



Swindon Borough Council

Licensing Policy for Hackney Carriage and Private Hire

Date: 2nd April 2024

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Pre-Amble

This policy was adopted by Swindon Borough Council at the meeting of the Licensing Committee on 20th March 2024 and comes into force on 2nd April 2024. This policy document will be amended and reviewed as required to accommodate changes in law, corrections of errors and other triggers requiring a policy change.

In exercising its discretion in carrying out its regulatory functions, the Licensing Authority will have regard to this policy document. In addition the Licensing Authority will take into account recognised best practice guidance issued by the Department for Transport (DfT) or other recognised bodies and relevant legislation.

| Version control | | |
|-----------------|----------------------------|---|
| Version | Date | Revisions |
| V1 | 2 nd April 2024 | Approved at Licensing Committee at 20 th March 2024 |
| V2 | 24 th June 2024 | Amended wording in Appendix 4 (1)(e) Hackney Carriage Vehicle Specification |
| V3 | 1 st April 2025 | Penalty Point Policy Introduced |

Introduction

1. Swindon Borough Council is the Licensing Authority under the Town and Police Clauses Act 1847 (as amended) and Part II of the Local Government (Miscellaneous Provisions) Act 1976. It has the duty to carry out its licensing functions in respect of:
 - a. Hackney Carriage Vehicle Licenses;
 - b. Hackney Carriage Drivers Licenses;
 - c. Private Hire Vehicle Licenses;
 - d. Private Hire Drivers Licenses;
 - e. Private Hire Operator Licenses.
2. This policy statement has four main purposes, which are:
 - a. To confirm to members of the Licensing Committee and Sub-Committee of the boundaries and powers of the Licensing Authority and the parameters within which to make decisions;
 - b. To inform licence applicants of the parameters within which the Licensing Authority will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the Licensing Authority which licenses them;
 - c. To inform local residents and businesses of the parameters within which the Licensing Authority will make licensing decisions and therefore how their needs will be addressed;
 - d. To support a case in a court of law where the Licensing Authority must show how it arrived at its licensing decisions.
3. In developing this policy the Licensing Authority is seeking to promote the following objectives:
 - a. The protection of public health and safety;
 - b. The maintenance of a professional and respected Hackney Carriage and Private Hire trade;
 - c. Access to an efficient and effective transport service;
 - d. The protection of the environment.
4. The aim of the licensing process is primarily to protect the public as well as to ensure that the public have reasonable access to these services.
5. This policy provides information on how the Licensing Authority will Licence Hackney Carriage and Private Hire vehicles, drivers and operators. The Licensing Authority

will determine each application on its merits and will place public safety above all other considerations in making decisions.

6. In exercising the Licensing Authority's discretion in carrying out its regulatory functions, the Licensing Authority will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Licensing Authority to depart substantially from this policy, clear and compelling reasons must be given for doing so.
7. All licence holders must comply with the provisions relating to Hackney Carriage and Private Hire drivers, vehicles and operators contained in legislation, including but not limited to the following:
 - a. Town Police Clauses Act 1847;
 - b. Part II Local Government (Miscellaneous Provisions) Act 1976;
 - c. Equality Act 2010.
8. In adopting this policy the Licensing Authority have had regard to the likely costs of implementation and have endeavoured to strike a balance between the financial interests of the trade and the protection of the travelling public.
9. The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their business. This guidance, application forms and current fees are also available on the Council's website. In order to ensure that the most up to date version is used, applicants and licence holders should not store these forms on their own system but should access the latest version of a form when it is required.
10. A glossary of terms used within this Policy are set out at Appendix 1.

Applications for Licences (New Applications & Renewals)

1. There are 5 types of licence:
 - a. Private Hire Drivers Licence;
 - b. Private Hire Vehicle Licence;
 - c. Private Hire Operator Licence;
 - d. Hackney Carriage Drivers Licence;
 - e. Hackney Carriage Vehicle Licence.
2. All licences must be submitted on the prescribed application form (as specified from time-to-time by the Licensing Authority) and accompanied by the prescribed fee.
3. An applicant will also incur additional fees payable to third parties, such as the costs associated with a DBS check.
4. The Licensing Authority will consider all applications on their own merits. Incomplete or missing documentation or evidence may result in the application being rejected. Any application that is not completed within 6 months will be treated as withdrawn.

Drivers Licences

5. All applicants for a drivers licence (both Hackney and Private Hire) will be subject to a number of checks and examinations as set out at Appendix 2.
6. The Licensing Authority must be satisfied that an applicant is a fit and proper person to hold a licence. Appendix 3 sets out the factors that the Licensing Authority may consider when making this determination.
7. Licensed private hire drivers receive a paper licence which is locally known as the “green form”. Drivers are required to deposit this form with the operator from whom they receive bookings. Licensed private hire drivers may only receive bookings from another operator if they transfer their “green form”. A licensed private hire driver may hold up to three “green forms”. One “green form” will be provided as part of the application process but additional forms can be requested and a charge will be made for these. Current charges are shown on the Council’s website.

Vehicle Licences

8. All applicants for a vehicle licence (both Hackney and Private Hire) will be subject to a number of checks and examinations as set out in Appendix 2
9. A licence for a vehicle (Hackney Carriage or Private Hire) may only be applied for by the proprietor (owner) of the vehicle.
10. Applicants for a vehicle licence shall be subject to a basic DBS check
11. Vehicles licenced by insurance companies are not required to provide a current basic DBS disclosure.
12. A vehicle must comply with the relevant specification. See Appendix 4 for the specification in respects of a Hackney Carriage and Appendix 5 for the specification in respects of a Private Hire vehicle.
13. The Licensing Authority will also check that the vehicle is adequately insured. The policy must specify that the vehicle is insured for carrying passengers for hire or reward.

Operator Licences

14. Applicants for an Operator's licence shall be subject to a basic DBS check
15. The Licensing Authority must be satisfied that an applicant is a fit and proper person to hold a licence. Appendix 2 sets out the factors that the Licensing Authority may consider when making this determination.
16. Appendix 9 sets out the conditions a private hire operator is expected to comply with as part of their licence.

Renewal Applications

17. Renewal application must be presented to the Licensing Authority before the licence being renewed expires.
18. If a licence expires before a renewal application is presented any renewal application will be refused and the applicant will need to apply as a new applicant.

19. If a renewal is presented before the expiry of a licence but a new licence is not issued until after the licence being renewed has expired the person may not, in that intervening period, undertake any licensable trade, it is therefore recommended that any renewal applications are made at least 6 weeks before the expiry of the existing licence.

Changes of Circumstances

20. If, during an application process, an applicant's circumstances change they must immediately update the Licensing Authority. This could include:
- a. Any change in their immigration status;
 - b. An arrest, conviction, or caution;
 - c. Being notified that they are under criminal investigation;
 - d. Being made the subject of a court order (such as a Domestic Violence Protection Order, an Anti-social Behaviour Injunction, a Criminal Behaviour Order, a Sexual Harm Prevention Order, Non-Molestation Order, Restraining Order, etc.);
 - e. Change in their personal details (address etc.).

Determination of Applications

21. Council officers are authorised to determine all applications for licences.
22. Officers may refer any such determination to the Licensing Sub-Committee for determination. Such a determination may be necessary where an officer has concerns as to whether someone is fit and proper.
23. Meetings of the Sub-Committee are generally held in public.
24. If the Licensing Authority refuses an application the applicant can appeal the Licensing Authority's decision to the Magistrates' Court.

Enforcement

1. Enforcement shall be undertaken as detailed in Appendix 13.

Duration of Licenses

1. Unless a good reason exists for offering a shorter licence the following licence periods shall apply:
 - a. Hackney Carriage Vehicle Licenses – 1 year;
 - b. Hackney Carriage Drivers Licenses – 3 years;
 - c. Private Hire Vehicle Licenses – 1 year;
 - d. Private Hire Drivers Licenses – 3 years;
 - e. Private Hire Operator Licenses – 5 years.

Licence Conditions

1. All Hackney Drivers are subject to the Licensing Authority's byelaws made under section 68 of the Town Police Clauses Act 1847.
2. All Hackney Vehicle Licences are granted subject to the conditions set out at Appendix 6.
3. All Private Hire Driver Licences are granted subject to the conditions set out at Appendix 7.
4. All Private Hire Vehicle Licenses are granted subject to the conditions set out at Appendix 8.
5. All Private Hire Operator Licences are granted subject to the conditions set out at Appendix 9.
6. A failure to comply with conditions (or the byelaws) may result in a suspension or revocation of the licence.
7. The Licensing Authority may add or omit conditions on a case-by-case basis.
8. An applicant may appeal the Licensing Authority's decision to include conditions on a licence to the Magistrates' Court.

Taxi Forum

The Licensing Authority will hold a quarterly taxi forum to engage and consult with the trade regarding relevant matters

APPENDIX 1: Glossary of Terms

| Term | Description |
|---------------------------------------|---|
| Authorised officer | An officer authorised by the Licensing Authority under the relevant legislation governing the licensing of Hackney Carriage and Private Hire vehicles, Operators and drivers |
| Compliance testing centre | One of the designated test centres where vehicles may be tested and issued with a compliance certificate |
| Compliance certificate | Test of mechanical fitness for a licensed vehicle and its compliance with the standards as set out in this policy |
| Convictions and cautions | Applicants should note that any reference in this document to ‘conviction’ includes all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders and fixed penalties (including traffic offences), including those that are regarded as spent under the 1974 Rehabilitation of Offenders Act (see Regulated Occupation below). |
| Licensing Authority | The Swindon Borough Council in its capacity as licensing authority for the area of Swindon |
| DBS | Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB) |
| DfT | The Department for Transport |
| DfT guidance | The Department for Transport – Taxi and Private Hire Vehicle Licensing Best Practice Guidance For Licensing Authorities in England And Private Hire Vehicle Licensing: Guidance Note, published in August 2011 |
| DVSA guidance on stretched limousines | The Driver and Vehicle Standards Agency Guidance for Operators of Stretched Limousines, published March 2013 |
| DVLA | Driver and Vehicle Licensing Agency |
| DVSA | Driver and Vehicle Standards Agency |
| EEA | European Economic Area |
| Licensing Committee | The committee of councillors of Swindon Borough Council that is responsible for the Licensing Authority’s Hackney Carriage and Private Hire licensing functions in the area of Swindon. |

| | |
|-----------------------------|--|
| Group 2 Medical | The DVLA Group 2 standard of medical fitness for professional drivers. |
| Guidance on suitability etc | The Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private Hire trades' published in April 2018 |
| Hackney Carriage | A vehicle licensed to ply for hire throughout the respective Borough. |
| HGV | Heavy Goods Vehicle |
| Low emission vehicle (LEV) | One with CO2 emissions of 100 g/km or lower |
| Licensing Sub Committee | A Taxi Licensing Panel of Swindon Borough Council. |
| Passenger | A traveller in a vehicle other than the driver. |
| Private Hire vehicle | A motor vehicle constructed or adapted to seat fewer than 9 passengers, other than a Hackney Carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers |
| Private Hire Operator | A person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire vehicle |
| PSV | Passenger Service Vehicle |
| Regulated occupation | The principles of the Rehabilitation of Offenders Act 1974 do not apply to applicants for Hackney Carriage and Private Hire drivers' licenses. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence. See also Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002. |
| Taxi | This word has no meaning in law but is routinely used in government documents to describe Hackney Carriages. To avoid confusion, the use is limited to instances where reference is made to other documents which have used it. |
| Ultra-low emission vehicle | An ultra-low emission vehicle is a vehicle that produces less than 75g/km of CO2. |
| Vehicle or licensed vehicle | Both a Hackney Carriage and Private Hire vehicle. |

APPENDIX 2: Application Checks & Examinations

Driver Checks & Examinations

Age & Experience

1. The Licensing Authority does not set a minimum or maximum age for applicants. However, all applicants must have held a full driver's licence for at least 36 months before the date of their application.

Right to Work in the UK

1. All driver licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The Licensing Authority will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.
2. If an applicant is unable to provide satisfactory proof of their right to work in the UK then their application will be refused. Should a driver's right to remain in the UK lapse, the licence automatically lapses with no right of appeal.
3. Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work (up to a maximum of 3 years).

Certificate of Good Character

1. All applicants and existing licence holders who have lived in another country for a continuous period of three months (or more) within the last five years of the date of their licence application are required to submit a certificate of good character (or similar) from each country. This document will either confirm good character or list any convictions recorded against an applicant. Where this Certificate has been produced in a non-English language, the applicant will generally be required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document, save in exceptional circumstances. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country. The cost of certificates of good character (or similar) are to be met by the applicant in full.

Medical Fitness

1. The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Use of the 'Group 2' medical standards (as applied by DVLA to the licensing of lorry and bus drivers) to Hackney Carriage and Private Hire drivers is best practice and shall be applied by the Licensing Authority.
2. The Licensing Authority's current medical requirement is summarised as follows;
 - a. Applicants shall demonstrate that they have satisfied the medical standard as specified by the Licensing Authority.
 - b. Applicants shall supply a Council medical examination report completed by their own GP, or other doctor who holds full medical history within 4 months from the date of examination.
 - c. This medical examination report will be provided on the Licensing Authority specified form.
 - d. A completed medical examination report must be provided by new applicants.
 - e. Existing drivers must supply a medical examination report as follows:
 - i. Every three years from the age of 47,
 - ii. Annually from the age of 65.
 - f. The Licensing Authority will also have the right to recall the licence holder at any time during the lifespan of the licence for a medical examination should the Licensing Authority have reason to doubt the fitness of the licence holder to hold the licence.
 - g. More frequent checks will be required if the medical practitioner thinks it is necessary. For drivers with diabetes managed by insulin or a sulphonylurea or a glinide, a full medical is required at the usual intervals determined by the driver's age and/or any other medical conditions, and in addition a specialist medical will be required before the licence is issued and annually thereafter.
3. A request form for a medical examination, which must be presented to a GP at the applicant's registered GP surgery, must be downloaded from the Licensing Authority's website. The applicant will be responsible for paying the fee for the examination to their GP surgery. On completion of the examination, a medical report will be provided to the applicant. Applicants should check through the report before submitting this to the Licensing Authority, to ensure all questions have been answered and they are satisfied that the information is accurate, to avoid any delays in the application process. The GP completing the medical examination will be required to certify that they have checked the applicant's personal medical records before completing the medical examination. If the applicant's GP surgery does not carry out such medical examinations, the applicant should contact the Licensing

Team for further advice. During the application process, applicants must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the Licensing Authority may require the applicant to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the applicant. Where there remains any doubt about the fitness of any applicant, the service manager will review the medical evidence and make the final decision.

4. If there is any doubt as to the medical fitness of the licence holder, the Licensing Authority may require the licence holder to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the licence holder. Where there remains any doubt about the fitness of any licence holder, the Service Manager will review the medical evidence and make the final decision. The licence may be suspended with immediate effect on the grounds of public safety if there is any doubt as to the licence holder's medical fitness.

Criminal Record Checks and Enhanced Disclosure and Barring Service (DBS Update Service)

1. The Rehabilitation of Offenders Act 1974 does not apply to those persons wishing to be licensed as either a Hackney Carriage or Private Hire Driver.
2. No driver's licences will be issued or renewed without a current enhanced DBS disclosure certificate (with searches of both the adult and children's barring lists).
3. All new applicants (or applicants for a renewal who have not previously done so) must sign up for the DBS update service and maintain their annual payments to the DBS (failure to maintain the subscription during the life of the licence may lead to revocation).
4. On renewal the Licensing Authority may waive the need for a new DBS check to be undertaken provided that the update service does not reveal any new entries since the date of the previous DBS certificate.
5. Applicants must obtain their DBS disclosure through the relevant service provider agreed by the Licensing Authority.
6. Where the Licensing Authority s have reasonable cause for concern relating to a particular driver, random enhanced DBS checks/checks of the update service may be carried out. If a driver is given notice to undertake a random DBS check by the Licensing Authority, they must provide all relevant documentation for this to the

Licensing Authority within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

7. Applicants may be asked to provide an account of the circumstances of any entries shown on their DBS certificate.
8. Applicants also need to provide details of any pending prosecutions or other proceedings which may not be displayed on their DBS certificate.

HMRC Tax Check

1. Existing Applicants must provide a valid HMRC tax code at point of renewal application.

NR3 Database

1. All applicants and existing licence holders will be subject to a search against the NR3 database to identify any refusals, revocations, suspensions or relevant information.

Competency & Compliance Test

1. All new applicants must undergo a competency and compliance test as set by Swindon Borough Council.
2. The Competency & Compliance test is used to determine an applicant's knowledge of the area, knowledge of licensing law and elements of the day-to-day tasks undertaken by licensed drivers. There is a fee to sit the test and this is published together with the other council licensing fees.
3. No applicant may sit the test more than three times in any 6-month period commencing on the date of their first test. The payment of the full test fee is applicable for each test booked. Any cancellations must be made at least 48 hours before the test date and time. Any tests cancelled with less than 48 hours' notice, or any no shows will result in no refund of the fee.
4. Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional, the applicant will be given appropriate support such as additional time or a spoken test. Applicants must contact the licensing team prior to booking the Competency & Compliance test if they require additional support.

DVLA Check

1. All applicants will be required to submit a DVLA licence check code in order for a check to be carried out to confirm the current status of the DVLA licence. Any photo card must be current and valid. The Licensing Authority may undertake random checks of licensed driver's DVLA licenses to identify undisclosed offences.

Safeguarding Training

1. All applicants will be required to attend an approved safeguarding training course before a licence is granted. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the Licensing Authority, but full details of the training content and a certificate of attendance will be required.
2. The training must be attended by all licensed drivers every three years (generally as part of licence renewal). Failure to attend the training will result in the driver's licence being suspended until such time as they have attended the training.

Driving Skills Assessment

1. All new applicants must take and pass the appropriate practical driving assessment(s) from the Licensing Authority's approved provider.
2. Existing drivers may also be required to pass a practical driving assessment if there are concerns about their standard of driving, and the licence may be suspended until the assessment is passed.

Driver Lists

1. All new and existing applicants for an operator's licence must provide their current driver records.

Policies

1. All new and existing applicants for an operator's licence must provide the following documentation upon application:
 - a. Ex-Offenders Policy
 - b. Safeguarding Policy
 - c. Customer Services & Complaint Policy
 - d. Training Policy

APPENDIX 3: Fit & Proper

Introduction

When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the Licensing Authority shall take into account the [Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private Hire trades](#) ('the Guidance'). The document applies to all vehicle, driver and operator licence holders and applicants.

The Licensing Authority also has regard to [The DfT Statutory Taxi and Private Hire Vehicle Standards](#) which states:

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

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

In determining the question of whether a person is a fit and proper person the Licensing Authority applies the civil burden (i.e. on the balance of probabilities).

Factors Taken into Consideration

Convictions

The Rehabilitation of Offenders Act 1974 does not apply to Hackney Carriage or Private Hire drivers. As such an enhanced DBS check will reveal all conviction and caution data regardless of whether or not it is spent (filtered convictions and cautions will not be disclosed). The Licensing Authority may have regard to spent convictions in determining whether an applicant is a fit and proper person.

The table below sets out, for various types of offences, how long will need to elapse from the conviction/caution before the person may be considered a fit and proper person:

| Type of Offence | Period Required Before Consideration of an Application |
|---|--|
| Offence resulting in death | Unlikely to ever be considered a fit and proper person |
| Exploitation (including, but not limited to, slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse) | Unlikely to ever be considered a fit and proper person |

| | |
|--|---|
| Violence | At least 10 years from the completion of any sentence imposed |
| Possession of a weapon | At least 7 years from the completion of any sentence imposed |
| Sex and/or indecency | Unlikely to ever be considered a fit and proper person A licence will never be granted to anyone who is currently on the Sex Offenders Register or appears on any 'barred' list |
| Dishonesty | At least 7 years from the completion of any sentence imposed |
| Drugs (supply offences – including possession with intent to supply) | At least 10 years from the completion of any sentence imposed |
| Drugs (possession only offences) | At least 5 years from the completion of any sentence imposed |
| Discrimination | At least 7 years from the completion of any sentence imposed |
| Drink/drug driving (including failure/refusal to provide a sample), hand-held device/telephone offences | At least 7 years from the completion of any sentence imposed |
| Serious motoring offence (i.e. dangerous/careless driving/insurance offences) or a motoring offence which has resulted in injury (but not death) to any person or damage to property | At least 7 years from the completion of any sentence imposed |
| Hackney and Private Hire offences | At least 7 years from the completion of any sentence imposed |
| Vehicle use offences | At least 7 years from the completion of any sentence imposed |

Non-Conviction Information

Enhanced DBS checks may provide the Licensing Authority with non-conviction information. This is information which the relevant Chief Constable deems it appropriate for the Licensing Authority to know. This may include information regarding ongoing investigations or previous investigations that did not result in a conviction.

Where an applicant is subject to an ongoing police investigation they are unlikely to be considered to be a fit and proper person.

Non-conviction information will be assessed on a case-by-case basis.

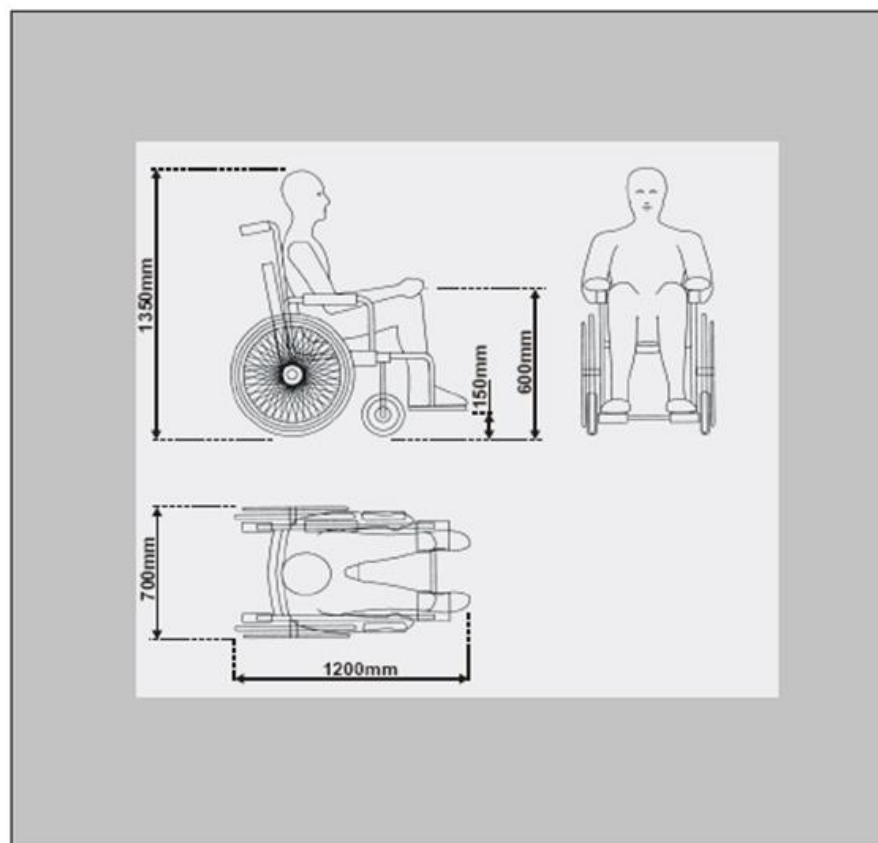
DVLA Checks

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

APPENDIX 4: Hackney Carriage Vehicle Specification

1. General Construction

- a. Every Hackney Carriage licensed by Swindon Borough Council must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 [vehicle safety, noise, silencers and braking systems], the Motor Vehicles (Type Approval) Regulations 1984 [vehicle emissions], the Motor Vehicles (EC Type Approval) Regulations 1998 [vehicle roadworthiness and approval of manufacture] and with any further national or international legislation as may be appropriate. They must also comply with the Road Vehicles (Construction and Use) Regulations 1986. Every Hackney Carriage must comply in all respects with the British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.
- b. The vehicle must not have been written off for insurance purposes.
- c. Every Hackney Carriage must be so constructed as to facilitate the carriage of a wheelchair the minimum dimensions of which are referenced within the below diagram:



- d. For the avoidance of doubt, no vehicle incapable of accommodating a disabled person in a wheelchair in the passenger compartment will be eligible for licensing as a Hackney Carriage. Side loading and rear loading vehicles shall be allowed to be licensed provided they meet the requirements above.
- e. All hackney carriage vehicle licences which pertained to saloon vehicles as at 2 April 2024 may continue to pertain to saloon vehicles. Such vehicles should comply with the balance of the requirements of Appendix 4 save for paragraphs 1(c) and (d), and may not be more than 10 years of age.

2. Tinted Windows

- a. All vehicles must meet the following requirements in relation to light transmission through windows. Tinted glass windows are permissible on a licensed vehicle provided:
 - i. The light transmitted through the front windscreen must be at least 75%;
 - ii. The front side windows must let at least 70% of light through;As the law does not restrict tinting the rear windscreen or rear side windows, therefore rear side windows are permitted to have tints of any level, provided the glass has been manufacturer fitted. The rear side windows are exempt from the light transmission test.
- b. Tinted films or glass applied retrospectively to the vehicle windows are not permitted.

3. Age of Vehicle

- a. Any newly presented vehicle must be under 6 years of age when first presented for licensing.
- b. Wheelchair accessible vehicles present for a renewal of an existing licence may continue to be licensed until such a time that the vehicle is 15 years of age, and provided it meets the other requirements of this specification.

4. MOT & Compliance Testing

All new and existing vehicles licences will undergo yearly a MOT certification and compliance test which is to be undertaken at one of the Licensing Authority's approved garages

5. Insurance

All new and existing vehicle licences will hold (and produce) a valid insurance certificate for carrying of passenger for public hire & reward.

6. Interior Specifications

- a. The vehicle must be capable of carrying no fewer than four passengers and no more than eight.
- b. No seats may be side facing.
- c. Each passenger seat shall be fitted with a seat belt.
- d. Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The Licensing Authority will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
- e. The seat provided for each passenger will have a minimum width of 406mm (16 inches) measured across its narrowest part.
- f. The vehicle will be right hand drive.
- g. The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
- h. The vehicle will have four wheels.

7. Equipment

Every Hackney Carriage will be equipped with the following;

- a. a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type (tyre inflation kits will only be acceptable if they are of the original manufacturer fit and unused);
- b. A jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle;

- c. A warning triangle;
- d. A fire extinguisher;
- e. A working torch;
- f. A first aid kit that is within the expiry date shown on the packaging;
- g. A high visibility jacket or waistcoat.

8. Vehicle Emissions

Vehicles must meet Euro 6 or better vehicle emission standards.

9. Smoke Free

Vehicles will have a non-smoking sign displayed in a prominent position.

10. Advertisement

Advertisements are permitted on the exterior of purpose built Hackney Carriage Vehicles only (this does DOES NOT include a saloon car or multi-purpose vehicle) and any advertising must be subject to the approval of the Licensing Authority.

The council reserves the right to refuse any advertising on any purpose-built Hackney Carriage Vehicle.

11. Condition of Vehicle

- a. Vehicles must be presented with the interior and exterior clean and be free from dents, rust or un-repaired accident damage and shall have uniform paintwork equivalent to that applied by the manufacturer.
- b. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification.
- c. All handles and internal trim must be present, safely attached and in working order.

12. Meters & Roof Signs

- a. There shall be affixed to the roof of the Hackney Carriage an illuminated 'TAXI' sign approved by the Licensing Authority.

- b. The Hackney Carriage shall have fitted to it a meter capable of complying with conditions set by the Licensing Authority.

13. Accessibility Specification

- a. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
- b. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
- c. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

14. Accessibility Equipment & Anchorage

- a. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:
 - i. Ramps:
 - 1. Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250kg and certified to the relevant British Standards.
 - ii. Wheelchair lift:
 - 1. A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.

2. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level to allow smooth entry/exit of the wheelchair.

- b. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
- c. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
- d. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).

15. Lighting

- a. Adequate lighting must be provided for the driver and passengers.
- b. Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted, marked and in such a position that is clearly visible to the passengers and is not easily confused with any other control.
- c. Sliding doors, if fitted, shall also have displayed an illuminated sign, clearly visible by day and by night, mounted on the rear of the vehicle in such a position so as to be readily seen by following traffic, but so as not to obscure the driver's vision, indicating that the passenger doors are opening. The sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated and a warning device is activated in the driver's compartment.

16. Fare Table

A current fare table must be affixed in the passenger compartment so it can be easily read by all passengers.

17. Luggage

Suitable dedicated provision for the secure carriage of luggage must be made, separated from the passenger compartment and proportionate in size to the number of passengers carried.

18. Floor Covering

The flooring of the passenger compartment must be covered with a slip retardant material, which can be easily cleaned. The floor covering must not impede the movement of wheelchairs and the colour must contrast with the colour of the seats.

19. MOT & Compliance Testing

All new and existing vehicles licences will undergo yearly a MOT certification and compliance test which is to be undertaken at one of the Licensing Authority's approved garages.

20. Proof of Ownership

The applicant must provide their ownership of the vehicle.

21. Categorisation

The council will not license vehicles that have been classified as Category 'A' (whole vehicle to be crushed), 'B' (body shell to be crushed) or 'S' write offs (structural damage). This is to ensure all vehicles are of a high quality and meet the original, statutory safety standards.

APPENDIX 5: Private Hire Vehicle Specification

1. Tinted Windows

- a. All vehicles must meet the following requirements in relation to light transmission through windows. Tinted glass windows are permissible on a licensed vehicle provided:
 - i. The light transmitted through the front windscreen must be at least 75%;
 - ii. The front side windows must let at least 70% of light through;As the law does not restrict tinting the rear windscreen or rear side windows, therefore rear side windows are permitted to have tints of any level, provided the glass has been manufacturer fitted. The rear side windows are exempt from the light transmission test.
- b. Tinted films or glass applied retrospectively to the vehicle windows are not permitted.

2. Age of Vehicle

- a. Any newly presented vehicle must be under 6 years of age when first presented for licensing.
- b. A vehicle presented for a renewal of an existing licence may continue to be licensed until such time that the vehicle is 10 years of age (and provided it meets the other requirements of this specification).
- c. Wheelchair accessible vehicles present for a renewal of an existing licence may continue to be licensed until such a time that the vehicle is 15 years of age, and provided it meets the other requirements of this specification.

3. MOT & Compliance Testing

All new and existing vehicles licences will undergo yearly a MOT certification and compliance test which is to be undertaken at one of the Licensing Authority's approved garages.

4. Insurance

All new and existing vehicle licences must hold (and produce) a valid insurance certificate for carrying of passenger for private hire & reward.

5. Interior Specifications

- a. The vehicle must be capable of carrying no fewer than four passengers and no more than eight.
- b. No seats may be side facing.
- c. Each passenger seat shall be fitted with a seat belt.
- d. Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The Licensing Authority will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
- e. The seat provided for each passenger will have a minimum width of 406mm (16 inches) measured across its narrowest part.
- f. The vehicle will be right hand drive.
- g. The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
- h. The vehicle will have four wheels.

6. Equipment

Every vehicle will be equipped with the following;

- a. a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type (tyre inflation kits will only be acceptable if they are of the original manufacturer fit and unused);
- b. A jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle;
- c. A warning triangle;
- d. A fire extinguisher;
- e. A working torch;
- f. A first aid kit that is within the expiry date shown on the packaging;
- g. A high visibility jacket or waistcoat.

7. Vehicle Emissions

Vehicles must meet Euro 6 or better vehicle emission standards.

8. Smoke Free

Vehicles will have a non-smoking sign displayed in a prominent position.

9. Advertisement

No new vehicles will have advertisement.

10. Condition of Vehicle

- a. Vehicles must be presented with the interior and exterior clean and be free from dents, rust or un-repaired accident damage and shall have uniform paintwork equivalent to that applied by the manufacturer.
- b. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification.
- c. All handles and internal trim must be present, safely attached and in working order.

11. Meters

- a. A Private Hire vehicle may be fitted with a taximeter. All taximeters must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304) or UKCA (UK Conformity Assessed) marked. The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. All meters must be sealed with a tamper evident seal. The taximeter shall be set at the tariff displayed in the vehicle which must be visible to passengers.
- b. The taximeter must:
 - i. Be of the clock calendar type and change according to the wording of the displayed fare tariff;
 - ii. show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures;
 - iii. Be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

12. Accessibility Specification

- a. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
- b. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
- c. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

13. Accessibility Equipment & Anchorage

- a. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:
 - i. Ramps:
 - 1. Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250kg and certified to the relevant British Standards.
 - ii. Wheelchair lift:
 - 1. A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.
 - 2. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level to allow smooth entry/exit of the wheelchair.

- b. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
- c. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
- d. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).

14. Lighting

- a. Adequate lighting must be provided for the driver and passengers.
- b. Sliding doors, if fitted, shall also have displayed an illuminated sign, clearly visible by day and by night, mounted on the rear of the vehicle in such a position so as to be readily seen by following traffic, but so as not to obscure the driver's vision, indicating that the passenger doors are opening. The sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated and a warning device is activated in the driver's compartment.

15. Luggage

Suitable dedicated provision for the secure carriage of luggage must be made, separated from the passenger compartment and proportionate in size to the number of passengers carried.

16. Floor Covering

The flooring of the passenger compartment must be covered with a slip retardant material, which can be easily cleaned. The floor covering must not impede the movement of wheelchairs and the colour must contrast with the colour of the seats.

17. Proof of Ownership

The applicant must provide their ownership of the vehicle.

22. Categorisation

The council will not license vehicles that have been classified as Category 'A' (whole vehicle to be crushed), 'B' (body shell to be crushed) or 'S' write offs (structural damage). This is to ensure all vehicles are of a high quality and meet the original, statutory safety standards.

APPENDIX 6: Hackney Carriage Vehicle Conditions

- 1) The holder of every Hackney Carriage licence (the Proprietor) shall comply with the provisions relating to Hackney Carriages contained in the Town Police Clauses Act 1847, the Swindon corporation Act 1904, the byelaws relating to stands or such conditions as the Licensing Authority may consider for the time being reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1976, those conditions are as follows:

2) Vehicle Use

- a) Licensed Hackney vehicles can only be used by persons whom are in possession of a current Hackney Carriage Driver Licence, this includes personal use of the vehicle
- b) No vehicle shall be used in the Borough as a Hackney Carriage unless licensed by the Licensing Authority
- c) If the holder is also the driver, when the vehicle is standing or plying for hire he/she shall not by calling out or otherwise importune any person to hire such carriage to the annoyance of such person or of any other person and shall at such times wear the badge provided.

3) Licence Plate

- a) The external licence plate supplied by the Licensing Authority shall be securely fixed at all times to the outside rear and front of the vehicle either by direct fixing, e.g. screw, bolt or rivet. Or on a secure bracket. No temporary fixing such as magnets, double-sided tape, cable ties or Velcro® are allowed.
- b) The licence plate remains the property of the Licensing Authority at all times. If required to do so at any time, the licence holder must return the plate to the Licensing Authority within seven days.

4) Insurance / Other Documentation

- a) When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid compliance and MOT certificate. Only original documents are acceptable.

- b) At any point during the licence the proprietor must obtain any further MOT or compliance certificates as required by the of the Licensing Authority

5) Vehicle Specification

- a) The vehicle must continue to comply with the relevant specification in force as at the grant of the licence.

6) Smoke Free Vehicles

- a) No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment is prohibited by drivers and passengers. At least one legible no-smoking sign must be displayed in the vehicle.

7) Lost Property

- a) The proprietor or driver of a Hackney Carriage must report any lost property found in the vehicle to Wiltshire Police in accordance with their current procedures, if they are unable to contact the passenger directly.

8) Reporting to the Licensing Authority

- a) Licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving to the Licensing Authority within 24 hours.
- b) Licence holders are required to inform the Licensing Authority in writing within 24 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
- c) Licence holders must notify the Licensing Authority in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
- d) Licence holders must notify the Licensing Authority in writing of any change of ownership during the period of the licence within fourteen days of the change taking place.
- e) Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days.

9) Taxi Signs, Livery & Advertisement

- a) Hackney Carriages must display a roof sign
- b) Hackney Carriages must display the complaints information card provided by the Licensing Authority inside the vehicle so that it may be clearly read by passengers.
- c) Advertisements are permitted on the interior of purpose-built Hackney Carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. No advertisement may be placed on the dividing glass partition other than notices approved by the Licensing Authority. Advertisements are not permitted on the interior of non-purpose-built Hackney Carriage vehicles.
- d) Advertisements are permitted on the exterior of Hackney Carriages, including a full livery and/or vehicle 'body-wrap', subject to approval
- e) Proprietors are also permitted to display the following on the vehicle:
 - i) any other material supplied by government or a government organisation or corporation with the permission of the Licensing Authority.

10) Tariff Card

- a) The tariff card must be fixed in such a position that it is visible to all passengers within the vehicle at all times. The tariff shall reflect the tariff in use by the vehicle.

11) Electronic Payment

- a) All Hackney Carriage vehicles must have an electronic payment facility to accept debit/credit card and contactless payments, with receipt being available on demand.
- b) The electronic payment device must be kept in the vehicle and be fully operational and available for immediate use at all times whilst the vehicle is

being used for public hire or hire and reward. This requirement includes when standing or playing for hire.

- c) All Hackney Carriages must display signage that is prominently on view to prospective passengers that states contactless card payments are accepted.
- d) No additional costs as a result of card payments may be passed onto the passenger.

12) Pre-booked Journeys

- a) Hackney Carriage proprietors must keep records of any pre-booked work in a suitable book or on a computer or any other recordable device. If using a book, the pages must be numbered consecutively and the proprietor shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
 - i) time and date of the booking
 - ii) name of the hirer
 - iii) fare quoted
 - iv) how the booking was made (e.g. app, telephone, email, in person) and the time
 - v) time of the proposed pick up
 - vi) point of pick up and drop off
 - vii) notes about any sub-contracting of the booking.
- b) These records must be kept by the proprietor securely, in accordance with data protection legislation, for a minimum of 12 months following the date of the booking.
- c) Proprietors will be required to give access to their records and adequate instruction to licensing officers upon request so that the licensing officers can interrogate the records to carry out their enforcement duties and to ensure the Hackney Carriage is operating compliantly

13) 'Plying for Hire'

- a) At all times when the Hackney Carriage is plying for hire or hired there shall be affixed to the roof of the Hackney Carriage an illuminated 'TAXI' sign approved by the Licensing Authority. During daylight hours a 'day glow' 'for hire' sign should be used when plying for hire, and at the night illuminated 'for hire' sign.
- b) At all times when the Hackney Carriage is plying for hire or is hired, a current statement of the fares which may lawfully be charged shall be visible and legible to any other person being carried in the Hackney Carriage and no other signs, advertising material or printed matter shall be displayed in the interior of the Hackney Carriage including the windows without the approval of the Licensing Authority or unless required by these conditions. The plate provided for internal display of the licence number shall be fixed in a prominent position.
- c) At all times when the Hackney Carriage is plying for hire or is hired it shall be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
 - i) If the taxi meter is fitted with a flag or other device bearing the words 'FOR HIRE':
 - ii) The words 'FOR HIRE' shall be exhibited on side of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - iii) When the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
 - iv) When the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taxi meter;
 - v) If the taxi meter is not fitted with a flag or other device bearing the words 'FOR HIRE':

- d) The taximeter shall be fitted with a key or other device for turning to bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
- e) The key or device shall be capable of being locked in such position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter
- f) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in figures clearly legible and free from ambiguity, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and/or time;
- g) The word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded on it.
- h) The taximeter shall be so placed that all letters and figures on the face of it shall be plainly visible to any person conveyed in the carriage at all times. The letters and figures shall be capable of being suitably illuminated during any period of hiring.
- i) The taximeter and all fittings thereof shall be so affixed to the Hackney Carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except breaking, damaging or permanently displacing the seals or other appliances.
- j) All taximeters shall be submitted for checking over a measured distance within 10 days of any increase in fare tariff or whenever there is a change of vehicle to be licensed, and at any other time that the licensing officer considers necessary.
- k) At all times when the Hackney Carriage is plying for hire or hired, if provided with a taximeter not fitted with a flag or other device bearing the words 'FOR HIRE', it shall be provided with a sign so constructed as to comply with the following requirements, that is to say;
- l) The sign shall bear the words 'FOR HIRE' in plain letters at least one and a half inches in height;

- m) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the Hackney Carriage whether or not the carriage is for hire.

APPENDIX 7: Private Hire Driver Conditions

- 1) Drivers are required to be familiar with all parts of the Licensing Authority's policy and comply with the requirements of the policy and the conditions that form a part of their licence. Any driver who contravenes policy or any of these conditions may be deemed not fit and proper to hold a licence.
- 2) Drivers shall wear their driver's licence badge in a clearly visible position at all times when in control of a licensed vehicle.
- 3) Whilst in control of a licensed vehicle, a driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the vehicle proprietor, the licensed operator, the vehicle plate number and registration number.
- 4) All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving to the Licensing Authority within 24 hours.
- 5) All licence holders are required to inform the Licensing Authority in writing within 24 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
- 6) All licence holders must notify the Licensing Authority in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
- 7) Drivers must notify the Licensing Authority in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
- 8) Drivers must notify the Licensing Authority in writing within seven days of any change in their medical condition that may affect their driving capabilities or that has required them to speak to their GP or another medical practitioner. A new medical may be requested by the Licensing Authority to determine if the driver is fit to continue to drive licensed vehicles.
- 9) Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA

check they must provide all relevant documentation for this to the Licensing Authority within 14 days of the request.

- 10) Drivers shall behave in a civil and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or leaving the vehicle.
- 11) Drivers must not drink or eat whilst driving, nor shall they use any hand-held mobile phone or other hand held device, or any other device which may cause their attention to be distracted.
- 12) Drivers must not smoke or use electronic cigarettes/vaping equipment whilst in control of a licensed vehicle.
- 13) Drivers shall ensure their appearance is smart, clean and professional when working.
- 14) Drivers must not initiate or take part in any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of communication. Drivers are not permitted to have sexual contact, even with consent, with a passenger whilst working or in a licensed vehicle.
- 15) Drivers shall convey a reasonable quantity of luggage for passengers and offer reasonable assistance in loading and unloading.
- 16) Drivers shall ensure that they comply with all traffic signs, signals and regulations and the Highway Code at all times. Drivers must not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers and must not park in breach of any parking restrictions.
- 17) To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
 - a) not sound the vehicle's horn
 - b) keep the volume of audio and communications equipment to a reasonable level
 - c) take all reasonable actions to avoid disturbance to persons in the vicinity
- 18) Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or waiting on a rank.
- 19) Drivers shall carry an assistance dog accompanying a disabled person without any additional charge, unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons. Any drivers with an exemption must display the exemption notice in line with the guidance issued with the notice.

20) Drivers shall carry a wheelchair using person and their wheelchair and provide reasonable assistance without any additional charge, unless the driver has a medical exemption certificate that allows him/her not to carry or assist wheelchair users for medical reasons. Any drivers with an exemption must display the exemption notice in line with the guidance issued with their notice.

21) No Private Hire Vehicle shall occupy a taxi rank

APPENDIX 8: Private Hire Vehicle Conditions

1) Vehicle Use

- a) Licensed Private Hire vehicles can only be used by persons that are in possession of a current Private Hire Driver Licence, this includes personal use of the vehicle.

No vehicle shall be used in the Borough as a Private Hire unless licensed by the Licensing Authority.

2) Licence Plate

- a) The external licence plate supplied by the Licensing Authority shall be securely fixed at all times to the outside rear and front of the vehicle either by direct fixing, e.g. screw, bolt or rivet. Or on a secure bracket. No temporary fixing such as magnets, double-sided tape, cable ties or Velcro® are allowed.
- b) The licence plate remains the property of the Licensing Authority at all times. If required to do so at any time, the licence holder must return the plate to the Licensing Authority within seven days.

3) Insurance / Other Documentation

- a) When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid compliance and MOT certificate. Only original documents are acceptable.
- b) At any point during the licence the proprietor must obtain any further MOT or compliance certificates as required by the of the Licensing Authority

4) Vehicle Specification

- a) The vehicle must continue to comply with the relevant specification in force as at the grant of the licence.

5) Smoke Free Vehicles

- a) No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment is

prohibited by drivers and passengers. At least one legible no-smoking sign must be displayed in the vehicle.

6) Lost Property

- a) The proprietor or driver of a Private Hire must report any lost property found in the vehicle to their Operator or Wiltshire Police in accordance with their current procedures, if they are unable to contact the passenger directly.

7) Reporting to the Licensing Authority

- a) Licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving to the Licensing Authority within 24 hours.
- b) Licence holders are required to inform the Licensing Authority in writing within 24 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
- c) Licence holders must notify the Licensing Authority in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
- d) Licence holders must notify the Licensing Authority in writing of any change of ownership during the period of the licence within fourteen days of the change taking place.
- e) Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days.

8) Livery & Advertisement

- a) Only one set of operator door signs will be fixed onto the vehicle at any one time
- b) Private Hire vehicles are not permitted to display the words 'Taxi' or 'Cab' which may indicate the vehicle is a Hackney Carriage and they must not display a roof sign.

- c) Proprietors are also permitted to display the following on the vehicle:
 - i) any other material supplied by government or a government organisation or corporation with the permission of the Licensing Authority.

9) 'Plying for Hire'

- a) Private Hire vehicles cannot stand for hire or be booked without a booking through a Licenced Operator.
- b) Private Hire vehicles cannot use Taxi ranks in any circumstance.

10) Plate Exempt

- a) If the vehicle is considered plate exempt the internal card must be prominently displayed within the vehicle and the Licensing Authority issued plate shall be placed visibly within the vehicles boot.

APPENDIX 9: Private Hire Operator Conditions

1) Records

- a) The records required to be kept by the Operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept electronically or in some other form to be approved by the Licensing Authority and the Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by him/her
 - i) The time and date of booking
 - ii) The name and address of the hirer/passenger
 - iii) Fare quoted
 - iv) How the booking was made
 - v) GPS tracking if available
 - vi) The date and time of the journeys start
 - vii) The point of pick up
 - viii) The destination
 - ix) Name and Licence number of driver
 - x) Vehicle used in booking, registration mark and plate number
 - xi) If the journey was sub – contracted
 - xii) If booked by phone, the call handler associated with the booking
 - xiii) Additional requirements (including assistance dogs & wheelchairs)
- b) The Operator is required to store the details of their drivers and vehicles with the following information to be provided;
 - i) Private Hire & Hackney Carriage Driver records
 - (1) Name
 - (2) Date of Birth
 - (3) Driving Licence details
 - (4) Address
 - (5) Contact Details
 - (6) Operator Call sign
 - (7) Private Hire or Hackney Carriage Driver Licence numbers
 - ii) Private Hire & Hackney Carriage Vehicle Records
 - (1) Private Hire or Hackney Carriage vehicle Licence Number
 - (2) Make
 - (3) Model
 - (4) Vehicle Registration

(5) Wheelchair accessibility

- c) Operators must keep records of all jobs that are subcontracted this information includes;
 - i) Company who it was subcontracted to
 - ii) Contact details
- d) Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings.
- e) All records kept by the Operator shall be kept for a minimum of 12 months following the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the Operator (for vehicle and driver records) and shall be made available upon request to an authorised officer of the Licensing Authority, police officer or any other relevant enforcement agency.

2) Reporting to the Licensing Authority

- a) Licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving to the Licensing Authority within 24 hours.
- b) Licence holders are required to inform the Licensing Authority in writing within 24 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
- c) Licence holders must notify the Licensing Authority in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
- d) Where the Private Hire Operator is trading as a limited company or partnership, the company must advise the licensing authority within seven days of any change in directors or partners throughout the period of the licence.

3) Standard of Service

- a) The Operator shall as far as reasonably practical provide a prompt, efficient and reliable service and shall do everything necessary to ensure that all vehicles booked by the Operator attend punctually at the time, at the place agreed with the Passenger and that the needs of the passenger are met.

4) Advertising, Name of Business Etc.

- a) The Operator shall not exhibit or permit the exhibition of advertising material, any sign, or distinguishing mark, upon any vehicle operated (other than the licence plate identifying the vehicle) without first obtaining the Licensing Authority 's consent.
- b) The Operator shall not include in any advertisement (including but not limited to, Website, Social Media Marketing, Print Marketing Etc.) the words "taxi", "Hailing", "cab", "hackney" or "carriage" whether in the singular, plural or combination of words.
- c) The Operator shall only use trading or company name(s) that are included on the Operator licence, or other trading name(s) approved by the Licensing Authority in writing.

5) Complaints from the public

- a) An Operator is required to settle any complaint from a member of the public quickly and satisfactorily. Any unresolved complaint must be reported to the Licensing Officer within 2 days of an unresolved decision being made.
- b) Operators are required to report any complaints regarding a driver's behaviour, driving standards or the condition of the vehicle to the Licensing Authority within 72 hours of receipt of the complaint. This does not remove responsibility from the operator to conduct a proper investigation of the complaint.

6) Operator Staff

- a) Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the Operator and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave the firm, and this must be provided on request to any authorised officer. The staff member

must be required as part of their contract to advise the Operator of any cautions or convictions while they are employed in this role.

7) Operator Policies

a) Operators must have the following policies in place;

- i) Ex-Offenders Policy
- ii) Safeguarding Policy
- iii) Customer Services & Complaint Policy
- iv) Training Policy – this shall include
 - (1) Training in respect of the Operators Complaints Policy for all drivers, vehicle proprietors, booking handlers, individuals dispatching vehicles, individuals, handling information regarding bookings and the Safeguarding Lead;
 - (2) Training in respect of the Operators Safeguarding Policy for all drivers, vehicle proprietors, individuals taking bookings, handling information regarding bookings and the Safeguarding Lead;
 - (3) Safeguarding and vulnerable adults training for individuals taking bookings, handling information regarding bookings and the Safeguarding Lead;
 - (4) Equalities training including accessibility, assistance dog requirements, mobility assistance and how to be Dementia Friendly to individuals taking bookings, handling information regarding bookings and the Safeguarding Lead
 - (5) Data protection/GDPR training to all drivers, vehicle proprietors, individuals taking bookings, handling information regarding bookings and the Safeguarding Lead.
 - (6) Evidence of training detailed in the policy shall be made available to an Authorised Officer when requested, and provided on application, including renewals.

- b) These policies shall be provided on application and any policy changes will be forwarded to the Licensing Authority at least 7 working days prior to taking effect.

8) Number of Vehicles

- a) The Operator cannot operate with more vehicles than the number stated on their Operator licence as issued by the Licensing Authority.
- b) If during the term of the licence the Operator wishes to increase the number of vehicles they are licensed to operate, they may apply to the Licensing

Authority to do so. The Licensing Authority will impose a charge based upon the number of new vehicles and the time remaining on the licence. Until such time the revised licence has been granted the Operator may only continue to Operator the number of vehicles as per their current issued licence

9) Private Hire Driver Licence (Green Form)

- a) Operators must retain the original version of Private Hire drivers licences (Green Form) for those persons employed as drivers and ensure that the vehicle is only driven by a licensed driver;
 - i) Ensure that every vehicle operated in respect of which a Private Hire Vehicle Licence has been granted by the Licensing Authority, exhibits the licence plate identifying that vehicle on the rear offside of the vehicle in such a position as to be at all times clearly visible from the rear.
 - ii) In the event of such Private Hire Licence(s) being suspended or revoked by the Licensing Authority the said licence(s) shall be returned to the Licensing Authority.
- b) The Operator shall inform the Licensing Authority of any drivers which are removed from the Operator's registers.
- c) Any changes to driver numbers must be reported to the Licensing Authority within 7 days of the change

APPENDIX 10: Penalty Point Scheme

Penalty Point Scheme for Hackney Carriage & Private Hire Vehicle Driver Licence Holders

Introduction

The aim of the penalty point scheme is proposed to work in conjunction with other enforcement options for the authority. It provides a formalised and stepped enforcement plan in respect of behaviour and conduct. The purpose of the scheme is to record complaints and matters of concern from misdemeanours to more serious issues, and to act as a record of driver's behaviour and conduct to ascertain whether they are a safe and suitable person to hold a licence. This scheme does not prejudice the Licensing Authority's ability to take other actions such as prosecutions for a single breach contravening any local policy, licence conditions or legislation, nor to take a driver before a sub – committee for an issue of particular concern and seriousness.

The main features of the scheme are as follows:

- points may be issued to licence holders (or applicants) in respect of complaints, issues of concern, for breaches of licensing conditions or legislation
- a total of 12 points issued to an individual licence holder in any 12-month rolling period will result in an enforcement review.
- The Licensing Authority reserves the right to have regard to points given for a period of up to 3 years from the date of complaint where concerns arise regarding the total number of points given to an individual and/ or the frequency of issues arising and/ or patterns in relation to issues arising in that period. Where such concerns arise at any point during that period, an enforcement review may be conducted.; and
- licence holders have a written right of appeal to the service manager within seven days of points being issued and the decision of the service manager in respect of any appeal is final.

In conducting an enforcement review of a licence where the holder reaches 12 points within any 12 month period, the Licensing Authority will take account of all of the pertinent facts, and of any representation made by the driver, Operator or proprietor before considering what action, if any, would be appropriate and proportionate to take. Each case will be considered on its own merits. The decision maker may have regard to any previous warnings or panel referrals in reaching a decision, including those involving other licensing authorities. The options available to the decision maker, depending upon the severity of the breaches and any previous record of misconduct, will typically be:

- Take no action
- Issue a warning
- Refer the matter to the licensing sub-committee
- Suspend the licence
- Revoke the licence

Any licence holder subject to suspension or revocation has a right to appeal to the Magistrates' Court within 21 days of the decision. Unless a specific decision is stated as given with immediate effect, suspensions and revocations will not be implemented until the 21-day appeal period has elapsed. However, any driver suspensions or revocations made on the basis of an immediate risk to public safety will take immediate effect.

The list of breaches covered by the scheme along with the points issued for each breach is shown in the table below:

Anything not included on this list to be considered at officer discretion

| No | Breach | Points |
|----|--|--------|
| 1 | Unlicensed vehicle (including use of a suspended vehicle) | 12 |
| 2 | Unlicensed driver (including use of a suspended driver) | 12 |
| 3 | Using vehicle with no valid insurance or compliance certificate | 12 |
| 4 | Failure to carry an assistance dog | 12 |
| 5 | Failure to carry or to provide reasonable assistance to disabled persons | 12 |
| 6 | Private Hire driver plying for hire | 12 |
| 7 | Hackney Carriage plying for hire outside the relevant council area | 12 |
| 8 | Abusive or improper behaviour | 3 -12 |
| 9 | Obstruction or failure to comply with requirement of authorised officer or constable | 3-12 |
| 10 | Failure by driver or Operator to keep records of bookings or vehicles | 6 |
| 11 | Private Hire vehicle parked on a rank | 6 |
| 12 | Use of hand held phone whilst in control of a vehicle | 6 |
| 13 | Driver smoking in the vehicle | 6 |
| 14 | Hackney Carriage parked in a rank outside of licensing district | 6 |
| 15 | Display of roof sign on a private Hire vehicle | 6 |
| 16 | Making false statement or withholding information in connection with an application | 6 - 12 |
| 17 | Charging more than metered/agreed fare, use incorrect tariff or tampering with the meter | 6 |
| 18 | Poor driving standards | 6 -12 |
| 19 | Failure to produce licenses or documentation on request | 6 |
| 20 | Failure to notify any matter required by licence condition within prescribed time limit | 6 |
| 21 | Touting | 6 |
| 22 | Hackney Carriage driver refusing fare from rank without good reason | 6 - 12 |
| 23 | Leaving a Hackney Carriage unattended on a designated rank causing a blockage | 3 |
| 24 | Carrying person other than hirer without consent or carrying excessive passengers | 6 |
| 25 | Failing to comply with vehicle licence conditions | 6 - 12 |
| 26 | Failing to comply with driver licence conditions | 6 - 12 |
| 27 | Failing to comply with operator licence conditions | 6 - 12 |

| | | |
|----|---|--------|
| 28 | Hackney Carriage not displaying prescribed roof sign, roof sign not connected or not functioning properly | 3 -6 |
| 29 | Unnecessarily prolonging a journey | 6 |
| 30 | Failure to wear driver licence badge so it is clearly visible | 4 |
| 31 | Failing to display tariff card in vehicle with a meter | 3 |
| 32 | Parking in contravention of parking restrictions or Highway Code | 3 |
| 33 | Failure to comply with traffic sign or signal or similar traffic offence | 3 - 12 |
| 34 | Misuse of vehicle horn | 3 |

Note –

The date of complaint is the date that the matter of concern was considered to have taken place. The 12 month period and 3 years period referenced above will run from the date of complaint in most circumstances, unless otherwise specified in the penalty points notice.

The date of issue is the date of the penalty points notice being given by the Licensing Authority.

The penalty points notice will be given to the individual concerned in any complaint and will provide details of the concern arising, along with stating how an aggrieved person may challenge that decision.

Drivers that have been formally penalised by DVLA following breaches of their DVLA driving licence would usually not receive any additional points in line with this policy.

Additionally, Officers hold the ability to issue more or less points than the guidance provided in the above table following approval from the Licensing Manager. This may be appropriate due to mitigating circumstances or particular concerns in an individual case. An attached process flow chart detailing this can be found below.

APPENDIX 11: Disability Awareness

Taxis are an important, and sometimes the only, means of transportation for many people with disabilities. It may be that you drive a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Under the Equality Act 2010, you're disabled if you have a physical or mental impairment that has a substantial and long-term negative affect on your ability to do normal daily activities. Disability comes in many forms - not always visible.

You should never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask how you can assist.

Communicating with passengers

- Speak directly to the person and not their helper or carer
- Treat people with respect and do not speak about them as if they are not there
- Be aware of personal space and physical contact

Please follow any additional information, advice or instructions that you are given by a parent, carer or establishment. For example, a carer might inform you that a child or vulnerable adult had a very difficult evening and might be quite unsettled. Don't let anyone persuade you to drop them off at an unplanned venue - someone with dementia could get lost or get into difficulties and they might no longer be safe. You may be advised not to talk with some passengers because they are too unwell to understand clearly.

Wheelchair users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Always ask the customer to make sure that the brakes of the wheelchair are on.
- Secure the wheelchair and suggest that the passenger uses the seat belt provided.
- Avoid sudden braking or acceleration.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are

collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Passengers with walking difficulties

If the passenger appears to have walking difficulties, or is frail or elderly, always offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.

Some other tips:

- Let people use their walking aids if they have one
- Don't hurry people as they may get flustered
- Be aware of floor surfaces/hazards they will be walking on
- If a passenger falls, do NOT try to catch them

Visually impaired passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the "TAXI" sign which may be held out by some visually impaired people in order to hail a cab
- If you are knowingly collecting a visually impaired passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and sound your horn
- If your customer would like to be accompanied to or from a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily)
- Tell your passenger whether they are entering a saloon car or purpose-built cab
- Demonstrate which way the doors open where appropriate
- If possible, place a visually impaired person's hand on the open door and indicate the position of the roof
- Make sure the passenger(s) know which way the vehicle is facing
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion
- Tell passenger(s) the fare and count out the change
- Set the passenger(s) down in a safe place and ensure they know where they are going

Hearing impaired passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going

Assistance dogs

Assistance dogs can be for:

- Sight loss
- Hearing loss
- Therapy dogs
- Specially trained seizure or stroke awareness dogs

Assistance dogs are trained to remain on the floor of a vehicle. Refusal to carry an assistance dog without a medical exemption is an offence under the Equality Act 2010

Passengers with learning disabilities

A learning disability is NOT the same as a learning difficulty or mental illness. Some people with a learning disability can talk clearly and look after themselves whilst others may not be able to communicate at all.

There are different ways of communicating with passengers who have learning disabilities:

- Communication systems e.g. Makaton
- Easy read symbols e.g. emojis
- Be patient
- Use plain speech but do not use baby talk
- Say what you mean and mean what you say to avoid confusion
- Speak with feeling
- Body language is also important when communicating with passengers

Autism

People with autism have different ways of understanding the world. Some people with autism find it difficult to understand what we mean when we are talking, and some are confused by rules and boundaries. Each person with autism is different with their own preferences and needs and they can behave in unexpected ways. They may feel very anxious moving from one place to another and when very upset they may not be able to hear what is being said.

Common examples of behaviours associated with autism:

- Avoiding social interaction
- Avoiding eye contact
- Taking people's speech literally
- Being unable to understand sarcasm
- Liking familiar routine

Epilepsy

People with epilepsy can have seizures. It is important that you have read any information supplied and know what to do. If a passenger has a seizure you need to note how long this lasts and pass this message on to the relevant people.

Mental health and physical disabilities

You may also transport vulnerable adults who have a mental health condition such as dementia or anxiety or someone with physical problems such as hearing or sight loss. You will be advised on the best way to meet the passenger's needs by their family or care professional.

Dementia

One suggestion is for you to have a checklist when you are picking up or dropping off someone who is forgetful, so you can be sure they have important items such as their bag, keys, glasses, purse/wallet, any medication, etc.

Vehicle maintenance and seatbelts

Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

Best practice is for the driver to wear their seatbelt as this sets a good example for their passengers. Also make sure all your passengers are wearing a seatbelt.

APPENDIX 12: Safeguarding Vulnerable Adults & Children

We recognise that all licensed drivers who transport children, young people and vulnerable adults play a very important role in safeguarding, and this is why mandatory training is provided. **The key message is that safeguarding is everyone's responsibility.**

All new applicants will be required to attend a safeguarding awareness course provided by the Council's training provider. All drivers will be required to attend the safeguarding course upon licence renewal.

The following is for continued awareness. Please read these questions and answers to help you understand more about who we are trying to protect:

Q. What do we mean by children?

A. Under the law 'child' means anyone under the age of 18.

Q. What do we mean by 'vulnerable young people and adults'?

A. Vulnerable young people or adults are those who have needs because of their mental health, disability, age, illness or other reasons that may mean they are unable to take care of him/herself or unable to protect him/herself against significant harm or serious exploitation. Some people may be more likely to be abused by others because they need help to speak, move or understand or they may have mental health problems; this makes them vulnerable.

Q. Perhaps you are already transporting vulnerable passengers; how would you know this?

A. They may find it hard to understand, behave in unexpected ways or have difficulty finding their way; all of which can make them vulnerable to others treating them badly. Other passengers may suffer from dementia, so they can't remember things.

Q. Who would you report to if you were a concerned about a passenger you transport?

- A.
- Speak to your manager or operator
 - Contact Multi Agency Safeguarding Hub (MASH)
 - Speak to the Swindon Borough Council's Local Authority Designated Officer (LADO)

Contact details are provided at the end of this section

Abuse

- An abuser can come from any background
- Women can commit abuse (including sexual abuse) and so can other children

- Anyone can be abused; both children or adults
- Over 80% people that are abused are abused by someone they know
- Children with disabilities are 3 times more likely to be abused
- Adults with disabilities are 1.5 times more likely to be abused

Q. What is abuse?

A. There are many types of abuse:

- Physical abuse
- Sexual abuse
- Neglect
- Self-neglect
- Emotional abuse
- Psychological abuse
- Modern slavery
- Domestic abuse
- Financial abuse
- Discriminatory abuse

Q. What do you think are examples of physical abuse?

A. Hitting, shaking, throwing, poisoning, burning, drowning, suffocating.

Q. What do you think are examples of emotional abuse?

A. Telling someone they are worthless, unloved, inadequate, not valued for themselves, not worth listening to, deserve to be laughed at. Calling people names, prejudice and bullying.

Q. What do you think are examples of sexual abuse?

A. Encouraging a child or vulnerable adult to take part in or watch sexual activities. This includes any unwanted physical contact whether inside or outside of clothing.

Neglect

Q. What is neglect?

A. Failure to meet a child or vulnerable adult's needs, such as:

- not providing food, clothing, medical treatment and shelter
- not protecting them from harm from others
- not responding to emotional needs

Q. What do you think are examples of self-neglect?

A.

- Poor personal hygiene

- Malnutrition/ weight loss
- Unsuitable clothing
- Unsafe living condition

There are other ways people you transport could suffer abuse:

- **Forced marriage** – where someone is forced to marry against their will. They can happen in secret and can also be planned by parents, family or religious leaders. (This is illegal, unlike arranged marriage which is legal).
- **Domestic abuse** – treating a partner badly. This includes humiliation, violence and intimidation to punish or frighten them.
- **Modern slavery** – when people are taken from one place to another to be exploited.
- **Radicalisation** – when people are encouraged to adopt radical positions on political and social issues and when people are recruited for terrorism.
- **Female genital mutilation (FGM)** – the practice of removing some or all of a girl's sexual parts. It is illegal in the UK and in many other countries.
- **Child sexual exploitation (CSE)** – a type of [sexual abuse](#) in which children are used for sex, money, power or status. Children or young people may be tricked and think they are being loved and that they have agreed to it. They might be invited to parties and given drugs and alcohol.
- **Grooming** – when someone pretends to make friends to get someone's trust, so they can eventually have sex with them. Children and young people can be groomed online or face to face. Many children and young people don't understand that they have been [groomed](#), or that what is happening to them is abuse.
- **County lines** – is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs. They use dedicated mobile phone lines or the 'deal line'. [County Lines](#) is a serious issue nationwide. It not only involves drugs but also violence, criminal and sexual exploitation, modern slavery and missing persons.
- **Human trafficking** - is a crime relating to the moving of a vulnerable person from one place to another against their will.

What should I look out for?

There are various signs to look for. One sign on its own may not be significant, but several signs together should give you cause for concern:

- unaccompanied children
- unusual drop off points
- adults paying fares for young people
- passenger allowing others to speak for them when addressed directly
- inappropriate conversations
- passenger not knowing their home or work address
- passengers travelling with a group of persons who do not speak the same language

- passengers collected very early and/or returned late at night on a regular basis
- inappropriate clothing for the season/weather
- they may look thin, ill or depressed
- they may have no cash of their own
- a decline in a vulnerable person's well-being (e.g. noticeably more forgetful or tired)
- other warning signs such as bruising, drugs, self-harm

How to keep yourself safe

If a passenger becomes violent or aggressive, remain calm and avoid shouting. Give them space and report to your office and the transport quality monitoring team (if applicable). It is important that you behave in ways that protect you and your passengers from risk.

You should not:

- take an unplanned detour to take a passenger home
- give a vulnerable passenger your personal mobile number for any reason
- give gifts
- befriend passengers on Facebook or other social media

You should:

- be professional
- avoid swearing and aggression
- always wear your ID badge
- sit lone passengers in the back seat (unless their passport says you should not)

Reporting concerns

Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have. The ability to spot the signs and having the knowledge of how to report concerns can be a major help in preventing this crime. If you hear or see anything which makes you think someone might be at risk you need to tell your office or one of the contact numbers below. Please remember it is your job to report information, **not to investigate**.

Useful numbers

| | |
|---|-----|
| If there is an urgent risk call | 999 |
| To report specific concerns about the abuse or neglect of an adult, call Social and Health Care | |

| | |
|--|--|
| <ul style="list-style-type: none"> • Adult Safeguarding Team, Swindon Borough Council -during office hours only - Monday to Friday inclusive 8:30am to 5pm • Safeguarding Adults Investigation Team, Wiltshire Police - during office hours only - Monday to Friday 9am to 5pm • Out of hours emergency duty service • Police out of hours | <p>01793 463555 or email adultsafeguarding@swindon.gov.uk</p> <p>01380 826350</p> <p>01793 436699</p> <p>101</p> |
| <p>If you are worried that someone may be abusing a child, call the Local Authority Designated Officer for Child Protection (LADO)</p> | <p>01793 463854 LADO@swindon.gov.uk</p> |
| <p>If you are concerned that a child may be being abused call the Multi-Agency Safeguarding Hub (MASH) office hours or email</p> <p>Out of hours call the Emergency Duty Service (EDS)</p> | <p>01793 466903 swindonmash@swindon.gov.uk</p> <p>01793 466900</p> |
| <p>If you are concerned that child is in immediate danger or left alone, you should contact the police or call an ambulance</p> | <p>999</p> |

APPENDIX 13: Enforcement

- 1) Enforcement is part of the overall licensing control process exercised by the Licensing Authority s and is taken to:
 - a) ensure public safety
 - b) maintain standards within the trade
 - c) support the policies of the Licensing Authority
 - d) respond to complaints
 - e) support partnerships with neighbouring local authorities, and other agencies such as the Police and Driver and Vehicle Standards Agency (DVSA)
- 2) All enforcement action will be proportionate, transparent and in accordance. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing Committee and sub-committee. The Licensing Authority will ensure that the policy and its enforcement system meet the objectives set out in the policy whilst avoiding undue burden and costs upon licence holders.
- 3) Any enforcement system needs to deal with all types of breaches, from low level right up to criminal behaviour. Enforcement sanctions vary from informal advice and warnings, through to the suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers through a points-based enforcement scheme as detailed in Appendix 10. Authorised officers are empowered to give and recommend any of the following enforcement measures, the level of action officers can take is detailed in the Licensing Authority's scheme of delegation. Enforcement actions include:
 - a) verbal warning
 - b) written warning
 - c) penalty points
 - d) final written warning
 - e) suspension of licence
 - f) appearance before sub-committee
 - g) revocation
 - h) prosecution
- 4) A penalty points scheme has been developed to improve levels of compliance and help secure appropriate standards of safety and protection for the travelling public. There is no financial penalty associated with the scheme, but it helps with decision making in relation to the licence.

- 5) The penalty point's scheme is detailed in Appendix 10 and is intended to work in conjunction with other enforcement options. It provides a formalized stepped enforcement approach which is designed to record misdemeanors and to act as a record of driver's behaviour. It is used to help the Licensing Authority determine if the licence holder continues to be "fit and proper" (as detailed in appendix 3). It does not prejudice the Licensing Authority's ability to take other actions.
- 6) Penalty points will remain on the licence for a period of 12 months from the date of imposition. As older points become spent over time, they will be excluded from the running total recorded.
- 7) Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who wilfully obstructs an officer, fails to comply with any reasonable requirement of an officer, fails to provide assistance or information reasonably required by an officer, or makes a false statement, may be prosecuted under the relevant sections of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders may be requested to attend the Licensing Authority offices, for example to produce current insurance documents or their vehicle for inspection, upon reasonable request by an officer. Where a driver fails to comply with a reasonable request from an authorised officer in another licensing authority area, action will be taken as if the driver has failed to comply with the same request from an officer of these licensing authorities.
- 8) All licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed.

Appendix 14 Hackney Carriage Fare Tariff

Swindon Borough Council is responsible for setting the maximum fares that Hackney Carriages (taxis) can charge for journeys. Charges that Hackney Carriage drivers can make include distance as well as carrying luggage and other services which are listed on the fare card. The Council does not set the fares or charges that private hire operators can make for journeys.

The current fare tariff for Hackney Carriage Vehicles is shown on the Council's website.

The Hackney Carriage trade may request a review but only one review is permitted per annum unless any additional request for review of tariffs arises from exceptional circumstances. Any review request must be supported by not less than one third of licensed Hackney Carriage drivers.