

# Hackney Carriage and Private Hire Driver Policy

**2025 - 2030**

**Bournemouth Christchurch and Poole (BCP) Licensing**

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## **Introduction**

The Licensing Committee and officers are committed to ensuring the highest standards in order to protect public safety when administering this policy.

All requirements contained within this policy together with conditions on the licence are mandatory requirement for holding a Private Hire or Hackney Carriage Driver Licence issued by Bournemouth Christchurch and Poole Council (BCP).

From the first day of adoption of this policy ALL licence holders are required to meet these high standards, and it is expected that they will ensure they are fully aware of this policy and comply with all the requirements set out within it.

The Licensing Committee will not accept the excuse that a licence holder was not aware of these requirements when considering any matters brought before them.

### **1. Purpose statement**

- 1.1 BCP Council has a responsibility to issue Hackney Carriage and Private Hire driver licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 1.2 In the interest of public safety and to safeguard vulnerable persons BCP Council seek to ensure that anyone issued with such a licence is considered to be 'fit and proper'.
- 1.3 This policy is concerned with the regulation of Hackney Carriage and Private Hire licensed drivers and the Council adopts the overall approach to encourage the responsible activity of all drivers. In the interests of its residents and visitors, it will not tolerate any driver who poses a threat to the safety of any passenger or other road user.
- 1.4 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits.
- 1.5 Where it is appropriate for the Council to depart from its policy clear reasons will be given for doing so. Nothing in this policy will prevent an applicant or licence holder requesting that the Council considers the individual merits of their case and gives reasonable consideration to departing from its policy. Such requests must either be in writing, via email or orally before the Licensing Committee or Sub Committee.

### **2. Who does the policy apply to**

- 2.1 This policy will assist applicants, licence holders, officers of the Licensing Authority, Members of the Licensing Committee and persons using public carriages to be aware of the standards of conduct and behaviour required of all prospective or existing licensed drivers.
- 2.2 This policy also affords members of the Licensing Committee and officers alike, to consider the concerns of the public and other recognised bodies and to take appropriate measures where the behaviour of drivers is called into question at application or after licences have been issued.

### 3. This policy replaces

3.1 This policy replaces the previous BCP Council Hackney Carriage and Private Hire Driver Policy implemented in June 2021.

### 4. Approval process

4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its 'Hackney Carriage and Private Hire Driver Policy'.

4.2 Once drafted the policy is subject to a period of public consultation. Consultation responses are reported to the full licensing committee for consideration.

4.3 Once finalised the policy is presented to the Full Council for ratification.

### 5. Links to BCP Council strategies

5.1 This policy supports the BCP Council Core Strategy.

5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:

- Corporate Plan
- Sustainable Transport Plan
- Workforce Strategy
- Health & Wellbeing Strategy
- Safeguarding Strategy
- Climate Change Strategy
- Children in Care Strategy
- Crime & Disorder Reduction Strategy
- Equality & Diversity

### 6. The Policy

6.1 This policy is a working document and the Licensing Authority reserves the right to alter and amend the Policy as appropriate to correct errors, inconsistencies, clarify guidance, legislative changes and issue a revised version of the Policy at any time. However, any **significant changes** to the Policy will only be implemented after a formal consultation process with the trade and public.

6.2 Any **significant amendment** is defined as one that:

1. is likely to have a significant financial effect on licence holders or
2. is likely to have a significant procedural effect on licence holders or
3. is likely to have a significant adverse effect on the community

6.3 Any changes to this policy will be communicated to licence holders via email as soon as practicable to do so

## 7. New driver applications

- 7.1 Anyone wishing to make an application must prove to BCP Council that they are fit and proper to be issued with such a driver's licence. Anyone making an application must be at least 21 years old at the time of application. Applications are made online, and applicants must meet the Council's entry level criteria and provide the necessary documentation.
- 7.2 All applications must be completed within one year of commencing the application process. If an applicant fails to meet all the necessary application criteria within one year the application will be closed. The applicant is not permitted to apply again for a year from the date the application is closed.
- 7.3 All applicants must meet the qualification requirement by having studied and passed Level 2 Introduction to the role of Taxi and Private Hire Driver.
- 7.4 In order to ensure applicants, meet the required standard of English language competency and gain the necessary hands-on practice required to be a licensed driver, the Licensing Authority will only accept certificates from an approved provider. Other providers via online courses are not deemed to meet the high standards required and do not provide the practical aspects of training to assist passengers with mobility.
- 7.5 Applicant identity verification checks with the course provider may be undertaken. This will involve confirming that the person who is submitting the certificate is the same person who attended the course. Information such as passport data and photo may be shared as deemed necessary.
- 7.6 All drivers must pass the Driver Knowledge Test' prior to being issued with a licence. This will require applicants to demonstrate a working knowledge of the licensed area of BCP for Private Hire vehicles and more detailed working knowledge of the zones for Hackney Carriage licences which are not pre booked.
- 7.7 All applicants are permitted to sit the Driver Knowledge Test' on four occasions during the one-year application period. If the applicant fails to pass the test four times, then their application will be closed, and they are not permitted to reapply for a year from the date of closure of their application.
- 7.8 Applicants are required to submit an enhanced Disclosure and Barring Service Certificate (DBS) on application. All drivers are required to sign up to the DBS update service. This is an annual subscription service that allows drivers to provide the Council's licensing officers with access to DBS records at any time.
- 7.9 Applicants will be assessed with reference to the 'Fit and Proper' criteria as set out in Section 8. If you are deemed not to meet the criteria your application will be rejected.
- 7.10 Any applicant who makes a false or inaccurate statement on their application form will not be deemed to be a proper person to hold a licence and their application will be terminated. This includes not disclosing convictions, cautions, penalty or previous licence revocation.

- 7.11 Anyone whose application is terminated for making a false or inaccurate statement on their application form will not be permitted to reapply for a licence for 12 months from the termination of their application. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.
- 7.12 When a licence is issued to a new driver, on collection of their licence they will be required to sign a declaration that they have read and understood this policy document and all annexes which include the driver licence conditions/byelaws which they are required to adhere to all times (Appendix A)
- 7.13 Licences will be issued for a period of three years.

### **Reapplication**

- 7.14 Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later

## **8. Fit and Proper Person test**

- 8.1 The sections below, apply equally to Hackney Carriage and Private Hire drivers. The Licensing Authority may impose such additional conditions on a Private Hire driver's licence as it sees fit.
- 8.2 Passengers are potentially vulnerable when being transported due to their age, unaccompanied children, people with a disability, those who may have consumed excessive quantities of alcohol, lone people and overseas' visitors or tourists to the area.
- 8.3 The Licensing Authority has a duty to take a robust stance in ensuring that applicants and licence holders are and remain 'fit and proper' to hold a licence at all times.
- 8.4 The term 'fit and proper person' is not defined in law and this Authority considers the definition be considered in line with modern thinking as 'safe and suitable' to be a licensed driver.
- 8.5 In considering what might be assessed to ensure that a driver is 'fit and proper 'or safe and suitable 'the Licensing Authority considers the following to be amongst appropriate matters that it will take into account:
1. Criminality (see assessment of previous convictions annexe of the Statutory taxi and private hire vehicle standards [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk))
  2. Period of holding a drivers licence.
  3. Conduct of the driver during the licence period, including relationship and co-operation with officers of the Licensing Authority.
  4. Number of points on a licence or driving convictions.
  5. Right to work in the UK and any time restrictions.
  6. Medical fitness – physical and mental condition.

7. Enhanced driver competence by means of an appropriate higher standard Driving Assessment Test.
  8. Behaviour displayed by a driver towards customers and others, i.e. staff in the Licensing Team or other Council officers and their overall integrity.
- 8.6 DBS status checks on licenced drivers will take place throughout the licence period. Any unreported change in status will result in the drivers licence being suspended pending a new enhanced DBS certificate being produced for examination and determination.
- 8.7 Should any driver disclose any conviction, caution or penalty or the DBS check shows a change in the DBS status the drivers will be required to provide a new enhanced DBS certificate.
- 8.8 If a driver has not maintained their DBS update service subscription they will be required to apply for a new enhanced DBS certificate immediately on notification. Failure to reapply for a new certificate and/or repeated failure to sign up/maintain DBS update service subscription will result in suspension of their licence until the new certificate has been received and assessed by the Licensing Officer.
- 8.9 As well as the assessment of previous criminal convictions as stated within the Statutory taxi and private hire vehicle standards, BCP Council will also have regard to the latest Institute of Licensing guidance on determining the suitability of applicants and licensees in the taxi and private hire trade as a minimum standard Institute of Licensing (IOL) Suitability Guidance (November 2024).
- 8.10 In addition, consideration on suitability may include other factors including the conduct of the applicant during the application process or during the term of their existing or previous licence as well as their conduct, co-operation and working relationship with the Authority and its officers.
- 8.11 In cases of convictions or cautions received whilst licensed that only come to light following the DBS status check the matter will be referred to the Licensing Committee to consider if the driver remains a fit and proper person to hold such a licence.
- 8.12 In essence a 'fit and proper' person.
1. must not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers.
  2. must be honest, trustworthy **and** have integrity, as they have access to a large amount of personal information that could be misused with significant opportunity to defraud passengers in drink or under the influence of drugs, the vulnerable or– overseas passengers, or to steal property left in their vehicles.
  3. must display safe and competent driving standards, as they are professional drivers and should be fully aware of all road traffic legislation, the safety of their passengers and the safety of their vehicles at all times.
  4. must be in good physical and mental health to ensure they do not put passengers at any risk whilst transporting them, through for example having uncorrected or impaired eyesight, suffering from medical conditions including cardiac events, recovering from a stroke, or have impaired driving ability through the use of prescribed medication.

They must also be physically fit and agile to load passengers in wheelchairs into their vehicles.

5. must work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties.

8.13 This list is not exclusive, and other factors may also be relevant to the 'fit and proper person' definition.

8.14 The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Boards, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.

8.15 The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct, irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in Hackney Carriage or Private Hire work at the time or whether they occurred during the driver's own personal time.

8.16 Where a non-UK national has made an application and they have lived in the UK for at least 12 months, but information on their previous criminal history/convictions is limited or not available at all then the matter will be brought before the Licensing Committee for final determination as to whether a licence should be granted in these circumstances.

8.17 Periods of residency outside the UK. Applicants who have spent a period of six months or more at any one time living overseas, whilst holding a driver's licence with the Authority will be required to present a criminal record check from the country/countries they have lived in/visited covering the period that the applicant was living overseas.

8.18 This can be done through the 'Certificate of Good Conduct' from the Embassy of the relevant country. This will include renewal applicants where the driver has returned overseas to spend several months with their family. Private Hire Operators will be required to share information with the Licensing Authority where they are aware that a driver, they use for private hire services has returned overseas from a long term absence of six months or more.

## **9. Renewals**

9.1 Holders of existing driver's licences must apply to renew their licence no earlier than 2 months prior and no later than 10 working day prior to the expiry date.

9.2 Hackney Carriage and Private Hire drivers Licence shall be issued for a standard length of three years (maximum duration). Any shorter duration must be requested by an applicant and shall only be issued when the Licensing Authority considers it is appropriate due to the specific circumstances of the case.

9.3 The Council has no duty to notify drivers that their licence is due for renewal as it is the licence holder's responsibility to renew their licence. As a courtesy an e-mail reminder will be sent to the driver in advance of their renewal date. It is the responsibility of the licence holder to ensure they report any change in their email address.

- 9.4 Renewal applications and all associated paperwork including online payment receipt must be submitted electronically via e-mail to [taxi.privatehire@bcpcouncil.gov.uk](mailto:taxi.privatehire@bcpcouncil.gov.uk), before the licence has expired.
- 9.5 All drivers are required to sign up to the DBS update service. This is an annual subscription service that allows drivers to provide the Council's licensing officers with access to DBS records at any time, applicants must sign up to the update service within 28 days of the DBS certificate being issued and must maintain the subscription for the duration of their licence.
- 9.6 Failure to disclose or declare **any** previous convictions, cautions, fixed penalty notices or pending charges may be construed as an attempt to deceive and appropriate and proportionate action will be taken. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.
- 9.7 In cases of convictions or cautions received whilst licensed and only declared at the time of renewal, the decision to renew a driver's licence will be referred to the Licensing Committee.
- 9.8 Renewal applications with newly disclosed convictions will be assessed with reference to the assessment of previous criminal convictions as stated within the Statutory Taxi and Private Hire Vehicle Standards.
- 9.9 Drivers who do not renew their licence by the expiry date are no longer authorised as a licensed driver from the date of expiry of the licence. The Licensing Authority will notify the driver's Operator or vehicle proprietor that the licence has expired/lapsed if appropriate.
- 9.10 Anyone who does not renew their licence by the renewal date is required to return their badge within five working days and their licence will be deemed expired/lapsed.

## 10. Safeguarding

- 10.1 Awareness about human trafficking and child sexual exploitation can assist Hackney Carriage and Private Hire drivers to protect those who are vulnerable and/or being exploited. Licensed drivers can help identify those who commit these crimes and can help assist those in need of help.
- 10.2 Anyone applying to become a licensed driver and those renewing their licence will be required to undertake Safeguarding training.
- 10.3 Safeguarding training will be delivered by an approved provider such as the Blue Lamp Trust, in a classroom setting. All applicants must attend this training and present the certificate.
- 10.4 New applicants should not undertake the safeguarding training until notified to do so during the application process. We will not accept any certificate that is dated prior to the date of application.
- 10.5 Drivers renewing their licence must, renew their safeguarding training certificate by attending the training as detailed above. A certificate that is dated within 12 months must be presented at renewal.

10.6 All drivers are expected to adhere to good safeguarding practices.

10.7 All drivers completing school passenger transportation bookings must ensure that they follow all instructions provided for the child being transported.

## 11. Medicals

11.1 The council has determined that all licensed drivers must comply with the DVLA '**Group 2 Standard for Drivers**'. This is a higher medical standard that recognises the length of time an occupational driver spends behind the wheel. Guidance of what medical conditions affect a drivers licence can be found at <https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive>

11.2 Group 2 medical certificates must be completed by the drivers own GP or approved medical centre, with access to the driver's medical records no more than 4 months before the medical is due. For drivers who also have a lorry or bus licence we will accept a copy of the same medical subject to the requirements above.

11.3 New applicants should not undertake the medical examination until notified to do so during the application process. We will not accept any certificate that is dated prior to the date of application

11.4 Medical certificates are required at the time of any new application and then every 5 years from the age of 45 to the age of 65. After the age of 65 the medical is required on an annual basis.

11.5 Drivers will be required to submit their completed medical certificate to the licensing office on or before their birthday when they reach the ages of 45,50,55,60 and 65. Then from the age of 65 every year on or before their birthday.

11.6 If a driver fails to submit a completed medical certificate by the due date their licence will be suspended until such time as the certificate is received and accepted by the licensing team. In all such cases the licensing officer will also notify the driver's operator or the proprietor of the vehicle they drive, to advise them of the suspension. Once the medical is received all parties will be notified that the suspension has been lifted.

11.7 This requirement is not contingent on any other need to provide a medical, such as date of first application or reported health concerns that may reflect the need for additional medical assessments.

## 12. Data handling and National Register of Hackney Carriage and Private Hire vehicle driver licence refusals and revocations database

12.1 This Council has subscribed to the National Register of Hackney Carriage and Private Hire Vehicle Licence Revocations, Refusals or Suspensions, or NR3S Register

12.2 At the point of application, checks will be made on the National Anti-Fraud Network Database (NAFN), to ensure any history held regarding an applicant's previous refusals/revocations from other licensing authorities is available for consideration.

12.3 The Licensing Authority will upload data on refused/revoked licences into the NAFN database,

- 12.4 Any applicant who has held a licence issued by another Council and has had their licence revoked within three years of their application will be referred to the Licensing Committee who will consider the application on its own merits.
- 12.5 Information held by the Licensing Authority complies with requirements of the Data Protection Act 2018; however, there is a requirement for a 'Public Register' to be kept available for the free public inspection of all dual drivers' licences granted. To promote public safety this register will also detail information of any dual driver licences suspended or revoked.
- 12.6 Any information given may be shared with other internal/external organisations/partners to prevent crime and/or detect fraud, to promote public safety and safeguarding, or when a driver is suspected of having committed an offence, civil or criminal.
- 12.7 Under the Freedom of Information Act 2000 the Licensing Authority is required to provide certain information to the public by request. There are, however, exemptions to this duty, which includes certain personal or sensitive data, confidential information and business/commercial information.
- 12.8 The Licensing Authority may lawfully disclose information to other public sector agencies and external partners to: -
1. Protect the safety of the public.
  2. Prevent or detect fraud and any other crime.
  3. Support national fraud initiatives.
  4. Protect public funds.
  5. Progress a request for service.
- 12.9 Safeguard children and those adults at risk of harm in particular sharing information with the Children or Adults Safeguarding Board or officers of the Safeguarding Unit, other Licensing Authorities to protect the travelling public or with the Council's Legal Services Team or Transport Services Team, which may impact, on the delivery of its schools and adult services contracts.
- 12.10 The safeguarding and protection of the public will be the primary aim when deciding whether to share information with other services, organisations, or partners.
- 12.11 Relevant information is held on record relating to the history of a licensed driver, vehicle owner or operator, is retained until the lapse, surrender, refusal, or revocation of a licence and then usually held for an additional period of 6 years before being destroyed. Each case will be considered on its own merits prior to its destruction in line with the 'Licensing Retention of Documents' policy.
- 12.12 In some cases, due to the serious nature of offences/allegations the information may be held indefinitely by the Authority. Historic data can be very relevant to the Licensing Authority to demonstrate a pattern of behaviour and characteristics by a licensed driver or applicant over several years or that a licence has been revoked by the Licensing Authority for a serious safeguarding or public safety matter.
- 12.13 In addition, information from the enhanced Disclosure and Barring Certificate checks are retained in accordance with the DBS Code of Practice. However, as drivers are now registered on the online DBS Update service there will be little need to retain this information in the future, other than noting any recordable offences for future reference.

## 13. Equality Act 2010 and medical exemptions

### Wheelchair Accessible Vehicle drivers duties

- 13.1 Under section 165 licensed drivers of designated wheelchair accessible vehicles must provide assistance to passengers into and out of the vehicle. Full guidance on driver responsibilities is included in Appendix B.
- 13.2 Drivers of wheelchair accessible vehicles must undergo additional passenger transportation training, and the evidence of this training must be supplied at renewal of both the drivers' licence and the vehicle licence. If expired this must be updated in the three months before the driver renews their licence, the new certificate will be submitted as part of the renewal process.

### Duties for all drivers

- 13.3 Under sections 168 and 170 all licensed drivers are under a legal duty to carry passengers with a guide hearing and other assistance dogs without additional charge for the animal. Unless they hold a medical exemption which is displayed within the vehicle, the driver cannot refuse to transport an assistance dog.
- 13.4 When carrying such passengers drivers must: -
1. Convey the disabled passenger's dog and allow it to remain under the physical control of the owner.
  2. Not make any additional charge for doing so.
- 13.5 Any driver of a wheelchair accessible vehicle or any licensed vehicle who has a medical reason why they cannot comply with the requirements of the Equality Act 2010 must apply for a medical exemption as set out in the Equality Act Policy (Appendix B).
- 13.6 The 'Medical Exemption Certificate' is only valid for drivers when it is displayed in the vehicle. If the exemption certificate is not displayed the driver **MUST** comply with the legislation.
- 13.7 The exemption certificate is granted to the driver only and cannot be transferred to any other driver of the vehicle. Once the driver leaves the vehicle at the end of their shift the exemption certificate must be removed from the front screen.

## 14. Driver conduct requirements

- 14.1 It is expected that all licensed drivers will take reasonable steps to comply with the following standards failure to do so will lead to questions about their continued fitness and propriety:
1. To carry out a daily check to ensure that the vehicle is in a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle the driver should not drive the vehicle and should report them to the proprietor as soon as possible. **Where warning lights activate during a shift (tps of failed bulb etc.) the cause should be rectified as soon as possible and always before the start of the next shift.**
  2. To be professional and understanding to other road users.
  3. To be polite and courteous to passengers.

4. To behave in a manner that is in keeping of that expected of a professional licensed driver.
  5. Not to engage in any activity that would undermine professional standards and public confidence in the service.
  6. Not to engage in any unwanted conversation or enter into any conversation of a personal or sexual nature.
  7. Not to ask for or share any personal contact details with any passengers including via any social media apps.
  8. To assist passengers, where necessary into and out of the vehicle.
  9. To offer assistance to passengers with their luggage.
  10. To wear the driver's identification badge at all times when working.
  11. Be punctual.
  12. Not to allow passengers to smoke or vape in your vehicle.
  13. Not to use a handheld mobile phone or similar device whilst driving.
  14. Transport passengers by the shortest available route (subject to any unforeseen circumstances such as any road works or congestion where it may be appropriate to take an alternative route by agreement with the passenger).
  15. Hackney Carriage drivers are expected to comply with sections 20.3 and 20.4 of the Taxi and Private Hire Vehicle Policy relating to the correct use of taximeter or GPS fare calculator.
  16. Charge the correct monetary fare.
  17. Comply with the requirements of the current Highway Code.
- 14.2 A licensed driver has successfully passed a driver knowledge test which demonstrates a good knowledge of all main routes throughout the BCP area. A licensed driver is then expected to develop and improve their knowledge whilst working. Sole reliance on Satellite Navigation equipment is not an image that the Council wishes to promote.
- 14.3 A licensed driver is expected to know the shortest route and where unsure to ask the passenger when nearing the desired destination.
- 14.4 A licensed driver should also have regard to their surrounding environment and not cause nuisance when picking up or dropping off passengers so they must take reasonable steps to comply with the following requirements:
1. Not sound the vehicle horn as a means of notifying a passenger of your arrival.
  2. Switch off the engine if required to wait.
  3. Do not play amplified music without passenger consent.
  4. Take whatever action is necessary to avoid disturbance to local residents.
  5. Pick up and drop off safely and without risk to pedestrians and other road users.
- 14.5 Hackney Carriages Drivers **can** 'stand or ply for hire' so when using appointed ranks drivers they must comply with the following requirements:
1. Rank in an orderly manner.
  2. Move up promptly to allow others to access the end of the rank.
  3. If a space is not available, proceed to the next available rank.
  4. Remain with the vehicle whilst ranked.
  5. When hailed on the street, to stop in a safe manner without hazard to other road users.

14.6 Private Hire drivers **cannot** 'stand or ply for hire' or pick up from the street when hailed. A Private Hire driver can only accept a fare that has been pre-booked through an operator.

14.7 The Council views the following activities as examples of unlawful plying for hire:

1. Accepting a booking direct from a member of the public without the fare having been pre-booked.
2. Touting or standing at the roadside directing persons to vehicles.
3. A driver contacting his office by radio in order to make a booking on behalf of the customer.
4. A driver contacting his office using his own mobile phone to make a booking on behalf of the customer.
5. A driver offering their mobile to assist the customer to make a booking.

14.8 The Council consider all licensed drivers to be 'ambassadors' who will take personal responsibility for presenting BCP Council in a positive light. The Council is committed to improving the overall standards and as such expects all licensed drivers to present themselves in the manner that promotes a good professional image.

## **15 Driver dress code**

15.1 The purpose of a driver's dress code is to seek a standard of dress that portrays a positive image of the BCP licensed trade, to enhance a professional image of drivers licensed by this Authority and to ensure public and driver safety is not compromised.

15.2 The Licensing Authority expects that drivers will always comply with the following requirements when they are working:

1. Drivers are expected to be well groomed and tidy.
2. Drivers must always ensure a smart standard of dress and cleanliness is maintained at all times, such as smart shirt, blouse/top, collared polo shirt together with trousers, tailored shorts, a skirt or dress.
3. Drivers must wear a top at all times.
4. Clothing must be free from holes, rips and snags.
5. Denim jeans and track suit bottoms are not permitted.
6. Religious or cultural attire is permitted, where appropriate.
7. Drivers must not wear or display any clothing, logos, badges or any other image that implies a political, sporting, national or similar allegiance which could cause offence, discriminate or enflame sections of the community.
8. Sports replica shirts e.g., football, rugby or cricket tops, track suits or gym type wear are not acceptable.
9. Footwear for all drivers shall fit around the heel of the foot. Mules or flip flops and/or bare feet are not acceptable.
10. Headwear is not permitted unless for religious or medical reasons.
11. Drivers shall not wear any item of clothing or apparel which exhibits any of the following:
  - A. Offensive language.
  - B. References to drunkenness or the use of recreational drugs.
  - C. Anything racist, sexist, discriminatory or otherwise offensive.
  - D. Any tattoos they may be considered sexist, racist or otherwise offensive must be covered at all times.

## **16 Driver licence conditions**

- 16.1 The Licensing Authority may attach such conditions to a Private Hire and/or Hackney Carriage, and/or dual drivers licence as are considered necessary.
- 16.2 The standard conditions are available in Appendix A.
- 16.3 All drivers must read and understand the licence conditions which will be available on the Council website.
- 16.4 When new drivers collect their licence for the first time, they will be required to sign a declaration that they have read and understood the conditions. A copy of this policy and all accompanying appendices will be issued to them.
- 16.5 Failure to comply with the conditions set out in this document may result in enforcement action (Section 19).

## **17 How to use this policy**

- 17.1 All BCP licensed drivers should ensure that they are fully compliant with the policy and appendices
- 17.2 At first application and renewal licenced drivers will be provided with an up-to-date link to this policy and its appendices.
- 17.3 It is a requirement that all drivers adhere to this policy and the conditions set out in it. In the event of enforcement action being necessary, it is not deemed acceptable that a licenced driver uses the excuse they were not aware of the requirements of this policy.

## **18 Roles and responsibilities**

- 18.1 The Licensing Manager is responsible for overseeing the functions and work of the licensing team who deliver the policy.
- 18.2 The Licensing Committee or Sub- Committee will be presented with reports in cases where drivers do not meet the conditions of their licence, or where a complaint has resulted in the need for the licence to be reviewed.

## **19 Enforcement and sanctions**

- 19.1 Any driver who does not comply with this policy, or any conditions contained in it, which leads to a breach of a condition, or any complaint received will be subject to investigation, the result of which may be brought before the Licensing Committee.
- 19.2 The Licensing Committee can choose to revoke a licence or suspend a licence pending any necessary action by the drivers such as attending training or counselling as required.
- 19.3 Decisions by the Licensing Committee are subject to appeal to the Magistrates Court within a statutory appeal period of 21 days from the notification of any committee hearing decision.

## 20 Complaints, disciplinary and delegation to officers

- 20.1 In cases of complaints, allegations or reports of unacceptable behaviour by a licensed driver, the licensing officer will investigate the matter fully and determine the seriousness of the allegation.
- 20.2 Once the full details of the complaint with both sides of the story have been considered, the officer will assess the severity of the complaint together with any previous history/issues and other previous actions taken to determine what action, if any is needed.
- 20.3 The actions which will be taken by officers following a complaint are as follows:-
- Non serious complaint no history – **issue advisory guidance**
  - Non serious complaint, history of similar issues - **issue written warning**
  - Non serious complaint, history of similar issues and already received warning – **issue Written Formal Caution** if already cautioned or officer is concerned refer to Committee
  - Serious event of concern no immediate risk to public safety, no history – **issue written warning.**
  - Serious event of concern no immediate risk to public safety, history of similar issues – **Issue Formal Caution**
  - Serious event of concern no immediate risk to public safety history of similar issues and already received warning – **Refer to Committee**
- 20.4 Where there are serious allegations that are deemed to pose an **imminent risk to public safety regardless of whether there is any history of complaints against the driver or not**, will be investigated and actioned immediately. The Licensing Manager or Licensing Officer will try to contact the driver in question to discuss the allegations. If the officer deems that the complaint is founded and the evidence is sufficient to support the allegation of an imminent risk to public safety, then the matter will be referred to three members of the Licensing Committee to include the Chair and/or Vice Chair for them to make a decision if any immediate action needs to be taken in respect of a licence.
- 20.5 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the driver's licence could be immediately revoked and the driver concerned will be notified and required to surrender their badge and paper licence the same day. Members will confirm in writing the decision made and the reasons why the decision was reached.
- 20.6 If members agree there is a risk to public safety, but it is not an imminent risk the matter will be referred to the Licensing Sub-Committee.
- 20.7 In all cases of complaint, officers will make reference to the driver licence conditions attached to all licences as detailed in Appendix A, as well as the guidance contained within the following documents:-
- Institute of Licensing (IOL) Suitability Guidance (November 2024)  
[Institute of Licensing \(IOL\) Suitability Guidance \(November 2024\)](#)
  - The Statutory taxi and private hire vehicle standards  
[Statutory taxi and private hire vehicle standards - GOV.UK](#)

# APPENDIX A

## **Private Hire / Hackney Carriage Driver Conditions of Licence**

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

### **1. DRIVER BADGE**

- a. The driver must at all times, when driving a licensed vehicle for hire or reward, the driver's badge issued by the Council must be displayed in a prominent visible place in the vehicle.
- b. The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately should the licence be suspended, revoked or becomes invalid for any reason (e.g. expiry).

### **2 CONDUCT OF DRIVER**

- a. The driver must dress in accordance with the BCP Council Licensed Driver Dress Code at stated in chapter 15 of this Policy.
- b. The driver must comply with the BCP Code of Conduct in relation to working with vulnerable passengers' chapter 14 of this Policy.
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert to safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- f. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- g. The driver must not smoke tobacco or like substance (including vape) in the vehicle at any time as detailed by the Health Act 2006.
- h. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.

- i. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- k. The driver of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- l. The use of scanner equipment is prohibited.
- m. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- n. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / Hackney Carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by BCP Council licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken, this record must be available for inspection by an authorised officer of the council.
- o. The driver must ensure that in cases where the vehicle has been fitted with a CCTV system, it is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times.

The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

### 3 FARES AND FARECARDS

- a. The driver of a **private hire vehicle** must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey.

When a fare scale is used that fare scale must be displayed and must be a similar size to the fare cards carried by Hackney Carriages and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

- b. The driver must not, if driving a licensed vehicle fitted with a taximeter, other approved device, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c. The driver must not demand from any hirer of a **private hire vehicle** a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- d. The driver must, if requested by the hirer, provide a receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

#### 4 PASSENGERS

- a. The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition, the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.
- b. The driver must not allow to be conveyed in the front of a licensed vehicle: -
  - i. more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - ii. subject to paragraph iv below, any child under the age of 10 years old,
  - iii. subject to paragraph iv below, any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
  - iv. Paragraphs ii and iii above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases, a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.
- c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- d. The driver must provide all reasonable assistance to passengers and especially those with a disability.

All drivers must comply with the requirements of The Equality Act 2010.

## **Duty to assist passengers in Wheelchairs**

The Equality Act 2010 section 165A places a duty on the driver of a designated\* wheelchair accessible Hackney Carriages and Private Hire vehicles to:

- Carry the passenger while in the wheelchair.
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair.
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

\* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'

## **Duty to carry guide dogs and assistance dogs.**

The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

## **5 FOUND PROPERTY**

Any property accidentally left in the vehicle which is found by or handed to the driver if not claimed by or on behalf of its owner, shall be taken to the nearest Police Station and left in the custody of the officer in charge. Any property not accepted by the police is to be kept for a period of 28 days to allow for the loser to claim it. A record is to be kept of all such property including the date it was found, date claimed or disposed of and how.

## **6 MEDICAL CONDITION(S)**

- a. The licence holder must notify the Council ***in writing/via email without undue delay*** of any change in medical condition.
- b. The licence holder must 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 a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a Private Hire/Hackney Carriage vehicle.

## **7 CONVICTIONS, CAUTIONS, ARREST ETC.**

The licence holder must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.

***The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

### What should be reported:-

- Any conviction (criminal or driving matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrate's Court summonses against you.
- Issue of any fixed penalty notice for any matter.
- Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar.
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.

### Fixed Penalty Notices

The driver must notify the Council in writing of the acceptance of any fixed penalty endorsement within **5 working days**.

### Arrest for any Offence

Whether charged or not the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).

## 8 DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. [Gov.Uk - DBS-Update-Service](http://Gov.Uk - DBS-Update-Service)

Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

## 9 CHANGE OF OPERATOR

The licence holder must notify the Council **in writing within 5 working days** \* of any change of operator through whom he/she works.

**\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

## 10 CHANGE OF ADDRESS AND EMAIL ADDRESS

a. The licence holder must notify the Council **in writing/email within 5 working days** \* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

b. The licence holder must notify the Council **in writing/email within 5 working days** \* of any change of his/her contact email address taking place during the period of the licence, whether permanent or temporary

**\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

## **11 WORKING HOURS**

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours.

## **12 CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted/updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited calls or messages).

## **13 DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However, nothing in this condition affects the licence holders statutory protection afforded by other legislation.

## **14 APPEARANCE OF DRIVER**

If a licensed driver alters their appearance significantly (for example by growing/removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

## **15 ACCIDENTS**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 3 working day (by email).

## APPENDIX B

### Equality Act 2010

#### **Duty for drivers of Wheelchair Accessible Vehicles to assist passengers in wheelchairs**

1. Under section 165 licensed drivers of designated wheelchair accessible vehicles **MUST** undertake the following duties
  - Carry the passenger while in the wheelchair
  - Not make any additional charge for doing so – this includes making sure the meter is NOT running while you are rendering assistance into and out of the vehicle
  - If the passenger chooses to sit in a passenger seat to carry the wheelchair
  - To take such steps as are necessary to ensure that the passenger is carried in safety and comfort
  - To provide such assistance as it necessary to :-
    - enable the passenger to get into and out of the vehicle, this should include installing the boarding ramp
    - if the passenger wishes to remain in the wheelchair, to enable them to get into and out of the vehicle while in the wheelchair. This should include pushing a manual wheelchair or light electric wheelchair up a ramp
    - to load the passenger's luggage into out of the vehicle
    - if the passenger does not want to remain in the wheelchair to load the wheelchair into and out of the vehicle. This should include folding a manual wheelchair and placing it in the luggage compartment or stowing a light electric wheelchair in the luggage compartment.
2. It is expected by the Council that the owner and/or driver of a designated wheelchair accessible vehicle is fully aware of the safe method for loading, securing and unloading of wheelchair users. The owner and/or driver should also be aware of any limitations that the vehicle may have in relation to different types of wheelchairs.
3. It is a criminal offense to refuse to undertake any of the duties listed above any driver who breaches the duties outlines above will be liable to prosecution and their taxi license could be a risk.
4. It is recognised that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the Local Authorities list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle.
5. Drivers who have a certified medical condition or physical condition, which makes it impossible or unreasonably difficult for them to assist wheelchair users may apply to the council for an exemption from one or more of the duties listed above. Any such application will need to be supported by a completed medical form which is available to download from the council website. The medical form must be completed by the drivers' doctor or specialist, detailing the following:
  - What duties cannot be undertaken.

- Why they cannot be undertaken.
  - Date the conditions was first noted.
  - Whether any modification to the vehicle or the way the driver provides the service can be made that would negate the need for an exemption.
  - How long the medical exemption will be required for.
  - Provide medical reports in support of the request being made.
6. The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third-party medical practitioner is felt necessary. Any additional costs will be borne by the driver.
  7. On a case-by-case basis a temporary exemption certificate or a permanent exemption certificate will be issued which must be displayed clearly in the front windscreen of the vehicle at all times that the driver is using the vehicle. **The exemption only applies if the notice is displayed correctly.**
  8. In cases where the licensing officer has any concerns regarding granting an exemption then the matter will be referred to the Licensing Committee.
  9. There is a right of appeal to any decision made and the driver can appeal to the Magistrates court within 28 days of the decision being made.

#### **Duty of all drivers to carry of assistance dogs**

10. Under sections 168 and 170 licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers drivers must: -
  - Convey the disabled passengers dog and allow it to remain under the physical control of the owner and
  - Not make or propose to make any additional charge for doing so.
11. It is a criminal offence to refuse to carry an assistance dog and any driver who breaches the duties outlined above will be liable to prosecution and their taxi licence could be a risk.
12. Drivers who have a certified medical conditions which is aggravated by exposure to dogs may apply to the Council for an exemption from the duties listed above. Any such application will need to be supported by a completed medical form which is available to download from the council website. The medical form must be completed by the driver's doctor or specialist, detailing the following:
  - What duties cannot be undertaken.
  - Why they cannot be undertaken.
  - Date the conditions was first noted.
  - Whether any modification to the vehicle or the way the driver provides the service can be made that would negate the need for an exemption.
  - How long the medical exemption will be required for.
  - Provide medical reports in support of the request being made.

13. The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third-party medical practitioner is felt necessary. Any additional costs will be borne by the driver.
14. On a case-by-case basis a temporary exemption certificate or a permanent exemption certificate will be issued which **must be displayed clearly in the front of the vehicle at all times that the driver is using the vehicle**. The exemption only applies if the notice is displayed correctly.
15. In cases where licensing officer have any concerns regarding granting an exemption then the matter will be referred to the Licensing Committee or Sub Committee. .
16. There is a right of appeal to any decision made and the driver can appeal to the Magistrates court within 21 days of the decision being made.

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