enforcement related matters. Where the aforementioned contact details change, the Operator shall inform the Council of the new contact details within 24 hours.

9.3 The Operator shall grant access to the licensed premises to any Local Authority Authorised Officer or Police Officer upon request.

## **10. Lost Property**

10.1 Any lost property held by the Operator must be stored securely by him for 6 months after it was found.

## **11. Operator Policies**

11.1 Operators are required to adopt, implement, review, update as is necessary and submit to the Council the following policies:

- Safeguarding Policy
- Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints
- Equality Policy (Equality Act 2010) including disability awareness and the carrying of assistance animals.
- Data Protection Policy
- Recruitment / Suitability Policy

## **12. Training**

12.1 Operators should ensure that they have attended any licensing training required by the Council within one month of a licence being granted or as otherwise directed by the Council.

12.2 The Operator must ensure that training is provided to relevant staff (paid or unpaid) on licensing law, Licensing policy, the policies listed at paragraph 12.1 and how and when to accept bookings. This training must be undertaken within one month of the commencement of these conditions or employment and thereafter, at least every two years. The Operator must keep a record of the aforementioned training which has been signed by the operator and the member of staff.

## Appendix F – List of Offences

### Hackney Carriage Offences – Town Police Clauses Act 1847

<b>Offence</b>
Giving False information on application for HC proprietors Licence
Failure to notify change of address of HC proprietor
Plying for hire without HC proprietors Licence
Driving a HC without HC drivers' licence
Lending or parting with HC drivers' licence
HC proprietor employing unlicensed driver
Failure by HC proprietor to hold HC drivers' licence
Failure by HC proprietor to produce HC drivers' licence
Failure to display HC plate
Refusal to take a fare
Charging more than the agreed fare
Obtaining more than the legal fare
Travelling less than the lawful distance for an agreed fare
Failing to wait after a deposit to wait has been paid
Charging more than the legal fare
Carrying other person than the hirer without consent
Driving HC without proprietor's consent
Person allowing another to drive HC without proprietor's consent
Drunken driving of HC
Wanton or furious driving or wilful misconduct leading to injury or danger
Driver leaving HC unattended
HC driver obstructing other HC's

### Hackney Carriage Offences – Local Government (Miscellaneous Provisions) Act 1976

<b>Offence</b>
Failure to notify transfer of HC proprietors' licence
Failure to present HC for inspection as required
Failure to inform local authority where HC is stored if requested
Failure to report an accident to local authority
Failure to produce HC proprietors' licence and insurance certificate
Failure to produce HC drivers' licence
Making false statement or withholding information to obtain HC drivers licence
Failure to return plate after notice given after expiry, revocation, or suspension of HC proprietors licence
Failure to surrender drivers' licence after suspension, revocation or refusal to renew
Permitting any vehicle other than HC to wait on a HC stand
Charging more than the meter fare for a journey ending outside the district, without prior agreement
Charging more than the meter fare when HC used as private hire vehicle

Unnecessarily prolonging a journey
Interfering with a taximeter
Obstruction of authorised officer or constable
Failure to comply with requirement of authorised officer or constable
Failure to give information or assistance to authorised officer or constable

## Private Hire Offences – Local Government (Miscellaneous Provisions) Act 1976

<b>Offence</b>
Using an unlicensed PH vehicle
Driving a PH vehicle without a PH drivers' licence
Proprietor of a PH vehicle using an unlicensed driver
Operating a PH vehicle without a PH operator's licence
Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle
Operating a PH vehicle when the driver is not licensed as a PH driver
Failure to display PH vehicle plate
Failure to notify transfer of PH vehicle licence
Failure to present PH vehicle for inspection as required
Failure to inform local authority where PH vehicle is stored if requested
Failure to report an accident to local authority
Failure to produce PH vehicle licence and insurance certificate
Failure to produce PH drivers' licence
Failure to wear PH drivers' badge
Failure by PH operator to keep records of bookings
Failure by PH operator to keep records of PH vehicles operated by him
Failure to produce PH operator's licence on request
Making false statement or withholding information to obtain PH drivers or operator's licence
Failure to return plate after notice given after expiry, revocation, or suspension of PH vehicle licence
Failure to surrender drivers' licence after suspension, revocation, or refusal to renew
Charging more than the meter fare when HC used as PH vehicle
Unnecessarily prolonging a journey
Interfering with a taximeter
Obstruction of authorised officer or constable
Failure to comply with requirement of authorised officer or constable
Failure to give information or assistance to authorised officer or constable



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