



# Regulatory Committee

**Monday, 6 June 2022 at 7.30 pm**

**Council Chamber, Runnymede Civic Centre,  
Addlestone**

## **Members of the Committee**

Councillors: J Wilson (Chairman), E Gill (Vice-Chairman), J Broadhead, T Burton and S Saise-Marshall

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## **AGENDA**

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss Clare Pinnock, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: [clare.pinnock@runnymede.gov.uk](mailto:clare.pinnock@runnymede.gov.uk)).**
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The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

**List of matters for consideration  
Part I**

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**Matters in respect of which reports have been made available for public inspection**

12. **DfT Guidance for Consultation**

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Department  
for Transport

# Taxi and Private Hire Vehicle Licensing

## Best Practice Guidance for Licensing Authorities in England

Department for Transport  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR



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# 1. Introduction

## Background

- 1.1 The Department for Transport has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities that have responsibility for the regulation of the taxi and private hire vehicle trades. This is updated periodically, taking into account stakeholder views and changes in the way the sector operates.
- 1.2 In 2020 the Government issued, for the first time, [Statutory Taxi and Private Hire Vehicle Standards](#) to safeguard the most vulnerable in society. The [Policing and Crime Act 2017](#) enabled the Secretary of State to issue these to licensing authorities; though the focus was on the use of their powers to protect children and vulnerable adults over 18 from harm, the measures will increase the safety of all passengers. Licensing authorities must give due regard to the Statutory Standards when setting their taxi and private hire vehicle licensing policies and procedures. This non-statutory best practice guidance complements the Statutory Standards, covering a range of issues outside the remit of the Statutory Standards.
- 1.3 Individual licensing authorities are still responsible for deciding their own policies and making decisions on individual licensing matters applying the relevant law and any other relevant considerations. This guidance is intended to assist licensing authorities, but it is only guidance and does not intend to give a definitive statement of the law; any decisions made by a local authority remain a matter for that authority.
- 1.4 The [Local Government Association's Councillors' Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should communicate regularly with their counterparts in neighbouring authorities to ensure critical information is shared and decision-making is consistent and robust. By working together, local government can make sure that this vital service is safe, respected, and that it meets the needs of all those in their local communities.
- 1.5 This Guidance includes a number of annexes and links to relevant documents that licensing authorities may find useful to share with local partners (e.g. taxi or private hire vehicle providers).
- 1.6 This version of the best practice guidance replaces all previous versions and will subject to revision when necessary.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this guidance and refers to all such vehicles.

Private hire vehicles include a range of vehicles such as minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. The term '**private hire vehicle**' is used throughout this guidance to refer to all such vehicles. The Department has issued [guidance](#) to assist providers and licensing authorities to consider whether a service requires licensing as a private hire vehicle.

## Scope of the best practice guidance

- 1.7 This Guidance does not seek to cover the whole range of possible licensing requirements. Instead, it seeks to concentrate on those issues that have caused difficulty in the past or that seem of particular significance. The law on taxi and private hire vehicle licensing contains many complexities which are beyond the scope of this Guidance. Licensing authorities will need to seek their own legal advice on issues that are particularly relevant to them.
- 1.8 The personal safety of passengers is critical; the Government has clearly set out measures that licensing authorities should take to safeguard passengers in the [Statutory Taxi and Private Hire Vehicle Standards](#). However, this guidance seeks to reinforce this message by highlighting other safety measures that can be taken.
- 1.9 Local licensing authorities have to consider a range of vehicles and services in the context of private hire vehicle licensing. The Department has produced guidance (Annex A) to assist local licensing authorities in deciding which vehicles and services require licensing under the private hire vehicle regime and which fall outside the private hire vehicle definition. The guidance sets out the key principles and characteristics which the Department considers define a private hire vehicle.
- 1.10 The guidance stresses that it remains for local licensing authorities to make decisions in the first instance and that, ultimately, the courts are responsible for interpreting the law.

## 2. The role of taxis and private hire vehicles

- 2.1 Taxis and private hire vehicles play a vital part in local transport, connecting residents to the local economy and in enabling businesses and residents to reach wider transport networks. All social groups use taxis and private hire vehicles. Groups that use them the most are low-income young women, amongst whom car ownership is low, and those with mobility difficulties.
- 2.2 The taxi and private hire vehicle sector is entirely demand-led. Though taxis are most often associated with journeys for leisure, social and business purposes, they are an important part of the transport network. Taxis and private hire vehicle services reduce the need for private car ownership, enable key workers to commute when other modes are unavailable, provide door-to-door transport for those that are not able to travel via other modes and assist on meeting the needs for home-to-school transport provision. Taxis and private hire vehicles have a particularly important role in the night-time economy getting people home safely late at night.

## 3. The role of licensing authorities

- 3.1 As stated in the [Statutory Taxi and Private Hire Vehicle Standards](#) issued by the Department to licensing authorities, the primary and overriding objective of licensing must be to protect the public. Licensing authorities should also be aware that, as well as ensuring taxi and private hire vehicle services are safe, the public have a reasonable expectation that the services available will be accessible and affordable.
- 3.2 It is for licensing authorities to ensure that their licensing policy and requirements are proportionate, so that passengers can choose from a wide range of safe services. As indicated above, the primary function of the licensing authority is public safety; however, an unduly stringent regime may restrict the supply of taxi and private hire vehicle services by putting up the cost of operation, or otherwise restricting entry to the trade. Licensing authorities should recognise that too restrictive an approach can be counter-productive, restricting the licensed trade to such an extent that the public resort to the use of unlicensed, unvetted and uninsured drivers and vehicles.
- 3.3 Licensing authorities are required under the Public Sector Equality Duty to pay regard to the need to eliminate conduct prohibited by the Equality Act 2010, to promote equality of opportunity and to foster understanding between people who share a protected characteristic and those who do not. It is beyond the scope of this document to identify actions which would demonstrate compliance with this duty, and ultimately only a court can do so definitively. We would however suggest that authorities:
- Maintain a body of evidence on the impact of services on people with different protected characteristics and use it to make policy decisions consistent with the Duty.
  - Consider how they can actively promote equality, such as by consulting regularly with users, planning strategically to provide services which meet their needs, and by prioritising actions which seek to eliminate discrimination or barriers to equal access.
  - Consider how to demonstrate the consideration given in a manner which promotes public awareness of the authority's inclusive approach to service support and provision.
- 3.4 Disability is a protected characteristic under the Equality Act 2010, and disabled people may face particular barriers accessing taxi and private hire vehicle services if authorities fail to regulate services inclusively and to uphold the rights of affected passengers. In our view, an inclusive service accessible to disabled people is one:

- Where there are sufficient vehicles meeting disabled people's access needs, to allow them to travel as easily, between the same locations and at the same times, as non-disabled people.
- Where policy decisions are informed by an accurate and up-to-date understanding of the experience and needs of disabled people with a range of visible and less visible impairments.
- Where action is taken proactively to improve the accessibility of the services supported.
- Where disabled people have confidence that services will meet their needs and that, if things go wrong, their concerns will be understood and investigated thoroughly.
- Where operators and drivers fail in their responsibilities, that appropriate enforcement action is taken to prevent its recurrence and protect other disabled passengers.

## The regulators' role

- 3.5 Licensing authorities are required under [section 22\(2\) of the Legislative and Regulatory Reform Act 2006](#), to have regard to the [Regulators' Code](#). The Code states that "Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity."
- 3.6 As with other regulators, licensing authorities' interventions should be limited to mitigating safety risks for passengers and drivers, and enabling fair competition within the trade by ensuring consistency of regulation and enforcement. Licensing authorities should actively promote inclusivity, equality and independence for disabled people and ensure that they only issue licences to those drivers that are fit and proper to hold one.
- 3.7 A need to intervene might be established through analysing complaints received or consulting with passengers and/or the trade. Licensing authorities should consider the wider impact of interventions. For example, some passengers would no doubt prefer to be carried in new, luxurious vehicles; the trade may oppose this as it would impose significant costs – but it is also likely to be contrary to the interests of many passengers as all fares would rise and availability would be reduced.

## The objective of regulation and consideration of policies

- 3.8 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. Ensuring high safeguarding requirements and processes, as set out in the [Statutory Taxi and Private Hire Vehicle Standards](#), is only one way in which licensing authorities can help ensure the personal safety of passengers. Ensuring local residents understand the distinction between the taxi and private hire vehicle trades and how each service can be legally engaged is very important. The key message needs to be that, unless you are hailing a locally licensed taxi in the street or at a stand, you should not get in any other vehicle unless you have pre-booked it and have received information from the operator to identify it. This messaging can be supported by a policy that makes taxis look distinct from other vehicles.

- 3.9 In addition to the safety of passengers, regulation should protect equality and enable fair competition. Once a need to intervene is established, licensing authorities should ensure that any policy changes would not have unintended negative consequences. Imposing unnecessary, poorly targeted licensing requirements may, to an extent, address a legitimate need but the negative impacts may outweigh any benefits.
- 3.10 For example, if a licensing authority established that the drivers they license have frequent collisions, it may set an objective to reduce these. The authority -might try to address this concern by requiring all drivers to have ten years' driving experience on the basis that 'experienced drivers are safer'. Such a requirement would however prevent an individual under the age of 27 entering the trade; this would be regardless of whether they held an advanced driving qualification. It is probable that such an individual is a safer driver than someone who passed their driving test ten years ago but has rarely driven since. While experience is generally useful, individuals should be able to evidence that they meet the objective of the policy rather than an arbitrary criterion.
- 3.11 Licensing authorities should ensure that their various licensing requirements are proportionate to the risk they aim to address or the policy objective they are seeking to achieve. The cost of a requirement, in terms of its effect on the availability of transport to the public, should be at least matched by its benefit. This might include increased safety or accessibility. A detailed, quantitative, cost-benefit assessment is not needed in each case, but local licensing authorities are urged to look carefully at the costs, financial or otherwise, imposed by each of their licensing policies and of the equality impacts as required by law.
- 3.12 The Competition and Markets Authority provided [guidance to licensing authorities](#) to consider when designing policy or regulations to assess their impact on competition and the interests of consumers. Their [competition impact assessment](#) guidelines are a useful tool in this process.
- 3.13 The guidelines contain four tests which help policy makers assess whether their proposals will limit competition:
- Will the measure directly or indirectly limit the number or range of suppliers?
  - Will the measure limit the ability of suppliers to compete?
  - Will the measure limit suppliers' incentives to compete?
  - Will the measure limit the choices and information available to consumers?
- 3.14 Consideration of these questions will help ensure local authorities are aware of the restrictions they may be introducing on competition and may encourage them to consider alternative courses of action where possible.
- 3.15 As well as setting licensing requirements and imposing conditions, licensing authorities may introduce byelaws to assist them in the regulation of the sector. The Department has provided an example set of byelaws (Annex B) and guidance on the process of making or amending byelaws (Annex C).

## Licensing authorities' resilience planning

- 3.16 Taxi and private hire vehicle licensing is a statutory function of local authorities and it is important that it continues during challenging times. However, during the COVID-19 pandemic, several licensing authorities did not accept new licence applications for a substantial period of time. Refusing to accept an application makes the licensing authority vulnerable to judicial review and reputational damage. New ways of working were implemented by many licensing authorities, including training via virtual meeting platforms, temporary measures / relaxation of licensing requirements, temporary licences, and self-declarations.
- 3.17 Licensing authorities should learn from the challenges presented by COVID-19 and review their contingency plans to improve the way they administer the system and make sure the statutory licensing function can continue if circumstances make 'normal' procedures and processes impossible.

## Licensing policy

- 3.18 As set out in the [Statutory Taxi and Private Hire Vehicle Standards](#), the Department recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include, but not be limited to, policies on convictions, a 'fit and proper' person test, licence conditions, and vehicle standards.

## Consultation at the local level

- 3.19 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. local transport user groups and other transport providers), women's groups, local traders, and local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities.
- 3.20 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas. Licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

## Changing licensing policy and requirements

- 3.21 Any changes in licensing requirements should be followed by a review of the licences already issued. If a need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not, however, to suggest that licences should be automatically revoked overnight: for



example, if a vehicle specification is changed, then it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.

- 3.22 Licensing authorities must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, then they should consider doing so. Licensing authorities should record the reasons for any deviation from the policies that are in place.

## 4. Accessibility

- 4.1 There are around 13.9 million disabled people in the UK, representing 20% of the population, a proportion that is expected to rise as the average age of the population increases. National Statistics published in the current Family Resources Survey showed that the proportion of people in England who reported a disability was 21%. As people age, the incidence of disability increases, with 40% of over 60s and 75% of over 80s being disabled, meaning that disability will become a fact of life for an increasing number of people, which may not always appear obvious.
- 4.2 Disabled people are particularly reliant on taxi and private hire vehicle services, either because they may not have access to a private car, are unable to use public transport, or because the built environment is insufficiently accessible to meet their needs. This can mean that the availability of an accessible, affordable taxi or private hire vehicle service can make the difference that allows them to live their life the way they want to, and ultimately, to fulfil their potential.
- 4.3 The Government wants disabled people to be able to travel easily, confidently and without additional cost, and it is important that all transport services play their part in making this a reality.
- 4.4 The way in which people are disabled and the specific barriers they face may not always be obvious. Licensing authorities and providers of taxi and private hire vehicle services must therefore anticipate the needs of people whose access needs may be more apparent, such as wheelchair users and assistance dog owners, as well as those with less visible impairments, including people with autism or mental illness.
- 4.5 Every taxi and private hire vehicle passenger is an individual, each with their own unique wishes and requirements, none more than a disabled passenger using services. It is, however, important to recognise that there are certain access barriers which will be familiar to people with similar impairments, which authorities should take time to understand.

### Accessibility barriers

- 4.6 Many disabled people face physical barriers when accessing transport services. This may be because the built environment includes features which are difficult for them to use, such as steps, or it may be because vehicle designs cannot accommodate a

particular size of wheelchair. Some barriers to the provision of taxi and private hire vehicle services include:

- Ranks provided with inadequate space to deploy a ramp.
- Waiting areas lacking seating for people unable to stand for long periods.
- Inadequate supply of wheelchair accessible vehicles to ensure that every passenger can travel when and where they want to.
- Vehicle designs which do not accommodate larger or heavier wheelchairs.
- Private hire vehicles required to pick up passengers in large or complex car parks, such as at airports or railway stations.
- Street design which prevents taxis and private hire vehicles from stopping close to destinations.

4.7 To mitigate these physical barriers authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) (see [section 149 of the Equality Act 2010](#)) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure, and that reasonable adjustments are made to remove barriers preventing disabled people from accessing taxi and private hire vehicle services.

4.8 Licensing authorities should also:

- Consult with disabled passengers regularly on their experience of using taxi and private hire vehicle services, and ensure that their feedback informs service development.
- Incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate.
- Consider specifying that wheelchair accessible vehicles should be capable of carrying wheelchairs larger than the reference size.
- Work with airports, station operators and other locations where large numbers of passengers access private hire vehicle services to ensure that pre-booked passengers can always access their vehicle safely and easily.
- Exercise discretion on application of other vehicle requirements if they would prevent suitable wheelchair accessible vehicles from being brought into service where there is unmet demand.

## Communication barriers

4.9 Disabled people may experience communication barriers when booking taxis or private hire vehicles or completing journeys. These may be related to a sensory impairment, such as blindness or deafness, or due to a cognitive impairment or autism. Taking time to understand the communication needs of individual passengers can make them feel more confident when using services. Communication barriers might include:

- Inability to book a taxi or private hire vehicle where using a telephone is the only option.
- Inability to book a taxi or private hire vehicle where the use of an app, inaccessible to visually impaired people, is the only option.
- Difficulty identifying the vehicle and seeking assistance from its driver.

- Difficulty communicating with drivers, particularly when conducted through a screen separating the driver and passenger compartments.
  - Inability of some passengers to understand the driver and to provide information necessary for completing the journey.
  - Inability for some passengers to read a meter (if fitted).
- 4.10 To mitigate these communication related barriers, authorities should take the relevant actions provided in the other sections of this guidance and ensure that:
- information provided in hard copy in vehicles and in public places (such as libraries or private hire vehicle offices) is also available in alternative accessible formats, including large print and Braille.
  - Authority websites, including any pages relating to the taxi and private hire vehicle services and procedures for making complaints, comply with current [accessibility guidance](#), including [WCAG 2.1 accessibility standard](#) to Level AA as a minimum for digital content.

## Barriers relating to the carriage of assistance dogs

- 4.11 There are around 6,000 assistance dog partnerships in the UK, supporting disabled people to navigate the built environment, respond to sounds they cannot hear, react to health emergencies, and interact with objects and obstacles. They are often vital for their owners' ability to live independently, confidently and safely, yet 22% of those surveyed by the Guide Dogs for the Blind Association in 2014 had been refused carriage by a taxi or private hire vehicle driver during the previous year. The main barriers faced by assistance dog owners when using these services include:
- The outright refusal of carriage.
  - The provision of a sub-standard service because of a wish not to carry an assistance dog.
  - Longer waits for booked vehicles due to operators allocating only drivers willing to convey passengers accompanied by assistance dogs.
  - The charging of higher fares or additional fees.
  - Requiring the assistance dog to travel in a separate compartment to its owner.
  - The failure of local authorities to prosecute drivers even where sufficient evidence exists, preventing affected passengers from having their legal rights upheld.

## Confidence barriers

- 4.12 Many disabled people lack confidence to use public transport services including taxis and private hire vehicles. They may have had negative experiences in the past or read about accessibility issues that others have experienced. Social media now makes it simple for disabled people, and others, to share accounts of being refused carriage or of licensing authorities failing to take decisive action against drivers who discriminate, and this can exacerbate perceptions that such services are not accessible. Confidence related barriers might include:
- The expectation that services will not be accessible, leading disabled people not to travel, or to use other less convenient or safe means.

- The fear of confrontations which can ensue when attempting to travel with mobility equipment or an assistance dog.
- The fear of being charged too much or taken on a circuitous route.
- Anxiety linked to mental health or other conditions, exacerbated by previous negative experiences or a fear of not being provided with appropriate assistance.
- A lack of confidence in accessibility issues being investigated effectively and drivers facing sanctions where appropriate.

4.13 To mitigate these confidence-related barriers authorities should take the relevant actions provided in the other sections of this guidance and:

- Provide information publicly on the accessibility of taxi and private hire vehicle services, and the action that will be taken if they fall short of reasonable expectations.
- Always ensure that passengers are kept informed about the progress of investigations into complaints they have made, and that they understand the rationale for any resulting decision on action to be taken.
- Include in operator and driver facing communications testimonials of passengers who face confidence-related barriers when using taxis and private hire vehicles.
- Provide handouts explaining how confidence can be undermined by poor service.
- Support local travel training initiatives to support disabled people to access taxi and private hire vehicle services independently.
- Invite positive feedback on the accessibility of services, and champion inclusive behaviour, perhaps through communications, awards or other incentives.

## Supporting an inclusive service

4.14 Licensing authorities are uniquely placed to ensure that taxi and private hire vehicle services within their jurisdiction actively promote equality and independence for disabled people. By ensuring drivers and operators understand how to provide every customer with the assistance they need, authorities can ensure disabled people can travel with confidence that their needs will be met.

4.15 By taking action to ensure there are sufficient wheelchair accessible vehicles to satisfy passenger demand, authorities can ensure that wheelchair users need no longer structure their lives around the times and locations when vehicles accessible to them are likely to be available. And, by taking prompt and robust action to investigate and prosecute licensees in response to cases of discrimination, authorities can ensure that every operator and driver treats seriously their role in providing an inclusive service.

4.16 Supporting an accessible service is an integral aspect of licensing authorities' role, therefore, it is important that authorities make the provision of an inclusive service a core strategic aim, and that they consider the factors which can influence the extent to which such services meet the needs of all passengers.

## Inclusive Service Plan

4.17 All licensing authorities should develop and maintain an Inclusive Service Plan (ISP), either as a standalone document or as an integral element of their [Local Transport Plan](#). The ISP should describe:

- The demand for accessible services in their area, from wheelchair users and non-wheelchair users, and from people with both visible and less-visible impairments, and an assessment of the extent to which that need is currently being met.
  - The authority's strategy for making transport more inclusive generally, and specifically in relation to taxi and private hire vehicle provision.
  - The steps that the authority will take to improve the inclusivity of the taxi and private hire vehicle services it supports, including timescales for their completion.
  - That the courses or assessments authorities require applicants to undertake are suitable for a range of participants e.g. including older drivers.
- 4.18 ISPs should be developed collaboratively with organisations representing the interests of disabled people and people with other protected characteristics. This should be based on accurate and up-to-date evidence of need and usage. To support the production and updating of an ISP, authorities should survey existing and potential disabled passengers at least every three years, building an understanding of the extent to which the vehicles and services provided by taxi and private hire vehicle fleets adequately support the needs of all passengers and whether driver training needs are being met.
- 4.19 ISPs should be policy documents first and foremost, intended to demonstrate publicly authorities' commitment to improving accessibility continually. They may, however, also serve to demonstrate to passengers the steps being taken to improve services. Authorities should consider how the content can be made more accessible to the public. They should in any case always be made available on authority websites and in alternative accessible hard copy formats, consistent with authorities' legal equalities duties.
- 4.20 Unfortunately, too many disabled people still report receiving inadequate service from taxi and private hire vehicle operators and drivers, or a lack of support from licensing authorities when they report alleged discrimination. In the three years after rules on the carriage of wheelchair users were introduced, over 30% of authorities had not implemented them, denying disabled passengers of the right to be treated like anybody else. Two decades have passed since the law made it illegal for taxis and private hire vehicles to refuse an assistance dog and yet today too many owners report that they continue to be refused carriage.
- 4.21 It is clear that disabled people continue to face barriers when using taxis and private hire vehicles, for example from unhelpful drivers, vehicles with too high a step or a lack of handholds or being refused carriage and left waiting at the kerbside. All authorities should take steps to ensure that policy makers and staff dealing with the public understand the barriers that disabled people can face when using transport services. Therefore, relevant authority staff should complete disability awareness training.

## Assistance for all passengers

- 4.22 Drivers and operators have specific duties not to discriminate against passengers in wheelchairs or who are accompanied by assistance dogs. However, they also have general duties not to discriminate against anybody on account of their protected characteristics and to provide proactively reasonable adjustments that permit

disabled passengers specifically to access their services. Although such duties are enforced by disabled people through the Civil Courts, authorities have a role to play in creating an expectation that every potential passenger should be valued, regardless of any protected characteristic, and that any passenger requiring reasonable assistance is provided with it. As a matter of course, drivers should help passengers to stow mobility aids, pushchairs and luggage, to ensure that vulnerable passengers leave the vehicle safely away from traffic, and support customers to use card readers or count their change. Authorities can reinforce this through communications and training but could also include relevant requirements in licensing requirements or byelaws, which can be enforced against later.

- 4.23 All licensing authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) (see [Section 149 of the Equality Act 2010](#)) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure. Licensing authorities must also ensure that reasonable adjustments are made to remove physical barriers preventing disabled people from accessing taxi and private hire vehicle services, including the adoption of any policies affecting the carriage of assistance dogs or the investigation and prosecution of drivers alleged to have discriminated against their owners.
- 4.24 Licensing authorities should provide a straightforward, accessible means of reporting alleged instances of discriminatory behaviour, including a dedicated email address and a telephone number. They should also take proactive steps to investigate allegations, interview passengers, and seek relevant evidence from operators and partner agencies.
- 4.25 Cases should be prosecuted where there is sufficient evidence to identify the driver and substantiate the claims made. The guidance on the assessment of convictions provided with the [Statutory Taxi and Private Hire Vehicle Standards](#) states that where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Licensees convicted of such offences should be subject to the same standards.
- 4.26 Where a complaint about discrimination is received that will not result in a conviction, licensing authorities should consider a range of outcomes and take appropriate action based on the balance of probabilities. Licensing sanctions should be considered, such as suspension or revocation. The licensing authority must give full consideration to the available evidence before any decision is made and the licensee should be given the opportunity to state their case. This may mean no action is taken and the complaint recorded, a suspension until disability and equality awareness training/assessment is completed, or revocation of a licence and a refusal to issue another for a lengthy period.

## 5. Enforcing the licensing regime

- 5.1 This section reiterates the importance of this function as outlined in the [Statutory Taxi and Private Hire Vehicle Standards](#).
- 5.2 Implementing an effective framework for licensing authorities, to ensure that a full range of information is made available to suitably-trained decision makers who are supported by well-resourced officials, is essential to a well-functioning taxi and private hire vehicle sector. Whilst this helps prevent the licensing of those that are not deemed 'fit and proper', it does not ensure that those already licensed continue to display the behaviours and standards expected.

### Mystery Shoppers

- 5.3 Spot checks and "mystery shopping" can be a powerful tool in identifying drivers and operators that are not complying with the requirements and standards an authority should expect of its licensees. This tool can be particularly useful in identifying those which discriminate against disabled passengers, particularly when evidencing ad hoc incidents can be difficult for the passengers concerned.
- 5.4 Authorities have used disabled staff volunteers to run such exercises, targeting locations or particular operators linked to complaints about discrimination, with enforcement officers on hand to take evidence to support potential future prosecutions. Publicising the use of such approaches may act as a deterrent to licensees considering refusing carriage to an assistance dog owner or wheelchair user.

### Joint authorisation of enforcement officers

- 5.5 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement employs the officer and which issued the licence. This will mitigate the opportunities for licensees to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).



## The Community Safety Accreditation Scheme

- 5.6 The Community Safety Accreditation Scheme (CSAS) is a voluntary scheme under which chief constables can choose to accredit employed people already working in roles that contribute to maintaining and improving community safety with limited but targeted powers. These roles include neighbourhood wardens, hospital security guards, park wardens, shopping mall guards and train guards and local authority enforcement officers.
- 5.7 The scheme creates a framework for public and private bodies to work in partnership with the police, providing additional uniformed presence in communities and capitalising on the skills and information captured by those already engaged with the community.
- 5.8 All schemes are managed, monitored and assessed at a local level by the responsible police force. Main benefits of the scheme include:
- Increasing uniformed presence on the streets (CSAS accredited persons wear the uniform of their employing organisation, with an identification badge endorsed by the local police force).
  - saving valuable police time in community safety.
  - promoting partnership working and the two-way exchange of information and intelligence between agencies.
- 5.9 For more information about CSAS in your area, please contact your local force through [www.police.uk](http://www.police.uk).

## Setting expectations and monitoring

- 5.10 Licensing authorities should ensure that licensees are aware of the policies to which they must adhere, are properly informed of what is expected of them, and the repercussions for failing to do so.
- 5.11 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers, vehicles and operators will enable authorities to target compliance and enforcement activity. This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety or due to discriminatory behaviour, or to prosecute drivers in the Magistrates' Court for evidenced breaches of sections 165, 168 or 170 of the Equality Act 2010.
- 5.12 Authorities should note that it can be particularly difficult for disabled passengers, including those who are visually impaired, to provide evidence of incidents. They may not, for instance, always be able to identify a driver visually. Authorities should still investigate such reports thoroughly, including taking statements from passengers, drivers and witnesses, and seeking evidence from partner agencies and from private hire vehicle operators (where relevant). It is our view that prosecuting drivers and operators for offences under the Equality Act 2010, rather than relying solely on licensing sanctions, is proportionate to the harm caused by such discrimination and is

vital to increasing the confidence of disabled passengers to use services. We therefore recommend that cases are prosecuted where sufficient evidence exists and doing so would be in the interest of the inhabitants of the area. Blanket policies on not prosecuting offences may be incompatible with authorities' wider equalities duties.

## Points-based enforcement systems

- 5.13 Some licensing authorities operate a points-based system, which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee (or other bodies charged with reviewing). This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.
- 5.14 Points incurred should remain on the record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is three and five years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the Department recommends that points should remain on the record from the date of the incident for 3 years for drivers and 5 years for private hire vehicle operators.. Licensing authorities should however consider whether a review is undertaken in situations where points are incurred within a shorter period; for example, a year as this may indicate rapidly deteriorating standards or unsatisfactory conduct.
- 5.15 It should be noted that reaching a points limit must not result in an automatic action but should be used to trigger a review of the conduct of the licensee and whether further action is necessary to address any concerns. Such action might be undertaking additional training not just a suspension or revocation.
- 5.16 Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and private hire vehicle trades. Indeed, it could be argued that public safety depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those that operate outside the licensing system, not just those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including, for example, any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Department for Work and Pensions) have proved beneficial in some areas.
- 5.17 Local licensing authorities often use enforcement staff to check a range of licensed activities (such as premises selling alcohol, market traders etc.) as well as the taxi and private hire vehicle trades, to make the best use of staff time. But it is desirable to ensure that taxi and private hire vehicle enforcement effort is at least partly directed to areas where there is an evening or late-night economy, when problems such as touting and illegal standing or plying for hire tend most often to arise. In formulating policies to address these issues, licensing authorities should be aware of the [Sentencing Council's guidelines](#) that specifically consider taxi touting/soliciting for

hire and ensure those considering cases are aware of these and further guidelines on [offences committed for 'commercial' purposes](#).

- 5.18 As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking vehicle licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that [Section 60 of the Local Government \(Miscellaneous Provisions\) Act 1976](#) provides a right of appeal for the licence-holder; [Section 68](#), which is also sometimes used, does not permit an appeal until two months from the date of notice; this can complicate any challenge by the licence-holder.
- 5.19 [Section 61\(2B\) Local Government \(Miscellaneous Provisions\) Act 1976](#) and [section 17\(2\) of the Private Hire Vehicles \(London\) Act 1998](#) enable licensing authorities to suspend or revoke a taxi or private hire vehicle driver's licence with immediate effect on the grounds that it is in the interest of public safety. It should be stressed that this power can only be used where safety is the principal reason for suspension or revocation and where the risk justifies such an approach. It is expected that, in the majority of cases, drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must only be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

## Suspension and revocation of driver's licenses

- 5.20 [Section 61\(1\) of the Local Government \(Miscellaneous Provisions\) Act 1976](#) and [section 17\(1\) of the Private Hire Vehicles \(London\) Act 1998](#) provide licensing authorities with the ability to suspend or revoke a driver's licence.
- 5.21 The grounds for suspension outside of London under the 1976 Act are:
- (a) that the driver has since the grant of the licence
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or of the relevant part of the 1976 Act; or
  - (b) any other reasonable cause
- 5.22 The grounds for suspension in Greater London under the 1998 Act are:
- (a) that the driver has since the grant of the licence
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an immigration offence or required to pay an immigration penalty; or

(b) the licensing authority is for any other reason no longer satisfied that the licence holder is fit to hold such a licence; or

(c) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under the 1998 Act.

5.23 Following the High Court's decision in *Singh-v-Cardiff City Council* 2012 EWHC 1852 Admin, the interim suspension (pending investigation or trial) of a licence is no longer practicable. A decision to suspend a licence is a final decision and should not be made before a reasoned determination has been made that one of the above grounds has been met.

5.24 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state their case. As with the initial decision to license a driver, this determination should be reached based on probability, not on the burden of beyond reasonable doubt. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

5.25 A decision to revoke a licence does not prevent the reissuing of a licence if further information is received that would alter the balance of probability, nor does a suspension prevent a subsequent decision to revoke. The decision to suspend or revoke is based on the evidence available at the time it made the determination. New evidence may, of course, become available later.

5.26 New evidence may be produced at an appeal, leading the appeal court to a different decision to that reached by the licensing authority. Alternatively, an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted and if the licence was revoked, an expedited re-licensing process used.

5.27 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training or following a review of the individual circumstances where the limit of a points-based system is met. In this instance, the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority decides that, based on the information available at that time and on the balance of probability, the driver presents a risk to public safety.

## 6. Driver licensing

### Duration of driver licences

- 6.1 The [Local Government \(Miscellaneous Provisions\) Act 1976](#) (as amended), the [Private Hire Vehicles \(London\) Act 1998](#) and the [Plymouth City Council Act 1975](#) set a standard length of three years for taxi and private hire vehicle driver licences. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, where the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration or the licence is only required to meet a short-term demand. Taxi and private hire vehicle licences should not be issued on a 'probationary' basis.

### Fit and proper test

- 6.2 The [Statutory Taxi and Private Hire Vehicle Standards](#) sets out the approach licensing authorities should take in respect to the fit and proper test. However, in addition to those checks provided in the Statutory Standards, as a minimum, the Department would expect all applicants to undergo an assessment of their medical fitness.

### Disability awareness

- 6.3 Drivers should be trained in disability awareness or have their knowledge and skills assessed. Drivers should also be encouraged, through targeted and general communications, to uphold the highest standards of customer service. The training or assessment should include but not be limited to:
- The features of an inclusive, high quality service.
  - Appropriate attitudes, behaviours and skills.
  - Assistance that can be provided to all passengers.
  - The protected characteristics, and related Equality Act 2010 duties.
  - Understanding the different barriers that disabled people face when using taxis and private hire vehicles, and how they might be identified.
  - The role of taxis and private hire vehicles in enabling disabled people to be independent and the role of drivers and operators in facilitating this.
  - How to communicate with people with different communication needs.

- How to assist people with a range of visible and less visible impairments.
  - Supporting wheelchair users to board, alight and travel in safety and comfort whilst seated in their wheelchair.
  - Legal obligations towards disabled passengers and the consequences of not complying with them.
  - An assessment of the trainee's knowledge and skills.
- 6.4 [The REAL disability equality training programme](#) created on behalf of the Department for Transport, which includes common content for all modes as well as content developed for taxi and private hire vehicle drivers, should be considered when assessing disability awareness training needs.
- 6.5 Licensing authorities should encourage drivers to learn British Sign Language, including contributing to related costs.

## Driver proficiency

- 6.6 The Road Safety Statement published in 2019 stated that “The need to improve road safety does not end with the driving test; nor does it exclude those who drive or ride professionally or as part of their job.” Licensing authorities should require taxi and private hire vehicle drivers to evidence a higher degree of driving ability as would be expected of a professional driver.
- 6.7 The application of a higher standard than private motorists is considered appropriate and proportionate and is consistent with other elements of taxi and private hire vehicle driver licensing, e.g. medical and vision assessments.

## Acceptance of non-UK driving licences

- 6.8 Individuals can drive legally in the UK with non-UK car and motorcycle licences for up to 12 months. Some individuals will then be required to (or may wish to) exchange a licence issued by another country. A [tool](#) is available to provide more information on which licences must be exchanged as well as the requirements and processes involved.

## Medical and vision assessment

- 6.9 There is general recognition that it is appropriate for taxi and private hire vehicle drivers to have more stringent medical standards than those applicable to normal car drivers because:
- they carry members of the general public who have expectations of a safe journey;
  - they are on the road for longer hours than most car drivers; and
  - they may have to assist disabled passengers and handle luggage.
- 6.10 Licensing authorities should apply the Group 2 medical required for an entitlement to drive lorries (category C) and for buses (category D). For category C and D licences, the Group 2 licensing entitlements must be renewed every 5 years or at age 45, whichever is the earlier, until the age of 65 when they are renewed annually without

an upper age limit. Shorter category C and D licences may be issued for medical reasons. [Annex D](#) provides further information.

- 6.11 All initial category C and D licence applications require a medical assessment by a registered medical practitioner (recorded on the D4 form). The same assessment is required again at 45 years of age and on any subsequent reapplication. More information on the [Group 2 medical assessment](#) is available online.
- 6.12 It is the responsibility of licensing authorities to assess the medical information they receive and decide whether a taxi or private hire vehicle licence should be issued. It is not the responsibility of the medical professional that provides the information. Licensing authorities should seek the same information to inform their decision as required by the DVLA for category C and D licences. It is therefore suggested that the DVLA's Medical Examination Report (D4) is used as a template for licensing authorities to gather relevant information.
- 6.13 Medical professionals can obtain advice from the DVLA on fitness to drive. Doctors and other healthcare professionals are always welcome to seek advice about a particular driver identified by a unique reference number, or about fitness to drive in general. More [information on this process](#) is available online.

## Immigration checks

- 6.14 The [Immigration Act 2016](#) (section 37 and Schedule 5) amended existing licensing regimes in the UK to prevent illegal working in the taxi and private hire vehicle sector, as drivers and operators. Licensing authorities are prohibited from issuing a licence to anyone who is disqualified by reason of their immigration status, and they discharge their duty by conducting immigration checks. The Home Office have provided [guidance for licensing authorities](#) on this matter.
- 6.15 Being disqualified from holding a licence by reason of their immigration status means that the person is in the UK illegally, is not permitted to work, or is permitted to work, but is subject to a condition that prohibits them from holding a licence in this sector.
- 6.16 The requirement to check the immigration status of licence applicants is in addition to and does not amend or replace the existing 'fit and proper' test.

## Age limits

- 6.17 It is not appropriate to set a maximum age limit for drivers. Medical fitness to drive should be regularly assessed (see 6.9 - 6.11). Minimum age limits, beyond the statutory periods for holding a full driver licence, also seem inappropriate. Applicants should be assessed on their merits, and to do otherwise may in any case be contrary to the [Equality Act 2010](#), unless such restrictions can be justified in the public interest.

## Language proficiency

- 6.18 The [Statutory Taxi and Private Hire Vehicle Standards](#) recommend that a licensing authority's test of a driver's proficiency should cover both oral and written English

language skills. Written proficiency is relevant because this could affect a driver's ability to understand written documents, such as policies and guidance relating to the protection of children and vulnerable adults, and applying this to identify and act on signs of exploitation. Oral proficiency will be relevant in identifying potential exploitation through communicating with passengers and their interaction with others.

- 6.19 Language proficiency will bring wider passenger benefits to those set out in the [Statutory Taxi and Private Hire Vehicle Standards](#) in terms of the driver's ability to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests and for the driver to provide a legibly written receipt upon request.

## Vocational training and assessment

- 6.20 The [Statutory Taxi and Private Hire Vehicle Standards](#) are clear that all drivers should be required to undertake safeguarding training to understand policies and guidance relating to the protection of children and vulnerable adults to identify and act on signs of exploitation.
- 6.21 Whilst the minimum recommended requirements for safeguarding and disability awareness training could be met by requiring drivers to undertake vocational qualifications, it does not have to be delivered through this route. As set out in [section 3](#) of this document, licensing authorities should be able to demonstrate that any licensing conditions or requirements over and above that recommended by Government are justified and proportionate.
- 6.22 Vocational qualifications provide a 'snapshot' of learning as they are awarded based on the curriculum of the course at the time it is taken. The training required of drivers will naturally evolve over time and so a vocational qualification may need to be supplemented with further training and assessment. An example of this is the inclusion of '[county lines](#)' awareness as part of safeguarding. Though the potential benefits of increased customer service are noted, licensing authorities should not require applicants for a licence to have obtained a vocational qualification.

## Topographical knowledge

- 6.23 Taxi drivers need a good working knowledge of the area for which they are licensed because taxis can be hired immediately, directly with the driver, at ranks or on the street and so drivers are not able to prepare a route. Licensing authorities should therefore require prospective taxi drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence. The Department's view is that the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high.
- 6.24 Private hire vehicles are not legally available for immediate hiring. To hire a private hire vehicle the prospective passenger must go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey and plan or enter it in a navigation system. Licensing authorities may set private hire vehicle drivers a topographical test, but are not required to do so.



## Intended use

- 6.25 Holders of taxi licences are permitted to operate as a private hire vehicle anywhere in England and Wales, reflecting that taxi drivers may be required to carry passengers beyond the boundary of their licensing authority, the 'compellable area'. We are aware that a number of licensing authorities have introduced a taxi 'intended use' policy when considering licence applications and that these policies are reducing the number of taxis working predominantly as a 'private hire vehicle' in other areas.
- 6.26 Licensing authorities should require an applicant for a taxi driver licence to declare that they intend to work predominately within the licensing authority's area. The residential address provided by the application should be considered in assessing the likelihood of this declaration being adhered to when assessing an application for a taxi driver licence.

## Vehicle condition check

- 6.27 The driver of a vehicle is always legally responsible for its condition while in use. Licensing authorities should therefore require drivers to conduct a daily walkaround check as part of a driver's core role.
- 6.28 A driver or responsible person should undertake a daily walkaround check before a vehicle is used. These checks should be carried out before the vehicle is driven on the road each day. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check.
- 6.29 Drivers should be required to retain the vehicle checklist as proof that they have undertaken the required vehicle check. Drivers should be made aware that they may be subject to sanctions if they are unable to produce this. Further sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days. An example checklist is provided at Annex E.

## 7. Private Hire Vehicle Operator licensing

- 7.1 The objective in licensing private hire vehicle operators is, again, the safety of the public, who will be using operators' premises and the vehicles and drivers arranged through them. The [Statutory Taxi and Private Hire Vehicle Standards](#) sets out relevant safeguarding checks for operators, including criminality checks. In addition, the Department consider it appropriate to ensure that private hire vehicle operators administer their business correctly. Licensing authorities should consider the following as part of their assessment.

### Fit and proper test

- 7.2 Checking open source information, cross checking information with Companies House and requesting financial records can help licensing authorities assure themselves that the company is suitable to be licensed.

### Disability awareness

- 7.3 All staff in customer facing roles should be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service. Training or assessment should include but not be limited to:
- The features of an inclusive, high quality service.
  - Appropriate attitudes, behaviours and skills.
  - Assistance that can be provided to all passengers.
  - The protected characteristics, and related Equality Act 2010 duties.
  - Understanding the different barriers that disabled people face when using private hire vehicles, and how they might be identified.
  - The role of private hire vehicles in enabling disabled people to be independent and the role of operators in facilitating this.
  - How to communicate with people with different communication needs.
  - How to assist people with a range of visible and less visible impairments.
  - Legal obligations towards disabled passengers and the consequences of not complying with them.
  - An assessment of the trainee's knowledge and skills.

- 7.4 The [REAL disability equality training programme](#) created on behalf of the Department for Transport, which includes common content for all modes, as well as content developed for [taxis and private hire vehicles](#), should be considered when assessing disability awareness training needs. Licensing authorities should require operators to ensure that any digital booking platforms comply with the [WCAG 2.1 accessibility standard](#) to Level AA as a minimum.
- 7.5 Cases should be prosecuted where there is sufficient evidence to substantiate offences under section 165, section 168 or section 170 of the [Equality Act 2010](#), or where an operator has discriminated against a passenger or failed to make reasonable adjustments under the same Act.

## Private hire vehicle operators – Duration of licences

- 7.6 The [Local Government \(Miscellaneous Provisions\) Act 1976](#) (as amended) and the [Private Hire Vehicles \(London\) Act 1998](#) set a standard length of licence of five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration, or the licence is only required to meet a short-term demand. Private hire vehicle operator licences should not be issued on a 'probationary' basis.

## Insurance

- 7.7 It is appropriate for a licensing authority to check that appropriate public liability insurance has been obtained.

## Health and Safety responsibilities

- 7.8 Health and safety law creates duties on businesses where requirements apply to workers in the same way as they do for employees. Guidance from the Health and Safety Executive (HSE) ([Health and safety for gig economy, agency and temporary workers - HSE](#)) outlines the different type of workers and what is expected of businesses who use their services.
- 7.9 In practice, this means establishing effective management arrangements and carrying out an assessment of the risks to workers while they are at work, and to other people who may be affected by their work activities. Any assessment should identify the significant risks affecting workers and others, and, importantly, identify measures to reduce those risks. For example, this includes how to ensure work-related road safety (see [Driving for work](#) for further guidance), training requirements and the provision and use of any personal protective equipment..
- 7.10 In the Department's view, although it may not be the role of licensing authorities to enforce Health and Safety legislation, it is reasonable for any breaches of this to be considered as part of the 'fit and proper' test. As stated in this guidance, the primary and overriding objective must be to protect the public.

## Compliance with employment law

- 7.11 It is not within the scope of this guidance to offer an opinion on the employment status of private hire vehicle drivers, nor is it for licensing authorities to decide on these matters: only the courts can make rulings on employment status.
- 7.12 In the Department's view, where an employment tribunal or a court of law has ruled on the employment status of a driver or drivers working for an operator, whether the operator is complying with that decision in respect of the driver(s) referred to in the ruling, should reasonably be considered by a licensing authority as part of the 'fit and proper' test for a private hire vehicle operator.

## 8. Vehicle licensing

- 8.1 The legislation gives local authorities a wide range of discretion over the types of vehicle that it can license as taxis or private hire vehicles. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

### Specification of vehicle types that may be licensed

- 8.2 Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, licensing authorities should set down a range of general criteria, leaving it open to the taxi and private hire vehicle trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily taken into account.
- 8.3 Licensing authorities should give very careful consideration to a policy that automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying that only purpose-built taxis can be licensed, given the strict constraint on supply that that implies. Nevertheless, purpose-built vehicles are amongst those that a licensing authority could be expected to license. It may also be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided that the capacity of the vehicle is not more than eight passengers).
- 8.4 The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 8.35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

### Vehicle Safety Ratings

- 8.5 The increasing ability of a car to reduce or prevent injury during an impact is reported as having had the most significant effect on road casualty totals in recent years. Although numbers have remained broadly consistent since 2010, they still indicate 30% fewer fatalities in 2018 than a decade earlier.

- 8.6 [Euro NCAP](#) is an independent, not-for-profit, organisation which is widely recognised by the motor industry and road safety professionals as providing motorists with objective information on the crash safety of passenger cars. The 1-5 star rating helps consumers compare the safety potential of different models and is based on assessment in four important areas:
- Adult Occupant Protection (for the driver and passengers).
  - Child Occupant Protection.
  - Vulnerable Road User Protection (pedestrians and cyclists).
  - Safety Assist, which evaluates driver assistance (e.g. lane keeping and autonomous emergency braking) and occupant status (e.g. seat belt reminders and driver monitoring) technologies.
- 8.7 Evolving vehicle regulations and consumer information have supported this trend and a 2019 research paper from Sweden considered differences in real-world injury outcome for occupants in cars rated by Euro NCAP. It concluded that the risk of fatal injury was reduced by 40% for occupants of a 5-star rated car when compared with an equivalent 2-star rated car.
- 8.8 Licensing authorities should consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher NCAP rating where these have been assessed.

## Seating capacity

- 8.9 Licensing authorities are responsible for deciding how many passengers a taxi or private hire vehicle is licensed to carry. Whilst the Vehicle Registration Certificate (V5C) issued by the Driver and Vehicle Licensing Agency states the seating capacity of a vehicle, licensing authorities are entitled to restrict the passenger carrying capacity in the interest of convenience and comfort. However, authorities should consider the principles set out in the [Competition and Market Authority's guidance](#). It may however be unreasonable, undesirable or even a safety risk for passengers to have to operate folding seats to exit the vehicle: the ease of this in an unfamiliar vehicle in an emergency situation should be considered.
- 8.10 When considering the carriage of children, [The London Cab Order 1934](#) (applying to hackney cabs in London) states "in computing such number [i.e. the maximum number of passengers that can be carried], an infant in arms shall not count as a person and two children under 10 years of age shall count as one person." While this matter is not addressed in other taxi and private hire vehicle legislation, some local authorities have used this approach when assessing if an excess number of passengers have been carried.
- 8.11 [The Motor Vehicles \(Wearing of Seatbelts\) Regulations 1993](#) also contain relevant provisions when considering passenger numbers. For instance, in taxis and private hire vehicles where there is no fixed partition between the rear seats and the driver, children aged over three years must use an adult seat belt in the rear of the vehicle if an appropriate seat belt is not available. This would therefore impose an upper limit on the number of such children that could be carried by these vehicles.

- 8.12 Given the implications for the safety of passengers, the Department considers a practical solution would be for taxis and private hire vehicles to carry no more people than the number of seatbelts available, regardless of passenger age. Though rear-facing seats do not require a seatbelt, they often are equipped with one.

## Motorcycles

- 8.13 It is recognised that some licensing authorities may wish to license motorcycles as private hire vehicles. To assist those authorities the Department has published [guidance](#) which outlines the standards and conditions which the Department considers to represent best practice when licensing motorcycles as private hire vehicles.

## Tinted windows

- 8.14 The rules for tinted vehicle windows are available on [gov.uk](#). For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in luxury, estate and people carrier style vehicles.
- 8.15 If the objective of the authority's prohibition of tinted windows is to address a concern that illegal activity is taking place in a vehicle, the evidence for this should be established and alternative options should be considered, for example, CCTV in vehicles. When licensing vehicles, authorities should be mindful of this as well as the significant costs and inconvenience associated with changing glass that conforms with the requirements of [vehicle construction regulations](#).
- 8.16 In the absence of evidence to show that a requirement for the removal of factory fitted windows is necessary and proportionate, licensing authorities should not require their removal as part of vehicle specifications. However, authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting.

## Imported vehicles: type approval

- 8.17 It may be that, from time to time, a local authority will be asked to license a taxi or private hire vehicle that has been imported independently (by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either a GB Vehicle Type approval or an Individual Vehicle Approval.
- 8.18 Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements

and the procedures for licensing and registering imported vehicles can be seen at [www.gov.uk/importing-vehicles-into-the-uk/overview](http://www.gov.uk/importing-vehicles-into-the-uk/overview).

## Emergency equipment

- 8.19 The National Fire Chief Council (NFCC) recommend that licensing authorities require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.
- 8.20 The NFCC's advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.

## Vehicle testing

- 8.21 Licensing authorities must only license vehicles that are safe. It is therefore appropriate and proportionate that authorities require vehicles to pass rigorous safety checks. There is considerable variation between local licensing authorities on vehicle testing, including the related but separate question of age limits. The following can be regarded as best practice:
- 8.22 **Frequency of vehicle tests:** The legal requirement is that private hire vehicles which are at least three years old, and all taxis, must be subject to an MOT test or its equivalent at least once a year. Local authorities may obtain a designation from the Secretary of State for Transport to issue 'Certificates of Compliance'. The requirements of the test normally include those in an MOT test but may also include an inspection by a licensing officer to ensure the vehicle meets the relevant local requirements for issuing a taxi or private hire vehicle licence e.g. cleanliness of the vehicle inside and outside, correct plates displayed etc. Certificates of Compliance are entered onto the same national databases as MOTs to allow online licensing of vehicles and prevent erroneous enforcement action.
- 8.23 An annual test for licensed vehicles of whatever age (including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects (see 'Vehicle age limits' below). More information is provided in the Environmental considerations section.
- 8.24 **Monitoring Diligence:** Licensing authorities should, where possible, obtain details of the test, including failures. This means that frequent failures can be raised with the proprietor and authorities can consider whether they are content that the proprietor is taking sufficient action to monitor and maintain the safety of their vehicles.
- 8.25 **Criteria for tests:** For mechanical matters, it seems appropriate to apply the same criteria as those for the MOT test to taxis and private hire vehicles. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and private hire vehicles provide a service to the public, so it is also appropriate



to set criteria for the internal condition of the vehicle, for example, wheelchair fixings and restraint straps, though these should not be unreasonably onerous.

- 8.26 **Number of testing stations:** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive), so it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs (The Driver and Vehicle Standards Agency - DVSA - may be able to assist where there are local difficulties in provision of testing stations). Authorities should require testing stations to provide to them the outcomes of all examinations carried out, this includes where vehicles were subject to advisory notices. A vehicle proprietor should ensure that a vehicle is in safe and satisfactory condition.
- 8.27 Licensing authorities should ensure that their testing standards are publicised and easily obtainable by applicants for vehicle licences.

## Vehicle age limits

- 8.28 The frequency of testing required (see 'frequency of vehicle tests' above) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle. The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences; a five-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol fuel car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.
- 8.29 Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

## Personal security

- 8.30 The personal security of taxi and private hire vehicle drivers and staff must be considered. [Section 17 of the Crime and Disorder Act 1998](#) requires local authorities and others to consider crime and disorder reduction while exercising all their duties. Authorities should ensure that such adaptations (e.g. partitions in vehicles) do not prevent drivers from fulfilling their legal obligations towards disabled passengers.
- 8.31 In order to emphasise the reciprocal aspect of the taxi and private hire vehicle service, licensing authorities should make available signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex F contains two samples which are included for illustrative purposes but licensing authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities should

seek to build good links between the taxi and private hire vehicle trades and the local police force, including participation in any Community Safety Partnerships.

- 8.32 The [Health and Safety Executive](#) list the installation of CCTV with visible signage as a successful measure to improve safety. Community Safety Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and private hire vehicle drivers and control centre staff. It is therefore important that the personal security of those working in the sector is considered.

## Partitions in vehicles

- 8.33 Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily. There has been an increase in the installation of partitions in vehicles in response to the COVID-19 outbreak though these are intended to mitigate the risk of viral infection.
- 8.34 The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the [Road Vehicles \(Construction and Use\) Regulations 1986](#). In order that the partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted. Guidance published by the Department on the fitting of [screens for taxis and private hire vehicles to reduce the spread of COVID](#) provides advice on the design characteristics of screens newly installed in vehicles.
- 8.35 Licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

## In-vehicle visual and audio recording – CCTV

- 8.36 The [Statutory Taxi and Private Hire Vehicle Standards](#) set-out the Department's position on this matter; that CCTV can provide additional deterrence to prevent crime and investigative value when it occurs. The use of CCTV can provide a safer environment for the benefit of taxi and private hire vehicle passengers and drivers by:
- Deterring and preventing the occurrence of crime.
  - Reducing the fear of crime.
  - Assisting the police in investigating incidents of crime.
  - Assisting insurance companies in investigating motor vehicle accidents.
- 8.37 The Statutory Standards state that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. The Department's view is that CCTV in vehicles can enhance

both drivers' and passengers' safety and consideration of the merits of CCTV by licensing authorities must include both aspects.

- 8.38 Licensing authorities should review the [Statutory Taxi and Private Hire Vehicle Standards](#) for further information on consideration of mandating CCTV in taxis and private hire vehicles.
- 8.39 Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has issued guidance for taxi and private hire vehicle drivers to help them improve their personal security. These are attached at Annex G and Annex H.

## Vehicle identification and signage

- 8.40 Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle driver can only fulfil pre-booked requests. Greater differentiation in signage will help the public to distinguish between the two elements of the trade. To achieve this, licensing authorities should seek to minimise the profile of private hire vehicles as these can only be legally engaged through a booking with a licensed operator.
- 8.41 Licensing authorities should not permit roof signs of any kind on private hire vehicles. Regardless of the wording required on such a sign it is likely to increase awareness of the vehicle and the likelihood of being mistaken for a taxi. This increases the success of those illegally standing or plying for hire and may lead to confrontation when private hire vehicle drivers refuse a request for a journey that has not been pre-booked.
- 8.42 Licensing authorities should not impose a livery requirement on private hire vehicles. The more distinctive a private hire vehicle is made to appear, the greater the chance that this might be confused with a taxi. To assist the distinction further, licensing authorities should prevent private hire vehicles from being the same colour as its taxis, unless they are easily identifiable i.e. they are purpose-built vehicles as is the case in many of our cities.
- 8.43 Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign.
- 8.44 This approach enables passengers to be given the clear and consistent message that you should only get in a vehicle that 'looks like a taxi' unless you have pre-booked a private hire vehicle and have received information from the operator to identify it.
- 8.45 A private hire vehicle driver and proprietor are free to work with more than one operator and licensing conditions or requirements that effectively tie a vehicle or driver into an exclusive relationship with an operator should not be implemented or should be discontinued where these are currently imposed. Examples of such policies are a requirement for the private hire vehicle to display the name of the operator under which it is operating by means of a permanent or semi-permanent

sign, or to require a driver to advise the operator who they intend to work for and require notification in advance of any change.

- 8.46 Where an exclusive relationship exists between the vehicle proprietor, driver and operator, a licensing authority should consider permitting the display of operator details in a discreet manner so as to not undermine the overall objective of enabling the public to differentiate easily between taxis and private hire vehicles. This might, for example, be through small branding on the rear of the vehicle. Restrictions on the use of terms which might lead to confusion among the public are detailed in section 64 of [The Transport Act 1980](#) in respect of roof-signs, To assist the public in differentiating taxis from private hire vehicles, similar restrictions should be applied to all signage on private hire vehicles; signs which include the word “taxi” or “cab”, whether singular or plural, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word should not be permitted.
- 8.47 Licensing authorities should only exempt the display of a licence plate by a private hire vehicle in exceptional circumstances. ‘Executive hire’ services are licensed as private hire vehicles and licensing authorities should assure themselves that, given the signage on private hire vehicles will be negligible, there is sufficient justification to exempt these vehicles from a requirement to display a small plate or disc in the absence of an effective means to prevent the vehicle being used for ‘normal’ private hire work.

## Environmental considerations

- 8.48 The UK is committed to a 2050 net zero target. This puts the UK on track to end our contribution to climate change, becoming one of the first major economies to legislate for net zero emissions. On transport, Government is phasing out the sale of new petrol and diesel cars and vans by 2030, and, from 2035, all new cars and vans must be zero emissions at the tailpipe.
- 8.49 Where Clean Air Zones are introduced, local authorities will already be working to address local environmental considerations under the [Clean Air Zones Framework](#). More widely, local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how its vehicle licensing policies can and should support any environmental policies adopted by the local authority. This will be particularly important in designated Air Quality Management Areas or low/ultra-low emission zones.
- 8.50 Licensing teams should work with council colleagues with air quality and climate responsibilities to ensure taxi and private hire vehicle fleets play their part in work to tackle local emissions. Leading areas cite largescale change in these fleets needs a longer-term strategy, with a coordinated approach across council teams and local trades, that considers licencing requirements, other supportive policies (e.g. try before you buy scheme), and, in the context of moving to a fully zero emission vehicle fleet, a strategy for supporting the installation of electric vehicle charge points.
- 8.51 Taxis and private hire vehicles that operate predominantly in urban areas can be significant contributors to poor local air quality, if not properly maintained and

regularly checked, due to their higher usage. This might suggest that emissions testing for vehicle that use petrol and diesel (including hybrids and range extenders) should be carried out more frequently than the annual MOT vehicle test/inspection.

- 8.52 Local authorities should carefully and thoroughly assess the impact of vehicle emission requirements to enable the sector to plan for the future. The short-term objective should be to mitigate the harm from internal combustion engines through the setting of high EURO emission standards e.g. EURO 6 but, in the long-term, the trade will have to transition to zero emission vehicles. Licensing authorities should set out their long-term plan as soon as possible.
- 8.53 In response to local air quality concerns,, many licensing authorities are considering how to support the use of ultra-low or zero emission vehicles given the growing [range of vehicles](#) available. As stated in the 'Vehicle age limit' section', greater flexibility regarding the age of vehicles licensed can result in more rapid improvement in air quality than mandating new 'clean' internal combustion engine vehicles.

## An accessible fleet

- 8.54 The physical accessibility of vehicles used to provide taxi and private hire vehicle services is a significant factor in the inclusivity of the overall service provided. Wheelchair accessible vehicles are essential for wheelchair users who are unable to transfer from their wheelchair to the vehicle, or who prefer to travel in their wheelchair.
- 8.55 Licensing authorities should understand the demand for mixed fleets in its area and ensure that, when issuing licences, it has the right mix of vehicles. They should recognise that some designs of wheelchair accessible vehicles may not be suitable for some ambulant disabled passengers.
- 8.56 Licensing authorities should assess the demand for wheelchair accessible vehicles in its area on a three-yearly basis and publish the results. If demand is not currently met, it should also provide an explanation about how the licensing authority plans to meet this demand. Licensing authorities should consider ways to incentivise an increase in wheelchair accessible vehicle provision. This may consist of licence fee rebates, access to bus lanes where agreed with the local Highways Authority, relaxation of other licensing requirements where it would otherwise be difficult to source appropriate wheelchair accessible vehicles, priority roadway access and, in the case of taxis, rank access.

## Inclusive vehicle specifications

- 8.57 The design of non-wheelchair accessible vehicles licensed for use as taxis or private hire vehicles can also have a bearing on their accessibility. This guidance advises authorities to adopt the principle of setting down general criteria for vehicles and allowing drivers and operators to demonstrate how their vehicles fulfil them. When setting minimum criteria for newly licenced vehicles, authorities should consider factors which could influence the accessibility of vehicles to disabled passengers, including:

- The ease with which passengers can enter and leave the vehicle, including the height of steps and the positioning of seats.
- The space available for assistance dogs to remain with their owner in the vehicle.
- The space available for folded mobility aids in addition to other items of luggage.
- The comfort and safety with which disabled people can use them.

## Wheelchair Accessible Vehicles (WAVs)

- 8.58 The Government’s 2018 statutory guidance ‘[Access for wheelchair users to taxis and private hire vehicles](#)’ recommends that WAVs large enough to accommodate a passenger seated in a “reference wheelchair” should be designated formally as being “wheelchair accessible” for the purposes of section 167 of the [Equality Act 2010](#). This reflects the Department’s view that a vehicle which is only able to accommodate smaller wheelchairs would not be accessible to the majority of wheelchair users. Authorities should also maintain a consistent policy on their support or otherwise for WAVs which wheelchair users enter through the rear door. Many wheelchair users find boarding and travelling in such vehicles can be easier and more comfortable, and authorities should consider permitting their use where this is not already the case.
- 8.59 Whilst we do not currently recommend that newly licensed WAVs meet minimum size requirements, we are currently reviewing our continued use of the reference wheelchair standard and may provide a steer on this point in future guidance.
- 8.60 For some passengers in wheelchairs, only vehicles which enable them to board, alight from and travel whilst remaining in their wheelchair are accessible and it is important that sufficient vehicles of this category are available to provide an acceptable service.
- 8.61 Other wheelchair users may be able to transfer onto the seat of a car, with or without assistance, with the wheelchair stored in the vehicle’s boot during the journey. For such passengers, and for some ambulant disabled people, for whom high steps and large open spaces may be difficult to negotiate, traditional WAVs may be challenging to access.
- 8.62 Licensing authorities should adopt policies on the minimum standards for WAVs, noting that some passengers need to use wheelchairs larger and heavier than the [Reference Wheelchair](#). It is worth noting that, at the time of issuing, the reference wheelchair standard is being reviewed and that the post-consultation version may include updated guidance on its use.
- 8.63 A truly inclusive transport system is one where a mixed fleet is available, where wheelchair users can travel as easily as anybody else, and this means ensuring that there are sufficient suitable vehicles to serve their needs. Though for some passengers, particularly ambulant disabled people whose ability to walk is impaired, the high steps and large floor areas of traditional WAVs can constrain their access.
- 8.64 Licensing authorities should assess the demand for WAVs within their jurisdiction at least every three years and take appropriate steps to ensure that the supply of suitably accessible vehicles meets the demand for them.

8.65 The assessment, targeted proportion, and details of the steps that will be taken to achieve it should be documented in the authority's [Inclusive Service Plan](#) (see 4.17-4.21).

## Accessibility equipment

8.66 Authorities should consider the benefits of requiring additional accessibility equipment to be provided in vehicles beyond that which might be included in a standard vehicle specification, noting that the benefits to disabled customers in terms of their confidence and willingness to travel cannot always be monetised. Authorities should, as a minimum, require the installation of hearing loops in vehicles where an internal screen is fitted, in order to support passengers who are deaf or hard of hearing to communicate with drivers.

8.67 Authorities should also investigate options for making the payment process more accessible for visually impaired passengers. Whilst not widely used in the UK, "talking" meters are used in other countries, and some payment card readers are more accessible than others. Implementing such interventions could support more disabled passengers to use taxi and private hire vehicle services with confidence.

8.68 Licensing authorities should ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

## Assistance dogs

8.69 To mitigate barriers relating to the carriage of an assistance dog, authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) (see [Section 149 of the Equality Act 2010](#)) when taking decisions concerning the provision of taxi and private hire vehicle services. This includes adoption of any policies affecting the carriage of assistance dogs in taxis and private hire vehicles or the investigation and prosecution of drivers alleged to have discriminated against their owners.

8.70 Licensing authorities should:

- Remind operators and drivers regularly of their duties under sections 168 to 171 of the [Equality Act 2010](#), including the authority's intention to prosecute those that refuse to comply.
- Make it simple for passengers to report alleged instances of illegal discrimination relating to the carriage of assistance dogs.
- Investigate all such alleged instances, and prosecute drivers where sufficient evidence is identified.
- Where drivers are legally exempt from carrying assistance dogs, provide them with a card confirming this in large print and Braille, in addition to the statutory exemption notice.
- Invite operators and drivers to meet with assistance dog owners and learn about the role they play.
- Work with organisations, such as the Guide Dogs for the Blind Association, to produce hand out material which can be provided to operators and drivers.

- Require drivers to accept the carriage of assistance dogs in training, familiarising operators and drivers with the role of respective dogs, and helping the dogs to learn to behave appropriately when travelling by taxi or private hire vehicle.
- Build relationships with private hire vehicle operators to encourage proactive reporting of drivers alleged to have discriminated against passengers with assistance dogs, and provision of relevant evidence to support the authority's investigation.



## 9. Quantity restrictions of taxi licences outside London

### Legal powers

- 9.1 The present legal provision on quantity restrictions for taxis outside London is set out in [section 16 of the Transport Act 1985](#). This provides that the grant of a taxi licence may be refused for the purpose of limiting the number of licensed taxis if, but only if, the licensing authority is satisfied that there is no significant unmet demand for taxi services in their area.
- 9.2 In the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

### Impacts of quantity restrictions

- 9.3 The Competition and Markets Authority was clear in its 2017 guidance on the [Regulation of taxis and private hire vehicles: understanding the impact of competition](#) that “Quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable. However, they can harm passengers by reducing availability, increasing waiting times, and reducing the scope for downward competitive pressure on fares.”
- 9.4 Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reviewed. The matter should be approached in terms of the interests of the travelling public:
- What benefits or disadvantages arise for them as a result of the continuation of controls?
  - What benefits or disadvantages would result for the public if the controls were removed?
  - Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?
  - Are there alternative ways in which the issue could be addressed?

- 9.5 If alternative measures could be used to achieve the same effect, then the Department believes these should be used in preference to quantity restrictions.
- 9.6 It has been observed that where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

## Demand surveys

- 9.7 If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey. It will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
- 9.8 The following points should be considered when conducting a survey on quantity restrictions:
- Waiting time at ranks.
  - Waiting time for street hailing.
  - Waiting time for telephone/online/app engagement;
  - Latent demand (those that would choose to travel by taxi but do not due to excessive waiting times).
  - Peak demand (the most popular times for consumers to use taxis should not be discounted as atypical).
- 9.9 The financing of demand surveys should be paid for by the local taxi trade through general revenues from licence fees. Other funding arrangements may call in to question the impartiality and objectivity of the survey process.

## Consultation on quantity restrictions

- 9.10 As well as statistical demand surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups. User groups that typically use taxis (and/or private hire vehicles) the most include people with mobility difficulties, women, older people and those that are less likely to have access to a car (those in areas with lower-than-average household income or where parking difficulties make ownership more problematic). The views of the retail and hospitality sector (including hoteliers, operators of pubs and clubs and visitor attractions) should also be sought and considered, recognising that most taxi (and private hire vehicle) journeys are for leisure and shopping purposes.
- 9.11 The role taxis can play in dispersing the public that have enjoyed the night-time economy should not be ignored. Alongside pre-booked private hire vehicles, taxis may be the only means by which people can return home. Excessive waits for vehicles may lead to conflict among passengers or the increased use of unlicensed, unvetted and uninsured drivers and vehicles, both of which may then result in

increased call upon police resources: they should therefore be consulted on any restrictions.

- 9.12 All Local Transport Plans are expected to promote the use of active or public transport; taxis are frequently used for the 'first and last mile' of longer journeys that could be made using public transport. The views of the providers of other transport modes (such as train operators) should also be sought and considered if a quantity restriction is to be imposed.
- 9.13 All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.

## Reviewing quantity restrictions

- 9.14 The Department's view is that licensing authorities that elect to restrict taxi licences should review this decision and, if the policy continues, the quantity at least every three years. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process where this is their responsibility. A recommended list of questions for local authorities to address when considering quantity controls is at Annex I.

## 10. Taxi fare rates

### Legal powers

- 10.1 Licensing authorities have the power to set maximum taxi fares for journeys within their area, and most do so. There is no power to set fares for private hire vehicles. Unlike most licensing functions, the setting of fares is an executive function, not a council function.

### Setting taxi fare rates

- 10.2 Maximum fare rates should be designed with a view to practicality and reviewed regularly, including any variability of the fare rates dependent on time of day or day of the week. Authorities should consider adopting a simple formula for deciding on fare changes as this will increase understanding and improve the transparency of the process for passengers. The Department recommends that in reviewing fare rates, authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. There is likely to be a case for higher fare tariffs at times of higher demand to encourage more drivers to make themselves available or when the journeys are required at anti-social times.
- 10.3 The Competition and Markets Authority recognised in its 2017 [report](#) the need for licensing authorities to be responsive to patterns of demand, that they “should monitor waiting times and consider adjusting the regulated fare cap to address mismatches between supply and demand. Addressing such mismatches is likely to benefit passengers.”

### Price competition in taxi fares

- 10.4 Taxi fare tariffs are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailing; there would be risks of confusion and security problems.

10.5 Licensing authorities should however make it clear that published fares rates are a maximum. The growing use of telephone and electronic means to hire taxis means that passengers may benefit from competition and price comparison among taxi intermediaries. It is perfectly legitimate for taxi intermediaries to advertise discounted fares, such as '5% discount from fares.'

# 11. Taxi ranks and roadside infrastructure

- 11.1 Taxi ranks can provide a useful interchange between modes of transport and a focal point for taxis and passengers at peak periods. There are a number of aspects that should be considered when assessing the number and location of taxi ranks, including how ranks contribute to a wider transport policy and its success in delivering accessible transport as disabled users are less able to seek alternatives.
- 11.2 When providing new taxi ranks or redesigning areas of the built environment in which existing ones are located, authorities should seek to locate ranks as close as possible to transport interchanges and other key destinations that they serve in order to minimise walking distances for passengers and follow the Department for Transport's [Inclusive Mobility](#) guidance and other sources of best practice in accessible street design.
- 11.3 The provision of taxi ranks should be subject to regular review. This will help local authorities establish whether a change is required to current provision and how to make necessary amendments to ranks for the benefit of the travelling public. The Department's view is that a review every three years strikes the right balance between the burden placed on licensing authorities and being responsive to changes in passenger uptake or changing patterns in people flow.
- 11.4 Taxi ranks late at night can become a hotspot for anti-social behaviour. These problems can be mitigated or even solved through a taxi marshal scheme in busy town and city centres. Such schemes can be jointly funded by taxi drivers and local licensing authorities. Marshals can help local authorities support their night-time economy by fostering public confidence in taxis by encouraging users to form an orderly queue, eliminating potential flashpoints and moving people quickly and efficiently. It is also an opportunity to prevent the use of unlicensed vehicles plying for hire.
- 11.5 If feasible, a short-term waiting area for drivers of taxis picking up disabled passengers should be considered. This could be an area of the footway with a kerb assigned as a setting-down/picking-up point for people using taxis that have ramps designed for transfer directly to the footway.
- 11.6 Wheelchair access to most taxis is on the nearside, though some taxis load wheelchair users through the rear door or the far side door. Where taxi ranks are

being designed or redeveloped, they should be designed to facilitate access into all vehicle types without creating safety risks for either customers or drivers.

- 11.7 Licensing authorities should work with local authority partners to ensure that vehicle priority measures, parking and waiting restrictions do not prevent disabled passengers from being picked up and/or dropped off close to their origin or destination. Care should also be taken to ensure that facilities for cyclists do not prevent access to the kerbside for long distances.
- 11.8 Authorities should also work with the operators of facilities served by a high volume of private hire vehicles to ensure that safe spaces are provided for drivers to collect passengers, without requiring them to navigate busy car parks alone.

## 12. Taxi zones

- 12.1 The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.
- 12.2 The Department recommends the abolition of these zones. This would chiefly benefit the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice – for example, if 50 taxis were licensed overall by a local authority, but only 25 of them were entitled to ply for hire in each zone. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.
- 12.3 It should be noted that, in 2008, the Government made a Legislative Reform Order that removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the [Local Government Act 1972](#) – remains the same.



## 13. Flexible transport services

- 13.1 It is possible for taxis and private hire vehicles to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas – though potentially in many other places as well.
- 13.2 The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services in order to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and private hire vehicle trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.
- 13.3 The main legal provisions under which flexible services can be operated are:
- **Shared taxis and private hire vehicles – advance bookings** (section 11, [Transport Act 1985](#)): licensed taxis and private hire vehicles can provide a service at separate fares for passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
  - **Shared taxis – immediate hiring** (section 10, [Transport Act 1985](#)): such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not private hire vehicles) can be hired at separate fares by people from ranks or other places that have been designated by the authority. Authorities are required to set up such a scheme if holders of ten per cent or more of the taxi licences in their area ask for one. The passengers pay only part of the metered fare and without pre-booking, but the driver receives more than the metered fare.
  - **Taxi and private hire vehicle buses** (section 12, [Transport Act 1985](#)): owners of licensed taxis and private hire vehicles can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The vehicle owner can then use it to provide a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxi/private hire vehicle buses can be used for local authority

subsidised bus services. The benefits are that the travelling public have another transport opportunity opened for them, whilst taxi and private hire vehicle owners have another business opportunity.

## 14. Local Transport Plans and Strategy

- 14.1 The [Transport Act 2000](#) as amended by the [Local Transport Act 2008](#), requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to Government policy.
- 14.2 LTPs relate to transport to, from and within their area. It is a practical document which sets out in detail the authority's transport policies over a given period. This includes local objectives, strategy and an implementation plan highlighting what measures will be taken to achieve local plans.
- 14.3 All modes of transport including taxi and private hire vehicle services have a valuable part to play in overall transport provision, and so local licensing authorities have an input into delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:
- Quantity controls, if any, and plans for their review;
  - Licensing conditions, with a view to safety but also to a good supply of taxi and private hire vehicle services;
  - Taxi fares;
  - On-street availability, especially through provision of taxi ranks;
  - Vehicle accessibility for people with disabilities;
  - Encouragement of flexible services.
- 14.4 The [Greater London Authority Act 1999](#) places a similar duty on the Mayor of London. The Mayor must publish a transport strategy to develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London. As above, taxi and private hire vehicle services have a valuable part to play in overall transport provision.

## 15. Tax checks in taxi and private hire vehicle licensing

- 15.1 HMRC is introducing a tax registration check (tax check) for renewed applications in England and Wales to drive taxis and private hire vehicles and to operate a private hire vehicle business. It will apply to applications made from 4 April 2022.
- 15.2 An applicant who wishes to renew a licence will need to carry out a tax check. The licensing authority will have to obtain confirmation from HMRC that the applicant has completed the check before being able to consider their renewed licence application.
- 15.3 The new rules aim to address part of the hidden economy by helping applicants for taxi and private hire vehicle driver and operator licences to understand their tax obligations and by making access to the licences they need to trade conditional on completing a tax check.
- 15.4 The new rules will apply to applications made by individuals, companies and partnerships, including Limited Liability Partnerships. Licensing authorities will be required to signpost first-time applicants to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application.
- 15.5 Where the application is not a first-time application (a renewed application) the licensing body must, before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check.
- 15.6 An applicant will carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has told HMRC about income earned under the licence. The check will verify that a person has complied with an obligation to notify their chargeability to tax, where such an obligation applied. The check is intended to be quick and easy to complete, and HMRC is developing a digital system to facilitate it. Additional help will also be available to individuals who are digitally excluded or need extra support.
- 15.7 HMRC has published [guidance](#) for licensing authorities and applicants on how to complete checks.

# Annex A: Guidance Note on private hire vehicle licensing

## Introduction

1. This note relates to private hire vehicles in England only, as responsibility for licensing policy is devolved in all nations of the United Kingdom.
2. The Department for Transport is not in a position to provide definitive statements; to do so would be to give the impression that the Department was responsible for interpreting the law. The Department is not responsible for interpreting the law – that is a matter for the courts.
3. However, in those ‘grey areas’ of the legislation where it is not clear whether a particular service should be licensed or not, it is reasonable that the Department should offer a view about the extent of private hire vehicle licensing and, where possible, indicate the considerations which, in the Department’s view, are relevant to an assessment of whether or not a particular service should require a licence.
4. This note sets out the key principles and characteristics which the Department considers define a private hire vehicle service and, against that background, offers a straightforward view about whether the various services falling within a grey area should require licences.
5. We would expect that this guidance note would have a degree of persuasive value in terms of assisting with licensing authority decision-making. But, any transport providers reading this note should be aware that it does not carry the force of law and the Department would strongly urge those who are in any doubt about their legal position to seek independent legal advice.
6. The fundamental purpose of the private hire vehicle licensing regime is to establish a position where passengers can use these vehicles with a high degree of confidence about their safety. This principle is at the heart of the [Statutory Taxi and Private Hire Vehicle Standards](#). It is not however the Department’s intent to attempt to regulate car-sharing that is not carried out for commercial purposes, the decision to share a vehicle and costs are a matter for the individuals involved.

7. We would encourage licensing authorities to think carefully about the burden which would be placed on people and organisations who are in the “grey areas” if they were to impose a requirement for private hire vehicle licensing. Whilst licensing authorities must first and foremost comply with the legislative requirements, in cases of genuine ambiguity we would urge licensing authorities to ask themselves – particularly in cases where the activity in question is already regulated or assessed in respect of wider duties being carried out – whether there is any real need to oblige these people or organisations to acquire licences.
8. It should be stressed that the key principles set out in part one of this guidance note are designed to assist with licensing authorities’ consideration of any given case where the decision is not clear-cut. It is not designed to be a “tick-box” exercise which leads automatically to a “yes” or “no”. It is the responsibility of licensing authorities to reach informed decisions based on an assessment of each case and this note is designed to help them do so.

## Part one – Key principles

### Definition in private hire vehicle licensing

9. Section 80 of the Local Government (Miscellaneous Provisions) Act 1976<sup>1</sup> defines a private hire vehicle as:

“A motor vehicle constructed or adapted to seat fewer than nine 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”

10. The Act defines “operate” as “in the course of a business to make provision for the invitation or acceptance of bookings for a private hire vehicle”.

11. Section 1 of the [Private Hire Vehicles \(London\) Act 1998](#) defines a private hire vehicle as:

“...a vehicle constructed or adapted to seat fewer than nine passengers which is made available with a driver for hire for the purpose of carrying passengers, other than a licensed taxi or a public service vehicle;”

12. The Act defines a private hire vehicle operator as:

“...a person who makes provision for the invitation or acceptance of, or who accepts, private hire bookings”

13. It is clear that a range of vehicles could potentially fall within this definition – certainly more vehicles than those which are solely used to provide a conventional “minicab” service. Licensing authorities will be aware of existing case law in this area and this guidance note is not intended to conflict with any of the binding principles already established by the courts. However, in the Department’s opinion, there remains an

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<sup>1</sup> The definition in the Private Hire Vehicles (London) Act 1998, is similar though not identical.

element of flexibility for licensing authorities to take a balanced view of the specific facts of any one case. This guidance note attempts to assist licensing authorities with their decision making by setting out what the Department considers are relevant considerations and example parameters as to which services should have their vehicles treated as private hire vehicles and which should not.

14. It should be stressed that this is the Department's view of what the law means; it represents our best effort to clarify issues which have not been clarified by the courts. We recognise that in due course the courts might interpret the law differently from the view set out in this guidance note. In those circumstances, we would look again at this guidance note.
15. In the Department's view, whether private hire vehicle licensing is required in a particular case will depend on a careful assessment of all the facts. The Department would discourage licensing authorities from adopting blanket policies on particular types of services, for example a policy which requires all childminders who drive a child to school to be licensed, as often consideration of the specific facts of how a particular vehicle is used will be necessary to reach a decision.
16. In offering advice about what is and what is not a private hire vehicle, the Department considers that there are some key principles which should underpin the decision-making process.
17. These principles should not be considered as decisive factors but we would recommend that licensing authorities when deliberating over a particular service where it is not clear whether or not licensing should apply, ask themselves the following questions – and consider the points which the Department offers as a guide.

#### **Question 1: Is there a commercial benefit?**

*If the driver or the operating organisation / person would usually derive a commercial benefit, it should be subject to further scrutiny.*

*If the carrying of passengers usually yields no commercial benefit, it is unlikely to require licensing.*

18. A key characteristic of a typical private hire vehicle operator and driver is that they would usually charge a fare at a commercial rate that will generate a profit.
19. Accordingly, if the driver of a vehicle used for carrying passengers is doing no more than collecting expenses, then the vehicle should not, in the Department's view, be subject to private hire vehicle licensing.
20. The definition of private hire vehicle in legislation refers to a vehicle being "provided for hire". Case law has established that there does not need to be the payment of money for a hiring to take place. However, where there is a commercial benefit, there may be a hiring. When assessing the question of commercial benefit, licensing authorities should look at whether a commercial rate is usually charged as part of all the circumstances.

21. An assessment of whether or not the service derives a commercial benefit can be equally applied to any organisation acting as an operator of the service as well as a driver. However, in the Department's opinion, case law in this area allows licensing authorities to form a balanced and fair view of whether a vehicle is being provided for hire rather than taking a strict and inflexible approach to remote or minor consequential commercial benefits.

**Question 2: Is carrying passengers in a vehicle with fewer than nine passenger seats an ancillary part, or a main part, of the overall service?**

*If carrying passengers is a main part, or an obviously separate and identifiable part, the service is more likely to require further scrutiny.*

*If carrying passengers is an ancillary part, the service is less likely to require licensing.*

22. A characteristic of a typical private hire vehicle operation is that the operator wants to transport passengers from a start point to a destination; that is the main purpose of the business.
23. It is clear that there are a number of services provided by various people and organisations which involve carrying passengers as a purely incidental and minor part of the wider service. When looking at services where there is an element of doubt as to whether or not private hire vehicle licensing should apply, the Department considers it relevant to look at the overall services being provided and the characteristic use of any vehicles in question.
24. The Department's view is that licensing authorities are responsible for making a considered decision as to whether or not licensing should apply if the carrying of passengers is a genuinely incidental and minor part of a wider service being provided. In the Department's opinion, a distinction can be drawn between those services where carrying passengers is a genuinely incidental part of a larger service and those operations which have a separate identifiable service of carrying passengers.
25. For example, "courtesy lifts" are a feature of many businesses which are not dedicated to transporting passengers. Many of these businesses will provide courtesy lifts on an informal basis – i.e. on the basis that a lift can be provided to customers who request such a service if a car is available at the time and someone is free to drive the customer, but no guarantee is given. This type of incidental service can be contrasted with those operations which provide dedicated transportation as part of a wider service. For example, a company organising a sporting event which agrees to organise transportation for the players or officials, is providing separate organised transportation services regardless of the fact that transportation may be a small and incidental part of the overall service.



**Question 3: Has the driver been vetted to provide the wider service of which driving is a part?**

*If the driver has not been vetted for wider work, the Department considers that the service is likely to require further scrutiny.*

*If the driver has been vetted for wider work, the Department considers that the service is less likely to require licensing.*

26. The Department considers that licensing authorities should take a pragmatic approach to licensing, taking account of the underlying objective of licensing – safety. When considering services where there is doubt as to whether or not PHV licensing should apply, the Department considers it relevant to investigate whether or not drivers have been assessed by an organisation in the context of their wider role (for which driving passengers is just one part). This is particularly relevant where the drivers have, for example, undergone a Disclosure and Barring Service check for that wider role.
27. One example might be in the case of care workers who use their cars to transport clients from time to time; they are likely to have been vetted for that work. In cases where it is not clear whether a service should be licensed or not, the Department considers that there is a greater need to subject drivers who have not been assessed in this manner under a separate licensing regime than those who have.

**Question 4: Is the driver under any explicit or implicit obligation to undertake any duties or tasks beyond driving (and assisting with entry/exit and assisting with luggage)?**

*If the driver's duties are restricted to driving and assisting with luggage, the Department considers that the service is more likely to require licensing.*

*If the driver has wider duties beyond those associated with driving, the Department considers that the service is less likely to require licensing.*

28. This element is directed at the sorts of duties undertaken by people who are in a position of care or responsibility in respect of the passenger being carried in the vehicle. For example, in the case of genuine ambulances, the Department considers it relevant that drivers clearly have wider responsibilities for the care of their patients.
29. Similarly, childminders have a wider responsibility and specific duties relating to the children in their care. Another example would be those who provide secure escort and custody services where drivers are under wider obligations in relation to the transport of passengers to ensure that they cannot abscond.

**Question 5: Does the service require a specific qualification or level of training on the part of the driver which goes beyond the driving and courtesy skills associated with conventional private hire vehicle services?**

*If the driver does not require any specific qualifications or training which go beyond driving and general customer care, the Department considers that the service is more likely to require licensing.*

*If the driver must have specific qualifications or training which go beyond driving and general customer care, the Department considers that the service is less likely to be private hire.*

30. Private hire vehicle drivers are experts in their field and we would, of course, expect them to discharge their duties by utilising their skills to the full. However, this element of the consideration process is directed at the sorts of specialist skills which a driver must possess in order to undertake the wider work of which driving is a part. For example, the driver of an ambulance would be expected to undergo specialist training before being allowed to start work.

**Question 6: Would Parliament have had this service in mind in passing the legislation governing private hire vehicles?**

*If Parliament would have had this sort of service in mind when passing the relevant legislation, the Department considers that the service is more likely to be private hire.*

*If Parliament would not have had this sort of service in mind when passing the legislation, the Department considers that the service is less likely to be private hire.*

31. This final question is included to assist licensing authorities in cases which are finely balanced where the authority is struggling to reach a decision. It relates back to the fundamental point of this guidance note which is made at the outset about taking a common-sense approach to licensing.
32. Whilst ultimately it is a matter for the courts to interpret the legislation with reference to any particular service, the Department is firmly of the opinion that in passing the relevant legislation, Parliament believed that it was establishing a regulatory mechanism for dealing with conventional private hire vehicles – albeit a range of vehicles – but whose principal purpose was to transport passengers.
33. Legislation by its very nature is regularly applied to situations outside of Parliament's original thinking and must constantly be interpreted to keep pace with innovation and a changing world. However, where there is an element of ambiguity in legislation and its application is unclear, Parliamentary intention can be a valid tool to aid in its interpretation.
34. In the Department's opinion, consideration of this final question adds weight to the argument that those services which form minor or incidental parts of other services should not require licensing, for example courtesy lifts provided by garages or transport provided by child minders.

## Insurance

35. The issue of insurance does not feature in this guidance note as relevant to the question of whether or not a particular service falls within the private hire vehicle licensing regime. However, the Department views correct insurance cover as an extremely important issue which may, of course, be affected by an assessment of whether or not a particular service is operating within the private hire vehicle regime.
36. Licensing authorities should make enquiries about the insurance cover held by transport providers as part of their investigations and decision-making process. Licensing authorities should communicate to transport providers the importance of checking with their insurance provider that the services they are providing are adequately covered by the relevant policy of insurance and stress that any conclusions reached in the licensing process will not necessarily be relevant to an assessment of whether or not the insurance policy is adequate.

## Part two - Sector-specific guidance

37. This section of the guidance note deals with those sectors which might be considered as being a “grey area” in the context of private hire vehicle licensing. It takes each sector in turn and, using the key principles outlined in part one, offers a general opinion on whether they should be licensed as private hire vehicles.
38. As mentioned above, licensing authorities should look at the specific facts of any one case and reach a conclusion based on those individual facts rather than automatically placing particular types of services into the licensed or non-licensed category.

## Stretched limousines

39. The Department considers that most stretched limousine operations (where the vehicle has fewer than nine passenger seats) are likely to fall within the private hire vehicle licensing regime.
40. Essentially these vehicles are luxury versions of conventional “minicabs”. They are in the business of transporting passengers, normally in a group, from a pick-up point to a destination. They focus on providing this service in a luxurious way, but they are, nevertheless, providing a straightforward transportation service.
41. The operator will, of course, want to be sure that the driver is highly skilled in terms of customer service. However, aside from the size and quality of the vehicle and the possibility of in-vehicle entertainment, there is no discernible difference in the function and service provided between a conventional minicab and a stretched limousine.
42. The Department’s best practice guidance provides further information about the licensing of stretched limousines, for example approval certification, how to test the vehicles and how to establish the number of seats.

43. Taking account of the principles set out in part one of this guidance note, the Department takes the view that typical stretched limousine operations should be licensed because they involve:

- a commercial benefit on the part of the driver/organiser;
- the carrying of passengers as a main part of the service;
- drivers who are unlikely to have been vetted for wider work;
- driver duties which are restricted to driving and assisting with luggage; and
- the sort of service which Parliament would have had in mind when passing the relevant legislation.

### Chauffeur/Executive drivers

44. The Department considers that most chauffeur/executive operations are likely to fall within the private hire vehicle licensing regime.

45. It seems to the Department that the primary function of a chauffeur/executive driver and vehicle is to transport passengers from 'A' to 'B', albeit in a higher quality vehicle than a conventional private hire vehicle. As with stretched limousines, the Department, whilst recognising that the drivers might have a more dedicated focus on higher quality customer care, considers that chauffeur vehicles would fall within the private hire vehicle category.

46. The Department would take this opportunity, though, to highlight for licensing authorities section 75(3) of the 1976 Act which allows them to modify requirements for the display of plates on vehicles and the wearing of badges by drivers.

47. Taking account of the principles set out in part one of this guidance note, the Department takes the view that typical chauffeur/executive car operations should be licensed because they involve:

- a commercial benefit on the part of the driver/organiser;
- the carrying of passengers as a main part of the service;
- drivers who are unlikely to have been vetted for wider work;
- driver duties which are restricted to driving and assisting with luggage; and
- the sort of service which Parliament would have had in mind when passing the relevant legislation.

48. Licensing authorities should remind chauffeur/executive car drivers and owners of the importance of making all bookings through a licensed operator. This is particularly important in "one-man-band" cases where the owner of the vehicle is also the driver and takes the bookings themselves; they would need a separate private hire vehicle operator's licence.

## Event Management Companies

49. The Department considers that companies which provide a dedicated transport service for events should be subject to private hire vehicle licensing.
50. The Department is aware of the existence of companies who specialise in providing transport services for events or those who specialise in the organisation or management of events, of which, a part includes the provision of transport services.
51. Due to the numbers of people involved in, or attending, the event in question, organisers often want to call in a specialist company to provide transport. Nevertheless, these vehicles are providing a dedicated transport service and the company itself is acting as an operator in terms of arranging the hirings.
52. Of course, each operation must be assessed individually, but in general terms, the Department considers that these companies are acting as private hire vehicle operators and the vehicles and drivers used by them should be licensed.
53. It may well be the case that the drivers' customer care obligations go slightly beyond the requirements associated with a conventional private hire driver, but the essential nature of the work is to provide transport from 'A' to 'B'.
54. Taking account of the principles set out in part one of this guidance note, the Department recognises that typical event management operations might involve duties beyond driving, but considers that they should be licensed because they involve:
  - a commercial benefit on the part of the driver/organiser;
  - the carrying of passengers as a main part of the service;
  - drivers who are unlikely to have been vetted for wider work; and
  - the sort of service which Parliament would have had in mind when passing the relevant legislation.

## Ambulances

55. The Department considers that "genuine ambulances" do not fall within the private hire vehicle licensing regime.
56. We recognise that there is a great deal of debate about what constitutes a genuine ambulance and a wide range of vehicles and operations appear to come under the broad "ambulance" heading.
57. It seems to the Department that "genuine ambulances" fall into two categories:
  - emergency/specialist ambulance vehicles – likely to accommodate a stretcher and specialist equipment, and to require the presence of health professionals. Licensing authorities may wish to make use in this connection of the fact these vehicles are

exempt from vehicle excise duty by virtue of the Vehicle Excise and Registration Act 1994<sup>2</sup> and cannot be used for "social" hirings.

- vehicles which operate as part of a formal Patient Transport Service<sup>3</sup> – usually non-emergency, planned transport of patients, where the booking will only be made if the person to be carried has been assessed by a health professional as having a medical need for transport; these vehicles will be contracted to a health care provider and cannot be used for "social" hirings.
58. Licensing authorities can verify with the owner of a vehicle that it is being used in connection with such a contract. An exemption from vehicle excise duty as mentioned under the first bullet point might also be relevant. Patient Transport Services encompass a wide range of vehicles, ranging from specialist to less specialist types, to allow for transport consistent with a patient's needs.
  59. It is these categories of vehicle/service which the Department has in mind in reaching the conclusion that "genuine ambulances" do not need to be licensed. And, it should be stressed that the vehicles referred to in the second category above are vehicles solely dedicated to patient transport service work; if the vehicles, at other times, carry out social hirings then they would not fall into this category.
  60. There is a category of vehicle/service which the operator might describe as an ambulance because it carries out predominantly transport work involving medical-related journeys, but which the Department does not recognise as a genuine ambulance.
  61. These vehicles transport passengers to and from hospitals and other medical facilities on an ad-hoc basis but do not fall within either of the above two categories. They might, for example, be under the control of an operator who has made a commercial decision to provide a dedicated service involving medical-related journeys, but the key point is that if they do not (i) meet the definition of "ambulance" in the Vehicle Excise and Registration Act 1994; or (ii) operate under the auspices of a formal Patient Transport Service, then the Department would advise that they are likely to be private hire vehicles.
  62. It may well be the case that other considerations apply (taking account of the six questions in part one of this guidance note) but they are unlikely to be ruled out of private hire vehicle licensing because they are ambulances.

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<sup>2</sup> Schedule 2 to the Vehicle Excise and Registration Act 1994 identifies an ambulance as a vehicle which is exempt from road tax; it defines an ambulance as:

A vehicle which -

- (a) is constructed or adapted for, and used for no other purpose than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given, and
- (b) is readily identifiable as a vehicle used for the carriage of such people by being marked "Ambulance" on both sides

<sup>3</sup> In the Department's view, "a formal Patient Transport Service" can be taken here to include services contracted to private healthcare providers, subject to the other requirements identified in this paragraph being met.

63. Taking account of the principles set out in part one of this guidance note, the Department recognises that genuine ambulance services derive a commercial benefit, but consider that they should not be licensed because they involve:

- drivers who are likely to have been vetted for wider work;
- drivers who have wider duties beyond those associated with driving;
- drivers who must have specific qualifications or training which go beyond driving and general customer care; and
- the sort of service which Parliament would not have had in mind when passing the legislation.

## Volunteers

64. The Department considers that genuine volunteers who receive no recompense or receive only enough to cover their actual expenses are unlikely to fall within the private hire vehicle licensing regime.
65. The definition of “operate” in relation to private hire vehicles outside of London means “in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle”. The Department considers that volunteer services are unlikely to be run in the course of a business and therefore will not require licensing.
66. Under the London legislation, operators do not have to be acting in the course of a business in order to fall under the licensing regime. However, under both regimes, the definition of “private hire vehicle” states that the vehicle must be “provided for hire”. This requirement is more likely to be satisfied if there is some form of commercial benefit to the person providing the vehicle.
67. The Government recognises the importance of volunteers who willingly give their own time to assist others and are not paid a wage for doing so. It is important that they should continue to be able to do so in order to contribute towards social inclusion objectives.
68. It should be noted that car sharing is a quite lawful and legitimate form of transport provision. The rules governing car sharing are contained in section 1(4) of the Public Passenger Vehicles Act 1981.
69. In determining whether a particular volunteer service is operating legitimately outside the private hire vehicle licensing regime, one useful method of calculating the profitability or otherwise of the service might be to consider whether the individual would be required to pay tax on any profit they made on approved mileage allowance payments claimed. HM Revenue and Customs (HMRC) has published [guidance](#) on this.
70. The Department recognises that the licensed trade has concerns about the total mileage undertaken by some volunteer drivers which they consider amounts to being in the business of providing transport in such a way as to make a profit. Furthermore, in addition to drivers, licensing authorities will be aware that the fundamental question of whether or not a commercial benefit is derived from the service can

equally be applied to any organisation acting as an operator of the service in question.

71. As mentioned in part one of this Guidance Note, licensing authorities should make a balanced and fair assessment of whether or not a 'commercial benefit' is derived in any particular case, rather than taking a strict and inflexible approach to this question.
72. The Department reached its conclusion that most volunteer drivers do not fall within the private hire vehicle licensing regime because of the nature of the activity in relation to the definition in the legislation. If a driver chooses to offer a substantial amount of time to this activity, this does not change the essential nature of the work; indeed, the HMRC's rules take account of the fact that some drivers will be undertaking substantial mileage and the rates reflect this.
73. Taking account of the principles set out in part one of this guidance note, the Department considers that in most cases volunteer drivers should not be licensed because:
  - the service involves no commercial benefit; and
  - it is not something that Parliament would have had in mind when passing the legislation.

### Care and support worker services

74. The Department considers that most car journeys undertaken in the context of care and support services do not fall within the private hire vehicle licensing regime.
75. This section refers to people who provide regulated or unregulated care and support to adults in their own homes, in community settings, in residential or nursing care homes or as part of [Shared Lives](#) schemes.
76. The provision of a transport service in this context can be either where a member of staff within a care home drives one of the residents to, for example, the shops or a health appointment; or where a care worker visits a person in their own home for the purpose of providing a general care package, of which driving them to the shops, to an appointment or to any other activity is one part. This includes cases where care is funded by a personal budget, Direct Payment or the individual's own money.
77. Taking account of the principles set out in part one of this guidance note, the Department considers that people providing care and support services should not be licensed because:
  - the carrying of passengers is an ancillary part of the service;
  - the driver is likely to have been vetted for wider work;
  - the driver will have wider duties beyond those associated with driving;
  - the driver is likely to have specific qualifications or training which go beyond driving and general customer care; and
  - Parliament would not have had this sort of service in mind when passing the legislation.



## Childminders

78. The Department considers that car journeys undertaken in the context of most typical childminding arrangements would not fall within the private hire vehicle licensing regime.
79. We recognise that there is a variety of childminding arrangements and, on examining the facts of particular cases, there may well be circumstances where this principle does not apply. However, the Department's guidance in the above statement reflects a typical childminding arrangement where a childminder uses their own car to transport one or more children to and from, for example, school.
80. This conclusion reflects the principles underlying most of the questions in part one of the guidance note. A childminder will have undergone a whole raft of suitability checks and the service they provide goes well beyond driving. It seems to the Department to be unnecessarily burdensome for childminders to be drawn into the private hire vehicle licensing regime.
81. Childminders are already vetted; they are carrying out work where the driving element is incidental rather than central, they require specialist skills and they have responsibilities to the passengers which go beyond driving.
82. The Department considers it unlikely that a court would conclude that Parliament intended that the majority of the many thousands of childminders across England and Wales should have to obtain private hire vehicle licences in order to be able to transport children in their care.
83. Taking account of the principles set out in part one of this guidance note, the Department considers that typical childminders should not be licensed because:
  - the carrying of passengers is an ancillary part of the service;
  - the driver is likely to have been vetted for wider work;
  - the driver will have wider duties beyond those associated with driving;
  - the driver is likely to have specific qualifications or training which go beyond driving and general customer care; and
  - Parliament would not have had this sort of service in mind when passing the legislation.

## Rental car companies / Garages

84. The Department considers that most informal courtesy lifts offered by, for example, rental car companies or garages would not fall within the private hire vehicle licensing regime.
85. It is quite common for rental car companies and garages to provide a 'courtesy lift' service for customers – perhaps because they have dropped off the rental car at the company's office and need to get back into town, or, in the case of garages, because the car needs to stay at the garage for repair and the owner needs to get home. Such lifts are provided as an ancillary service to the main purpose of the business.

86. The Department recognises that an assessment of the individual facts of each case will be necessary. In reaching the conclusion that most services of this nature would fall outside of the licensing regime, the Department has taken the view that most services will be of an ‘informal’ nature. By this the Department means that the service will not usually be a contractual arrangement or form part of the contract for wider services and will not be advertised as such. A service of this nature will usually be provided on the basis that a lift may be available if a vehicle is available and a member of staff is free at the time, but no guarantee is given. Furthermore, vehicles are usually used on an ad hoc basis rather than specific vehicles being allocated for this purpose – the vehicles are simply part of the hire fleet or garage test cars which are predominantly used for other purposes. However, a more formal arrangement or the allocation of specific cars purely for the purpose of courtesy lifts and no other, or limited other, functions would suggest that the service is more likely to fall within the licensing regime.
87. These types of companies do not dedicate themselves to the transportation of passengers; they simply offer lifts as a convenience to their customers as an informal and ancillary service to their main business. The Department does not consider that Parliament had this sort of service in mind when it passed the national private hire vehicle licensing legislation in 1975, 1976 nor that in 1998 which applies in London. Whilst it is clear that an assessment of the individual facts of any one case will be necessary, the Department would encourage licensing authorities to take a pragmatic approach to these types of grey area services. In the Department’s opinion, a distinction can be drawn between those companies who offer an informal and ad hoc courtesy lift service making use of any available cars and staff and those companies who provide a separate dedicated transport service for customers. As discussed in part one, in assessing the fundamental question of whether the service derives a commercial benefit, the Department would once again urge licensing authorities to make a balanced and fair assessment on the individual facts of any one case.
88. Taking account of the principles set out in part one of this guidance note, the Department considers that rental car companies/garages should not be licensed because:
- the carrying of passengers is an ancillary part of the service; and
  - Parliament would not have had this sort of service in mind when passing the legislation

### Secure escort and custody services

89. The Department considers that services which involve the escort and custody of people sentenced or remanded to custody, secure accommodation or alternative youth detention accommodation are not private hire vehicles.
90. There is a whole category of service provision involving the transportation of people who are sentenced to be remanded to custody and must be carried from, for example, a prison or young offenders institution, to a court. An important consideration is that these services require the involvement of specialists who are in a particular position of authority and responsibility. In order to carry out their duties,

the drivers have undertaken training in physical control methods and have had criminal record checks.

91. The Department takes the view that the special characteristics of this work take them outside the realm of private hire vehicle licensing. What is most crucial is the element of control which the drivers have, and, going back to the first principles outlined in part one, the drivers will already have been assessed for their wider responsibilities.
92. There is a further category of transport closely allied to this but which is more in the nature of social care than secure care, for example journeys involving contact visits for children in care and transporting children who have absconded from care homes. The Department's advice is to take account of the general principles outlined in part one of this note in reaching a decision, most particularly is determining whether the drivers have already been assessed for the purposes of carrying out this work and whether they have had specialist training relating to their wider care responsibilities.
93. In general terms the Department considers that these services should not fall within the private hire vehicle licensing regime, but we recognise that there might be services where these characteristics do not feature and they are simply a private hire vehicle operator which has decided to serve a niche market.
94. Taking account of the principles set out in part one of this guidance note, the Department considers that secure escort and custody services should not be licensed because:
  - the driver is likely to have been vetted for wider work;
  - the driver will have wider duties beyond those associated with driving;
  - the driver is likely to have specific qualifications or training which go beyond driving and general customer care; and
  - Parliament would not have had this sort of service in mind when passing the legislation.

Department for Transport

March 2022

# Annex B: Model Byelaws for Hackney Carriages

## Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of [name of council] with respect to hackney carriages in [name of district].

## Interpretation

- Throughout these byelaws “the Council” means [name of council] and “the district” means [name of district].

## Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

(a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall -

- not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
- not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

## Provisions regulating how hackney carriages are to be furnished or provided

The proprietor of a hackney carriage shall:-

- provide sufficient means by which any person in the carriage may communicate with the driver;
- cause the roof or covering to be kept water-tight;
- provide any necessary windows and a means of opening and closing not less than one window on each side;
- cause the seats to be properly cushioned or covered;
- cause the floor to be provided with a proper carpet, mat or other suitable covering;
- cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- provide means for securing luggage if the carriage is so constructed as to carry luggage; and
- provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

<sup>4</sup>The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say –

- the taximeter shall be fitted the turning of which will bring the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
- the taximeter shall be capable of being locked in such a position that it is not in action and that no fare is recorded on the face of the taximeter;
- when the the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- the word “FARE” shall be displayed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person

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<sup>4</sup> (a) An assurance should be given that proprietors of cabs already fitted with taximeters will have no difficulty in complying with the byelaws relating to taximeters and, where the byelaws will require all cabs to be fitted with meters, that the other proprietors will be able to obtain and fit suitable meters and “FOR HIRE” signs by the time the byelaws may be expected to come into operation.

(b) Where the Council wishes to require all cabs to be fitted with a taximeter, the following form of words may be used:

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

(c) Where taximeters are not in use and their use cannot be foreseen, model byelaws 4, 5 and 6 may be omitted. If they are omitted, the heading preceding model byelaw 5 should remain.

to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

The driver of a hackney carriage provided with a taximeter shall –

- when standing or plying for hire, keep the device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- before beginning a journey for which a fare is charged for distance and time, bring the taximeter into action so that the word “HIRED” is legible on the face of the taximeter and keep it in action until the termination of the hiring; and
- cause the display of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

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

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

- proceed with reasonable speed to one of the stands appointed by the Council;
- if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
- from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

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

The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or

prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

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

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

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

- convey a reasonable quantity of luggage;
- afford reasonable assistance in loading and unloading; and
- afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

### **Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

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

<sup>5</sup>Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

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

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

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<sup>5</sup> This provision should be included whether or not taximeters are introduced in case they are introduced on a voluntary basis before further byelaws are made.

### **Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

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

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

- carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council<sup>6</sup> and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

### **Penalties**

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

### **Repeal of Byelaws<sup>7</sup>**

The byelaws relating to hackney carriages which were made by ..... Council<sup>8</sup> on the ..... day of ..... and which were confirmed by .....<sup>9</sup> on the ..... day of ..... are hereby repealed.

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<sup>6</sup> It may be desired to substitute "a police station in the district". In this case, an assurance will be required that the consent of the police has been obtained

<sup>7</sup> If there are no byelaws in force upon the subject, this should be stated and the clause struck out

<sup>8</sup> State the names in full of all local authorities whose byelaws are to be repealed

<sup>9</sup> State the confirming authority



# Annex C: Hackney carriage byelaws: Guidance and the byelaw making process

## Introduction

The purpose of this guidance note is to assist local licensing authorities in England who are considering making hackney carriage byelaws under section 68 of the Town Police Clauses Act 1847.

## Byelaws or conditions of licence?

As a first step, licensing authorities will want to consider whether their regulatory objectives - in terms of exerting controls over taxi owners and drivers - can best be achieved by attaching conditions to licences or by making byelaws. Conditions can be attached to hackney carriage vehicle licences by virtue of section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

It appears to have been accepted amongst local licensing authorities that the judgment in the case of *Wathan v Neath and Port Talbot CBC* [2002 EWHC 1634] established a principle that there was no power available in law to attach conditions to a hackney carriage driver's licence.

The Department's view is that the decision in *Wathan* is being misinterpreted; and that the power to grant a licence to a hackney carriage driver under section 46 of the Town Police Clauses Act 1847 implies a power to attach conditions to that licence.

*Hewison v Skegness Urban District Council* [1963 1 QB 584] held that whether or not an authority could impose conditions to a licence depended on what the statutory power to

grant the licence said or implied. In deciding whether conditions can be imposed on a hackney carriage driver's licence, certain considerations must be taken into account, including (i) whether or not the statutory regime contains preconditions for the grant of a licence - an absence of statutory criteria makes it easier to imply a power to impose conditions; and (ii) enforcement. There is a mechanism to enforce any breach of a condition under section 50 of the 1847 Act and section 61 of the 1976 Act.

These considerations have informed our view that the power to grant a licence to a hackney carriage driver under section 46 of the 1847 Act implies a power to attach conditions to that licence.

By contrast, in the case of *Wathan v Neath and Port Talbot CBC*, the court was asked if section 57 of the Local Government (Miscellaneous Provisions) Act 1976 empowers authorities to attach conditions to a hackney carriage driver's licence. The court held that it did not, because section 57 concerns licence applications and whether conditions should be attached to a licence. We accept the conclusion of the court in relation to the question put to it; section 57 does not, as the judgment makes clear, confer a power to impose conditions. However, this was, in our view, because section 57 impliedly assumes that there was already such a power, presumably deriving from section 46 of the 1847 Act.

We recognise that there are arguments against this view, and it will be a matter for each licensing authority, in conjunction with its own legal advisers, to determine whether it is proper to attach conditions to a licence. Ultimately, of course, whether section 46 provides such a power will be a matter for the courts to decide.

While, in the Department's opinion, there is no need - at least on legal grounds - for licensing authorities to abandon their conditions of licence and re-enact the relevant obligations or prohibitions in byelaws, some local licensing authorities might decide that hackney carriage byelaws suit their purposes better than conditions of licence (e.g. the varying approaches to penalties for offences or consequences for breaches might be a relevant consideration).

## Considerations when making hackney carriage byelaws

### Extent of vires

Having considered the matter carefully, we take the view that the byelaw-making power in the 1847 Act should be considered in the context of local authorities' wider responsibilities in relation to hackney carriage licensing i.e. that the purpose of the power is to enable local licensing authorities to regulate hackney carriage drivers and proprietors in such a way as to ensure that they are fit and proper persons and in order to ensure the safety of the travelling public. In reaching this conclusion, it is relevant to note that the 1847 Act refers to the conduct of both drivers and proprietors "plying ... in their several employments", suggesting that plying is not restricted just to drivers seeking hirings, but is a way of defining the running of a taxi business. Moreover, section 68 also refers to regulating things such as the maintenance of the carriage. We therefore take the view that section 68 allows byelaws to cover all areas associated with the business of running hackney carriages in which the licensing authority has a genuine and legitimate interest.

## Model byelaws

The Department has produced a set of model byelaws as a basis for local licensing authorities. This is attached at [Annex B](#). The model byelaws cover the range of standard controls which most local authorities would want to impose and we would expect local authorities to base their byelaws on the model.

## Deviations from the model

Where a local authority wishes to introduce a byelaw, which deviates from the model, we shall expect local authorities to take a rigorous approach in drafting to ensure that the tests of legal validity are met. These are set out in *Kruse v Johnson* [1898 2 QB 91] as comprising four elements essential to validity:

- byelaws must be within the powers of the local authority which makes them;
- byelaws must not be repugnant to the general law;
- byelaws must be certain and positive in their terms; and
- byelaws must be reasonable.

If a local authority identifies a policy objective which it wishes to reflect in byelaws, the onus will be on the local authority to draft a suitable byelaw to put to the Department for provisional approval.

The onus will also be on the local authority to satisfy itself as to the validity of any proposed byelaw which it submits to the Department for approval. We would expect local authorities to have sought their own legal advice and to provide an explanation as to why they consider that any proposed byelaw is valid. We would stress that confirmation by the Secretary of State does not endow the byelaws with legal validity - only the courts can determine whether a byelaw is valid. To this extent, it is crucial that any draft byelaws are seen and approved by the Council's legal advisers. Any request for provisional approval of byelaws which deviate from the model should be accompanied by an explanation of the policy objective, a justification of their validity and confirmation that the byelaws have been approved by legal advisers.

## Secretary of State's role

Section 236(7) of the Local Government Act 1972 gives the Secretary of State power to confirm or refuse byelaws which are submitted to him. Confirmation depends on validity. In confirming a byelaw, the Secretary of State is not purporting to give legal effect to something which would not otherwise be lawful.

The principal element of the approval and confirmation process will involve consideration of the policy issues, mainly whether the objective is reasonable and the byelaw appropriate to achieve it. We shall reach a view at the provisional approval stage and we shall also continue to consider any objections put to the Secretary of State when the byelaws have been advertised.

### **Prior to seeking provisional approval for new byelaws**

Consider the model set of byelaws (see Annex B).

Identify any policy objectives which you wish to include which are not incorporated in the model.

Consider with legal advisers whether the policy objectives could be incorporated in the byelaws.

Draft appropriate byelaws with accompanying justification of policy objective and statement regarding their legal validity.

### **Submitting to the Department for provisional approval**

Submit the proposed draft byelaws for provisional approval. It is preferable to submit a full set of byelaws so that all the provisions can be considered together rather than by seeking provisional approval in a piecemeal manner. The byelaws should be sent to the Department - either using [taxis@dft.gov.uk](mailto:taxis@dft.gov.uk) or at:

The Department for Transport  
Local Passenger Transport Division  
Great Minster House,  
33 Horseferry Road  
London  
SW1P 4DR.

Identify in the covering letter those byelaws which deviate from the model.

Set out in the covering letter the policy objective to be achieved in respect of each byelaw which deviates from the model (including why the model is not suitable in the case of a minor deviation).

Confirm in the covering letter that the byelaws have been approved by the Council's legal advisers and that they are satisfied that each proposed byelaw is valid in legal terms.

You will receive an acknowledgement from the Department on receipt of draft byelaws. However, please bear in mind that if we have a substantial number of requests for approval and confirmation, there might well be a delay in processing requests.

### **Submitting to the Department for confirmation**

Having followed the making, sealing and advertising procedure in section 236 of the Local Government Act 1972, please submit the byelaws to the Department for Transport for confirmation.

We shall require two sealed copies of the byelaws for confirmation - one for our retention and one which will be returned to the council.

Please submit evidence that the statutory procedure in respect of advertising the byelaws has been followed (a copy of the page(s) of the relevant local papers is sufficient for this purpose).

### **Coming into operation**

The Department will agree a coming into operation date with the local authority. The standard period is four weeks from confirmation, but this can be adapted if the local authority has specific reasons. We would, however, expect sufficient time between confirmation and coming into operation as to enable the byelaws to be printed and distributed to owners and drivers.

Department for Transport  
March 2022

## Annex D: Assessing applicants for a taxi or private hire vehicle driver licence in accordance with C1 standard

### **Circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats**

Drivers with insulin treated diabetes are able to apply for an entitlement to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications may have their application for a licence for category C1 considered. The criteria are:

- The driver has been treated with insulin for at least 4 weeks;
- There has not been any severe hypoglycaemic event in the previous 12 months;
- The driver has full hypoglycaemic awareness;
- The driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving;
- The driver must provide a declaration to demonstrate an understanding of the risks of hypoglycaemia; and,
- The licence application is supported by a medical report from a consultant specialising in diabetes.

## Annex E: Driver vehicle condition checklist

Completed by [INSERT DRIVER NAME] at HH:MM hours on DD/MM/YY

Vehicle Registration Mark: \_\_\_\_\_

Vehicle Licence Number: \_\_\_\_\_

Driver Licence Number: \_\_\_\_\_

Area	Requirement	Faulty	Correct
Brakes	Foot/service brake works correctly and does not have any excess travel		
	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		
	Stop lamps come on when the service brake is applied and go out when released		
	All dashboard warning lamps work correctly, including (if fitted)		

Area	Requirement	Faulty	Correct
	automatic braking system (ABS) airbags - (SRS) main beam headlamp warning lamp parking brake warning lamp		
Mirrors and glass	All required mirrors are fitted and should be properly aligned and secure Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e. stickers, advertisements		
Seats and seat belts	All seats are secure All seat belts must operate correctly and must be free from cuts and any damage		
Washers and wipers	Wipers move as per manufacturer design when switched on Wiper blades must clear the windscreen effectively Washers point at the windscreen and are operational Washer fluid is topped up		
Battery	Battery is held securely in place by the correct means Battery is not leaking		
Fluids, fuel and oil	The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level; The fuel filler cap must be securely fitted There must not be any brake fluid, power steering fluid or water leaks		



Area	Requirement	Faulty	Correct
	<p>With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle</p> <p>With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.</p>		
Bodywork and doors	<p>All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit;</p> <p>There must not be any sharp edges or excess corrosion</p> <p>All body panels and sills must not be loose or in danger of falling off</p>		
Exhaust (if applicable)	The exhaust must not emit excessive amounts of smoke.		
Tyres and wheels	<p>Check as much of your tyres and wheels as you can see. There must be:</p> <p>a minimum tread depth of 1.6mm across the centre 75% of the tread</p> <p>sufficient inflation of each tyre</p> <p>no deep cuts in any tyre sidewall</p> <p>no cord visible anywhere on any tyre</p> <p>no missing or insecure wheel nuts</p> <p>Space saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.</p>		
Licence Plates Discs and other identifiers	<p>Drivers must ensure:</p> <p>all required plates and mandatory signs must be in place on the vehicle before use.</p> <p>When displayed the licence plate must not obstruct/ obscure the vehicle registration plate</p>		

Area	Requirement	Faulty	Correct
	in such a way as to hide the name of the issuing authority or other identifying details.		

Table 1 Driver vehicle condition checklist

**WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.**

## Annex F: Sample notices between taxi/private hire vehicle driver and passenger

### Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

#### The driver will:

- Drive with due care and courtesy towards the passenger and other road users.
- Use the meter within the licensed area, unless the passenger has agreed to hire by time, and as long as this is less than the metered fare.
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

#### The passenger will:

- Treat the vehicle and driver with respect and obey any official notices (e.g. in relation to eating or drinking in the vehicle).
- Ensure they have the means to pay the fare before travelling. If wishing to pay by credit or debit card or to stop en route to use a cash machine, check with the driver before setting off.
- Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.

## **Notice for private hire vehicle passengers - what you can expect from the private hire vehicle driver and what the private hire vehicle driver can expect from you**

### **The driver will:**

- Ensure that the passenger has pre-booked and is aware of the estimated fare before setting off.
- Drive with due care and courtesy towards the passenger and other road users.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain if requested any diversion from the most direct route.

### **The passenger will:**

- Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating or drinking in the vehicle).
- Ensure they have the means to pay the fare before travelling. If wishing to pay by credit card or debit card or to stop en route to use a cash machine, check with the driver before setting off.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.

## Annex G: Staying safe: guidance for taxi drivers

As a taxi driver you are dealing with strangers, often in isolated places and carrying cash. Taking people off the streets or from ranks with no knowledge of their home address or telephone number means that if they cause trouble you are especially vulnerable. If you work at night you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at risk of violence.

This guide is to help you to think of things that you can do to stay safe. It also contains guidance on what to do if you are concerned that a child may be at risk of harm.

### Hate Crime

The term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

These aspects of a person's identity are known as 'protected characteristics'. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. Any crime can be a hate crime, including if it is committed online. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or some other criminal purpose.

If you believe that you may have been the victim of a hate crime you can report this to the police, in a number of ways:

- By calling 101 (non-emergency) or 999 (emergency)
- Online at [www.report-it.org.uk/](http://www.report-it.org.uk/) or the view the website for your local police force
- In person at a local police station.
- You may also wish to report anonymously to Crimestoppers on 0800 555 111 or at <https://crimestoppers-uk.org/>

Hate crimes target an individual's core identity and as such have a particularly harmful impact on victims.

You can seek support from a range of organisations who are experts in supporting victims of hate crime (even if you have chosen not to report your experience to the police).

These organisations provide a range of services to help you address the impacts of your experience, ranging from emotion or practical support, help with accessing assistance from other agencies and help with making a report to the police.

A list of organisations that victims can access can be found at: [www.report-it.org.uk/organisations that can help](http://www.report-it.org.uk/organisations-that-can-help)

More information about hate crime can be found at [www.gov.uk/report-hate-crime](http://www.gov.uk/report-hate-crime)

## Cash management

If you can, drop off cash during your shift so that you carry as little in your car as you can. If you cannot, keep your cash hidden from view in a secure box.

## Adjustments to your vehicle

Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily. There has been an increase in the installation of partitions on vehicles in response to the COVID-19 outbreak.

The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the [Road Vehicles \(Construction and Use\) Regulations 1986](#).

Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger as it is not just the driver's word against theirs. When installing CCTV, the system must comply with the licensing authority's requirements.

A report of the Sheffield Taxi Safety Camera Pilot Study found that, based on drivers' feedback, installing CCTV cameras reduced the number of incidents from 1 in 7 fares to less than 1 in 100 with a very significant reduction in threats and violence against drivers.

Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

## Carry with you

- A spare key, in case an assailant throws your keys away.
- A mobile phone; if available use the 'emergency information' function so that if needed anyone who picks up your phone can see this information without the need

to unlock your phone. Alternatively, carry an emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.

- A note pad and pen to record incidents.
- An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

### If you are linked to a control centre

- Use your radio or other means to tell them where you are going. This will mean the controller has the information, and the passenger will know they do. Alert the controller of any changes along the way.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making the passenger suspicious.
- Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button which they can activate in an emergency, which flags up their vehicle on the controller's screen.

### Staying safe

- You know that working at night carries most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired - you need to be alert at all times.
- Trust your instinct as you have the right to refuse a passenger if you think they may present a risk.
- If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish.
- Communication with the passenger is important. Be polite and pleasant.
- When you travel outside your licensing area, agreeing the fare before you set off can reduce the risks of violence over a fare dispute later, when you may be in an isolated place.
- Be ready to explain the fare structure to a passenger. Many violent incidents arise from fare disputes.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.

### If you feel threatened

- Try to stay calm. Take slow, deep breaths as this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If a CCTV system is fitted, remind the passenger of this and if audio is to be recorded make clear that you are doing so and why.
- If you can, drive to a brightly lit, busy place as these are often covered by CCTV.
- If you have a purpose-built taxi or a saloon car with a screen you are likely to be safer staying in your vehicle than getting out.

- Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

### If you are attacked

- Do not try to fight back as it is most likely to make the violence worse for you.
- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).

### After an incident

- Write down everything about the incident, a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night. There are also specific sentencing rules for hate crime, that is any crime motivated by hostility towards the victim's actual or perceived race, religion, disability, sexual orientation or transgender status.
- Bilking 'or making off without payment' is a criminal offence under [section 3 of the Theft Act 1978](#). Report incidents to the police and be prepared to make a statement. You may be able to recover the costs of damage to your vehicle through the small claims system.



## Annex H: Staying safe: guidance for the private hire vehicle trade

Private hire vehicle drivers deal with strangers, often in isolated places and carrying cash. If they work at night, they are likely to have to deal with people who have drunk too much alcohol. All this means they may be at increased risk of violence.

This guide is to help operators and drivers to think of things that can be done to stay safe. It also contains guidance on what to do if you are concerned that a person may be at risk of harm.

### Hate Crime

The term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

These aspects of a person's identity are known as 'protected characteristics'. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. Any crime can be a hate crime, including if it is committed online. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or some other criminal purpose.

If you believe that you may have been the victim of a hate crime you can report this to the police, in a number of ways:

- By calling 101 (non-emergency) or 999 (emergency)
- Online at [www.report-it.org.uk/](http://www.report-it.org.uk/) or the view the website for your local police force
- In person at a local police station.
- You may also wish to report anonymously to Crimestoppers on 0800 555 111 or at <https://crimestoppers-uk.org/>

Hate crimes target an individual's core identity and as such have a particularly harmful impact on victims.

You can seek support from a range of organisations who are experts in supporting victims of hate crime (even if you have chosen not to report your experience to the police).

These organisations provide a range of services to help you address the impacts of your experience, ranging from emotion or practical support, help with accessing assistance from other agencies and help with making a report to the police.

A list of organisations that victims can access can be found at: [www.report-it.org.uk/organisations that can help](http://www.report-it.org.uk/organisations-that-can-help)

More information about hate crime can be found at [www.gov.uk/report-hate-crime](http://www.gov.uk/report-hate-crime)

## Bookings

- Your operator should make sure that they have contact details for the passenger, the [Statutory Taxi and Private Hire Vehicle Standards](#) provided a list of information that should be recorded to assist in increased protection of passengers, in particular children and vulnerable adults.
- Operators should keep a list of locations that have been the source of violence and raise this with the licensing authority and the relevant police service.
- Operators should confirm with the passenger exactly where they have requested to be carried and an estimate of what the fare will be.
- If accepting a long-distance booking, operators should be clear with the passenger if the driver is going to ask for payment up-front.
- If the passenger changes the journey that they booked let them know what this means regarding the fare, this will be to reduce the risk of a dispute later, when you are alone and most at risk of violence.
- Let the operator know of any change to the booking.

## Cash management

- Wherever possible driver should take payment electronically to avoid carry large sums of cash.
- Drivers should try to drop off cash during their shift so that as little cash is carried in the vehicle as possible. If this is not possible, cash should be hidden from view, ideally in a secure box.

## Adjustments to your vehicle

Some drivers fit their car with a screen to protect them from assault. Screens are made from materials that withstand a knife attack or hard body impact, and can be fitted and taken out easily.

Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger as it is not just the drivers word against theirs. When installing CCTV the system must comply with the licensing authority's requirements.

A report of the Sheffield Taxi Safety Camera Pilot Study found that, based on drivers' feedback, installing CCTV cameras reduced the number of incidents from 1 in 7 fares to less than 1 in 100 with a very significant reduction in threats and violence against drivers.

Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

### Carry with you

- A spare key, in case an assailant throws your keys away.
- A mobile phone. A mobile phone; if available use the 'emergency information' function so that if needed anyone who picks up your phone can see this information without the need to unlock your phone. Alternatively, carry an emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.
- A note pad and pen to record incidents.
- A statement explaining that it is against the law for you to take passengers other than those who have pre-booked.
- An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

### How your control room can help you

- You will need them to get help for you if you are in trouble.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making them suspicious.
- Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button which they can activate in an emergency, which flags up their vehicle on the controller's screen.

### Staying safe

- You know that working at night carries most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired - you need to be alert at all times.
- Trust your instinct, you have the right to refuse a passenger if you think they may present a risk.
- Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front of the car if you wish.
- Communication with the passenger is important. Be polite and pleasant.
- Use your radio or other device to tell your controller that you have started your journey. This will mean that the passenger will know you are in contact with base.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.

### If you feel threatened

- Try to stay calm. Take slow, deep breaths - this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If a CCTV system is fitted, remind the passenger of this and if audio is to be recorded make clear that you are doing so and why
- If you can, drive to a brightly lit, busy place as these are often covered by CCTV.
- If you have a screen you are likely to be safer staying in your cab than getting out.
- Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

### If you are attacked

- Do not try to fight back - it is most likely to make the violence worse for you.
- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).

### After an incident

- Write down everything about the incident - a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night. There are also specific sentencing rules for hate crime, that is any crime motivated by hostility towards the victim's actual or perceived race, religion, disability, sexual orientation or transgender status.
- Bilking 'or making off without payment' is a criminal offence under [section 3 of the Theft Act 1978](#). Report incidents to the police and be prepared to make a statement.
- You may be able to recover the costs of damage to your vehicle through the small claims system.

## Annex I: Useful questions when assessing taxi quantity controls

Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

### Questions relating to the policy of controlling numbers

Have you recently reviewed the need for your policy of quantity controls?

What form did the review of your policy of quantity controls take?

Who was involved in the review?

What decision was reached about retaining or removing quantity controls?

Are you satisfied that your policy justifies restricting entry to the trade?

Are you satisfied that quantity controls do not:

- Reduce the availability of taxis;
- Increase waiting times for consumers;
- Reduce choice and safety for consumers?

What special circumstances justify retention of quantity controls?

How does your policy benefit consumers, particularly in remote rural areas?

How does your policy benefit the trade?

- If you have a local accessibility policy, how does this fit with restricting taxi licences?

### Questions relating to setting the number of taxi licences

When last did you assess unmet demand?

How is your taxi limit assessed?

Have you considered latent demand, i.e. potential consumers who would use taxis if more were available, but currently do not?

Are you satisfied that your limit is set at the correct level?

How does the need for adequate taxi ranks affect your policy of quantity controls?

### **Questions relating to consultation and other public transport service provision**

When consulting, have you included:

- Those working in the market;
- Consumer and passenger (including disabled) groups;
- Groups which represent those passengers with special needs, children and other vulnerable groups;
- Local interest groups, e.g. hospitals or visitor attractions;
- The police;
- A wide range of transport stakeholders e.g. rail/bus/coach providers and traffic managers?

Do you receive representations about taxi availability?

What is the level of service currently available to consumers (including other public transport modes)?