

Jacob Gemma

From: Robinson Graham
Sent: 17 December 2021 11:09
To: Buggy Simon (TPH); Moody Thomas; Maskell Dan; Antoni Andrew
Cc: Chapman Helen (LRC); Stack Michael (TPH); Linke Christine
Subject: Statutory Standards Report and Policy Documents

Simon/Tom

We have the go ahead to publish the statutory standards report along with the driver and vehicle policy documents. Can you please work with Dan and his team to publish them on the website with associated comms to the trade.

We will need to publish the operator policy document early in the new year once we have updated it following the Divisional Court decision.

Dan – We will need to make reference to it at the Stakeholder court meeting if it is to go ahead. If not can you ensure the usual stakeholders are aware of the report.

Thanks

Graham

Graham Robinson
General Manager
London Taxi and Private Hire | Transport for London

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For up to date news and information regarding London Taxi and Private Hire matters follow us on Twitter

@TfLTPH

Jacob Gemma

From: Buggy Simon (TPH)
Sent: 16 November 2021 13:29
To: Chapman Helen (LRC)
Cc: Robinson Graham; Moody Thomas; Linke Christine
Subject: Driver Policy document
Attachments: DRAFT Taxi and Private Hire DRIVER Policy v1 (Oct 2021).docx

Hi Helen

Please find attached a link to the draft Driver Policy document.

Graham has reviewed it and all his suggestions and comments have been addressed. However, there are a few contentious issues outstanding and these are highlighted in yellow in the margin comments. Your views on these would be much appreciated. They mostly relate to problems caused by the sample convictions policy appended to the Statutory Standards which lacks sufficient detail or nuance to provide a robust policy that treats each case on its merits.

I worked closely with Legal (Abbey) in reviewing this policy but if there are any sections that you think require further legal review please let me know.

Regards

Simon

Simon Buggy

Driver and Operator Policy Manager, Taxi and Private Hire

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TfL RESTRICTED

Jacob Gemma

From: Buggy Simon (TPH)
Sent: 03 November 2021 12:49
To: Robinson Graham
Cc: Moody Thomas; Linke Christine
Subject: Driver Policy document
Attachments: DRAFT Taxi and Private Hire DRIVER Policy v1 (Oct 2021).docx

Hi Graham

As discussed here's a link to the Driver Policy document for your review.

Christine – we decided to go with this one first rather than the operator doc. Can you please record a review completion date of 10 November.

Thanks

Simon

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TfL RESTRICTED

Taxi and PHV Driver Policy

Policies, advice and guidance
on licensing taxi and private
hire vehicle drivers in London

Commented [BS(1)]: This is from an LEVC photoshoot. We have contacted the driver re permission to use this image. The plan is to alternate pictures of taxi and PHV drivers as we issue new editions as we don't have any pictures that depict both.



EVERY JOURNEY MATTERS

Sensitivity and Version Control

Sensitivity	TfL Unclassified
Version Control	
Version	1.0 (this document replaces the TPH Staff Manual in respect of taxi and PHV driver licensing)
Date	09 August 2022
Summary of amendments	References in parenthesis are to the equivalent paragraph in the TPH Staff Manual v12.1 where numbered differently.
Throughout	References to TPH replaced with TfL; gender neutral terms adopted
1.1	New introductory paragraph incorporating previous (1.2); inclusion of reference to DfT Statutory Standards
1.4	Inclusion of definition of Authorised Officers
1.6	New paragraph re policy review
2 (2.1)	Separate paras for taxi and PHV
2.3	Addition of reference to regulatory knowledge; new paragraph on fit and proper requirement
3.1	Addition of English language requirement for PHV drivers and entitlement to work; revised guidelines re false statements in applications; additional guidance re completion of forms; addition to footnote of reference to outstanding costs
3.2	Croatia added to list of EU countries; addition of footnote to provide clarification re exchanged licences
3.3	Inclusion of reference to obtaining information from DVLA
3.3.2	Revised to reflect current DBS process and new guidance re DBS checks not obtained via TfL's service provider
3.3.3	Separate paragraph on DBS Update Service
3.3.4 (3.3.3)	Revised criteria for DBS portability
3.3.6 (3.3.5)	Inclusion of guidance previously in Appendix A; deletion of list of offences
3.3.7 (3.3.6)	Updated terminology of cautions
3.3.9	Inclusion of guidance on CROs

Commented [RG2]: Is there anywhere we could provide direct reference to the consideration of the guidance in the stat standards e.g. 2.3

Commented [BS(3R2)]: See introduction

Sensitivity and Version Control

3.3.10 (3.3.25)	New guidance re CBOs (replaces guidance on ASBOs)
3.3.11 (3.3.8)	Inclusion of reference to not licensing while a sentence is suspended
3.3.13 (3.3.10)	Last three years changed to since the age of 18; additional requirement for authentication Certificate of Good Conduct
3.3.15 (3.3.12)	Addition of sixth bullet; final para expanded to include all applicants; additional guidance re meeting guidelines during appeal period
3.3.16 (3.3.23)	Revised to provide for greater discretion
3.3.17 (3.3.24)	Revised to clarify process for reviewing non-conviction information
3.4 (3.3.13 et seq)	All references to 'free of conviction' replaced with 'on completion of sentence'; time periods revised in line with Statutory Standards
3.4.1 (3.3.13)	Addition of 'any other hate crime' and assault by beating
(3.3.16)	Deleted - incorporated into 3.4.1
3.4.2 (3.3.14)	New, separate guidelines re arson and criminal damage
3.4.3 (3.3.14)	New, separate guidelines re weapons offences
3.4.4 (3.3.15)	Addition of attempted rape & outraging public decency; inclusion of reference to sexual harm protection orders and sexual risk orders
3.4.5 (3.3.16)	Addition of assisting illegal immigration
3.4.6 (3.3.17)	Deletion of perverting the course of justice (now within 3.4.6)
3.4.7	New guidelines re public justice offences
3.4.8	New guidelines re discrimination offences
3.4.9 (3.3.18)	Revised guidelines re possession of drugs; paragraph re requesting medical examinations moved to 3.5.3
3.4.10-3.4.11 (3.3.19-3.3.21)	'Restoration of driving licence' replaced with 'completion of disqualification' (or similar)
3.4.10 (3.3.19)	Revised – all offences likely to result in refusal; addition of 'causing serious injury by dangerous driving'

Sensitivity and Version Control

3.4.11 (3.3.20)	New time periods
3.4.12 (3.3.21)	Revised, including guidance re major driving offences, new time periods and new policy on applicants with 12 penalty points; inclusion of additional driving record check
3.5.1 (3.4.1)	Additional reference to applicants' responsibilities
3.5.2 (3.4.2)	Removal of references to specific conditions that will not be referred
3.5.3	Moved from (3.3.18)
(3.4.4)	Deleted – DVLA guidelines re diabetes now applied
3.6.1 (3.5.1)	Revised to reflect cessation of DVSA taxi driving tests
3.7	Revised guidance re right to work in the UK including guidance on the EU Settlement Scheme
3.8	Inclusion of ELR for PHV drivers
3.10.1 (3.6.1)	Deletion of footnote re restricting applications
3.10.2 (3.6.2)	Revised to reflect new arrangements for topographical skills testing
3.10.3 (3.6.3)	Cessation of vocational qualification concession
3.12 & 3.13 (3.9 & 3.10)	Deletion of reference to internal procedures
3.14 (3.10)	Revised guidance on re-assessing topographical and driving skills
3.15 (3.11)	Addition of reference to using NR3
3.16	Inclusion of guidance re pre-licensing checks for taxi drivers
3.18	New guidance re duration of licences
3.19 (3.13)	Revised
4.1	Additional guidance re consideration of information not covered by the guidance
4.2	Inclusion of new guidance on immigration permission
4.3	New guidance on previously considered convictions

Sensitivity and Version Control

4.4 (4.2)	Addition of reference to offences related to working as in the taxi and private hire industry; inclusion of reference to disqualification from driving; deletion of final sentence
4.4.1 (4.2.1)	Updated terminology of cautions
4.4.3	Inclusion of guidance on CROs
4.5 (4.2.3 et seq)	Deletion of all references to applications to be re-licensed
4.5.1 (4.2.3)	Inclusion of weapons offences (previously at (4.2.4))
4.5.2 (4.2.5)	First paragraph, last sentence, revised to state will result in immediate revocation
4.5.3	New guidance re human trafficking and smuggling offences
4.5.4	New guidance on immigration offences
4.5.5 (4.2.6)	Removal of separate references to offences inside/outside of employment
4.5.6	New guidance re public justice offences
4.5.7	New guidance re false declarations and fraudulent documents
4.5.8 (4.2.7)	Revised guidelines re convictions for drug offences; additional guidelines re the supply, importing and production of drugs
4.5.9 (4.2.9 & 4.2.10)	All driving offences consolidated in one paragraph; Table 1 revised; new guidance on drivers with 12 penalty points
4.5.10	New guidance on misuse of CSHs
4.5.11 (4.2.10)	Inclusion of reference to revocations having immediate effect; new third bullet
4.5.12	New guidance on revoked driving licences
4.5.13 (4.2.11)	Inclusion of reference to s2 PHV Act offences
4.5.13 & 4.5.14 (4.2.11 & 4.2.12)	Deletion of reference to offences identified by Compliance Officers
4.6.1 (4.2.14)	Revised; removal of guidance re interim suspensions and addition of reference to timely decisions; revised guidance on uncorroborated allegations
4.6.2 (4.2.15)	Removal of reference to PHV drivers only

Sensitivity and Version Control

4.7 (4.3)	Inclusion of card payment mandate
4.7.2, 4.7.3, 4.8.1 & 4.8.2 (4.3.3, 4.3.4, 4.3.7 & 4.3.8)	Final sentence deleted
4.7.4 (4.3.5)	Simplified
4.7.5	New guidance on failure to accept card payments
4.9 (4.3.9)	Expanded to include London City Airport; deletion of traffic wardens; inclusion of Authorised Officers
4.10 (4.3.10)	Revised; addition of information on e-taxi charging bays
4.11 (4.2.13)	Expanded to include to s165 Equality Act and compliance with statutory guidance
4.12	New paragraph re licence reviews following enforcement activity
4.13	New guidance on driver conduct
4.14.2 (4.4.2)	Additional reference to TfL taking account of complaints
4.15 (4.5)	Addition of reference to suspensions; new guidance re TfL investigating and taking a more proactive approach on receipt of information.
4.16 (4.6)	Reworded to be less prescriptive; addition of referencing reason for immediacy in decision letter
4.16.3	New policy re entering data on NR3
4.17 (4.7)	Removal of 'normally' in first sentence; removal of reference to issuing warnings; additional guidance re application following revocations
Table 3	Updated; inclusion of public justice, card payment and Equality Act offences
(4.9.3)	Deleted – DVLA diabetes guidelines now applied
4.22.1 (4.12.1)	Addition of when time periods start
4.23 (4.14)	Simplified
4.24 (4.2.16, 4.13, 4.15)	Consolidated information about renewals; inclusion of reference to NR3; removal of outdated information

Sensitivity and Version Control

4.24.3 (4.2.16)	Revised to clarify process considering renewals with undeclared convictions or cautions; inclusion of reference to driving disqualifications
4.24.4 (4.15)	Addition of reference to previous licence history
4.25 (4.16)	Inclusion of references to prosecution and when a taxi driver may be permitted to work after expiry
4.26	New guidance on English language requirement (PHV drivers only)
4.27	New guidance on safety, equality and regulatory understanding requirement (PHV drivers only)
4.28 (4.17)	Revised – removal of second bullet point; additional reference to duration of exemptions
4.29 (4.19)	Revised to reflect commencement of s165
4.33	New guidance on smoking and e-cigarettes
Appendix A	New
Appendix B (A)	Updated to reflect 2020 MoJ guidance
Appendix C (B)	Updated
Appendix D (C)	Revised and simplified
(Appendix D)	Deleted
Appendix F	Updated with current Home Office list
(Appendix H)	Deleted – incorporated in Appendix B

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DRAFT

1. Introduction

1.1 Taxi and PHV licensing in London

Transport for London (TfL) is a statutory body established by the Greater London Authority Act 1999 and is the licensing authority for London's taxi and private hire industries.

Taxis and private hire vehicles (PHVs) play an important role in delivering passenger transport services in London and it is important that standards set by TfL ensure the safety of passengers and other road users and provide for appropriate levels of service.

Improving safety and security across the transport network is the key priority for the Mayor of London's [Transport Strategy](#) (MTS) and the Mayor has set out a Vision Zero approach to safety on London's streets while ensuring the transport system is safe and secure for all passengers. The policies and guidance in this document support the aims and objectives of the MTS and Vision Zero.

This document sets out TfL's approach on the consideration of taxi and private hire driver licence applications and associated matters in London. **It is important to note that this document seeks to provide general guidance and while TfL will maintain consistency, each case will be considered on its own particular merits.** TfL will also take in to account other relevant legislation (e.g. Human Rights Act 1998, Equality Act 2010), whereby all are treated fairly and equally.

In determining its licensing policy, TfL will have regard to the [Statutory Taxi and Private Hire Vehicle Standards](#) published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017. TfL has an ongoing programme to consider those recommendations in the Statutory Standards which are not already TfL policy, and this document will be updated accordingly as further measures are introduced.

Commented [BS(4): New. This document is our policy so I have avoided constantly referring back to what the DfT recommends.

1.2 The Licensing Authority

Under TfL's [Standing Orders](#), the licensing functions have been delegated to the General Counsel who in turn has given written consent to other TfL officers to discharge the functions of TfL relating to taxis and private hire vehicles.

Prior to the creation of TfL in 2000, the power to issue taxi and taxi driver licences lay with the Assistant Commissioner and Commissioner of Police of the Metropolis. Section 253 of the Greater London Authority Act 1999 brought into effect Schedule 20 of that Act which transferred these powers to TfL. Similarly, under section 254 of same Act the functions of the Secretary of State under the Private Hire Vehicles (London) Act 1998 (the 'PHV Act 1998') were also transferred to TfL.

Grounds for refusal and revocation/suspension of driver licences are set out in articles 25 and 30 of the London Cab Order 1934 (taxi) and sections 16, 17 and 22 of the PHV Act 1998 (private hire).

Only TfL or a delegated officer has the power to refuse an application or revoke or suspend a taxi or private hire driver's licence. Appeals against decisions made by TfL or delegated

officers in relation to taxi or private hire driver's licences may be made under section 17 of the Transport Act 1985 and section 13(6) of the PHV Act 1998 respectively.

1.3 Levels of decision-making authority

All decisions to issue, refuse, suspend or revoke a licence, or grant any form of exemption, are made in the name of TfL but in practice these decisions are made at a variety of levels by officers exercising delegated powers, depending on the type of decision and the circumstances of the case.

1.4 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 document and refers to all such vehicles.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. The term **PHV** is used throughout this document and refers to all such vehicles.

The term **Authorised Officer** refers to both officers authorised in writing by TfL for the purposes of the PHV Act 1998 and Public Carriage Examiners (any person appointed by TfL to examine and inspect [taxis] for the purposes of the Metropolitan Public Carriage Act 1869).

'We' or 'us' in this document means TfL.

'You' and 'your' in this document means an applicant for a London taxi or PHV driver's licence, or a licensed London taxi or PHV driver.

1.5 Policy review

This policy document will be kept under constant review and any amendments, including those that reflect any changes in the law, regulations, or any other TfL policies will be published as appropriate.

A copy of this policy is available on the [TfL website](#).

Commented [SB5]: New

2. Driver Licences – General Regulatory

2.1 Taxi drivers

The power to grant taxi driver licences is contained within section 8 of the London Hackney Carriages Act 1843 and sections 8 and 8A of the Metropolitan Public Carriage Act 1869 (as amended).

Article 25 of the London Cab Order 1934 (as amended) allows TfL to refuse a licence if the applicant:

- fails to satisfy TfL that he is of good character and fit to act as a taxi driver;
- is not entitled to work as a taxi driver in the UK; or
- having held a licence within the preceding three years has failed to work for a considerable part of that period (unless by reason of illness or other unavoidable cause).

Fitness to act as a taxi driver encompasses consideration of medical fitness and driving proficiency.

Article 27(1)(b) of the London Cab Order 1934 requires an applicant to satisfy TfL that they have an adequate knowledge of London before a licence can be issued.

Licences will not be granted to anyone under the age of 21 years (article 24 of the London Cab Order 1934). Applications will be accepted from prospective All London taxi drivers from the age of 18 years.

Licences may be granted on such conditions as may be prescribed and unless suspended or revoked, or granted to drivers whose leave to remain in the UK is time-limited (see 3.7.1), licences remain in force for three years.

2.2 PHV drivers

The power to grant PHV driver licences is contained in section 13 of the PHV Act 1998 (as amended). TfL shall grant a licence to an applicant vehicle if it is satisfied the applicant:

- is at least 21 years of age;
- has held a Great Britain, Northern Ireland, European Union or European Economic Area driving licence for a period of at least three years;
- is a fit and proper person to hold a licence;
- is entitled to work as a PHV driver in the UK;
- has appropriate knowledge of London and general topographical skills; and
- meets any additional requirements prescribed by TfL.

Additional requirements prescribed by the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003 (as amended) are that the applicant:

- is physically fit;
- can communicate in English to a specified standard; and
- has an understanding of safety, equality and regulatory information.

Commented [BS(6)]: New

Licences may be granted subject to such conditions as TfL may think fit, and are granted for three years or for such shorter period as TfL may consider appropriate in the circumstances of the case (see 3.17). Licences granted to drivers whose leave to remain in the UK is time-limited can only be valid for the period for which they are entitled to remain in the UK (see 3.7.3).

2.3 'Fit and Proper' test

Commented [BS(7)]: New – in line with SG..

TfL has a duty to ensure that any person we license as a taxi or PHV driver is a 'fit and proper person' to hold such a licence. In determining whether an applicant or licensee is fit and proper, TfL will first and foremost apply the policies in this document. In addition, TfL will ask itself the following question:

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

If, on the balance, the answer to the question is 'no', the individual will not be granted a licence.

3. Driver Licences - New Applicants

3.1 Applications

An applicant must provide:

- a fully completed application form (MHC/203 or PHV/203)
- a fully completed medical declaration (TPH/204)
- their birth certificate or passport
- a full, current Great Britain, Northern Ireland, European Union or European Economic Area driving licence (see 3.2)
- an enhanced Disclosure and Barring Service (DBS) check or a DBS application reference number (see 3.3.2)
- evidence to prove that the applicant has permission to be in the UK and undertake work as a taxi or PHV driver (see 3.7)
- evidence of meeting the English language requirement (PHV applicants only - see 3.8)
- evidence of meeting the safety, equality and regulatory understanding requirement (PHV applicants only – see 3.9)
- evidence of passing a topographical skills assessment (PHV applicants only – see 3.10.2)

If there are any previous surnames/forenames and the applicant cannot produce a passport in their current name the following will also be required, as appropriate:

- marriage certificate
- deed poll certificate

If the applicant has lived outside of the UK for any period of three months or more in the past three years, they will be required to complete a 'Living Abroad Details' form ([TPH/205](#)) (see 3.3.13).

An equal opportunities monitoring form is included with the application pack but completion is optional.

The application must be accompanied by the appropriate application fee¹.

Applications can be made using paper documents or online. The same information will be required in all cases.

¹ All application fees are non-refundable. PHV driver applicants can submit both the application and grant of licence fees with their application. If the application is subsequently refused or withdrawn, the grant of licence fee, if paid, can be refunded in full.

Commented [SB8]: Addition of ELR and right to work (Immigration Act 2016)

Commented [RG9]: Should we cover the need to confirm if they have been licensed previously (or applications refused etc) by other authorities? We can then link to the NR3 database check.

Commented [BS(10R9)]: That's covered by fully completing the application form

Where the applicant is the subject of an outstanding criminal or other charge, their application will be processed, but a final decision on the application may be deferred pending the conclusion of proceedings (see 3.3.16).

Applicants who are found to have misled TfL or provided false or misleading information as part of the application process will normally have their applications refused and consideration may also be given to prosecuting under section 14 of the London Hackney Carriages Act 1843 or section 28 of the PHV Act 1998, as appropriate. If such information does not come to TfL's notice until after a licence has been issued, the licence will be revoked (see 4.4.7).

Commented [BS(11)]: Complies with SG

It is always the duty of the applicant to declare all relevant information as required and to inform anyone assisting them with the completion of application forms, including professional advisers such as lawyers and doctors, of all relevant facts. Forms must be carefully reviewed even after taking advice to ensure all relevant facts are completed. A failure to declare relevant information whether expressly required or not may result in the refusal or revocation of licences.

Commented [SB12]: Revised guidelines re false statements in declarations; additional guidelines re completion of forms.

3.2 Driving licences

All applicants must have a full GB, Northern Ireland (NI), European Union (EU) or European Economic Area (EEA) driving licence and are required to provide a copy of their licence with their application.

Commented [RG13]: Is this still correct if we use the share code service?

Commented [BS(14R13)]: Yes. Checked with Noreen. We still get a copy for the D/L with every application.

The full list of EU and EEA states is:

Austria	France	Malta	Iceland
Belgium	Germany	Netherlands	Liechtenstein
Bulgaria	Greece	Poland	Norway
Croatia	Hungary	Portugal	
Cyprus	Ireland	Romania	
Czech Republic	Italy	Slovakia	
Denmark	Latvia	Slovenia	
Estonia	Lithuania	Spain	
Finland	Luxembourg	Sweden	

Commented [SB15]: Added – joined in 2013

In order to be issued a PHV driver's licence, the applicant must have held this licence for a minimum of three years² (for GB/NI licences, this includes the two-year probationary period). There is no similar legislative requirement for taxi drivers.

Commented [RG16]: IS there a reason why we are not taking a consistent approach?

Commented [BS(17R16)]: Three years is specified in the PHV Act. No similar ref for taxi drives – see 2.1 and 2.2

This requirement is **not** affected by the UK's withdrawal from the EU.

All GB driving licences issued since 1998 are in the standard EU photocard format (the paper counterpart was abolished in 2015). Licences issued before 1998 are in a paper format only. NI licences issued since 1999 consist of both a photocard and a paper counterpart.

² Where a licence from a designated country has been exchanged for a UK or EU/EEA licence, applicants must have held the UK or EU/EEA driving licence for at least three years. How long a licence from a designated country was held for prior to being exchanged is not taken into account in determining the three-year requirement. The list of designated countries can be found at www.gov.uk.

3.3 Character

Character will primarily be assessed on the basis of information supplied by the Disclosure and Barring Service (DBS) but will also take into account other factors such as driving convictions, any previous record as a taxi or PHV licensee and information received from other licensing authorities.

Commented [RG18]: Or information from other authorities?

The DBS provides a 'one-stop shop' service to those requiring criminal records disclosures and barring checks for employment purposes. It was formed from the merger of the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The DBS searches police records and, in relevant cases, barred list information, and then issues a DBS certificate which allows employers and licensing authorities to make informed decisions.

The DBS certificate will not disclose all driving offences as police records only contain the most serious driving offences. Full details of an applicant's driving convictions and licence endorsements will therefore be obtained from the Driver and Vehicle Licensing Agency (DVLA). TfL will keep a record of information provided by the DVLA.

Comments on the suitability of an applicant may also be obtained from the Commissioners of Police of the Metropolis and City of London under section 8(4) of the Metropolitan Public Carriage Act 1869 (as amended by the GLA Act) for taxi drivers and section 13(4) of the PHV Act for PHV drivers.

3.3.1 Types of DBS check

There are three levels of DBS check, 'basic', 'standard' and 'enhanced'.

Both the standard and enhanced checks contain details of:

- spent convictions³
- unspent convictions
- cautions
- reprimands and final warnings⁴

This information comes from the Police National Computer (PNC).

In addition to the information held on the PNC, the enhanced check can also include information held on the DBS's children and adults barred lists (see 3.3.12) together with any

³ On 29 May 2013 the DBS began removing certain specified old and minor offences from criminal record certificates issued from this date. The filtering rules can be found within Appendix B.

⁴ Reprimands and Final Warning are only issued to persons under 18. A reprimand or final warning is not a conviction and does not constitute a criminal record. However, police records are held for up to 10 years on young offenders who receive a reprimand or warning.

information held locally by police forces that is reasonably considered to be relevant to the post applied for.

The enhanced check is the highest level of DBS check and is only available for those in certain roles that involve working with children and/or vulnerable adults.

A summary of the information provided at each level of DBS checks is at [Appendix A](#).

Given that drivers can at any time and without prior knowledge involve being in sole charge of passengers under 18 years old and vulnerable adults, TfL has determined that the **enhanced** DBS check is appropriate in respect of all applicants for taxi and private hire drivers' licences. The enhanced check is considered vital to how TfL determines that an individual is suitable for a taxi or PHV driver's licence because it allows TfL to consider patterns of behaviour evident in information that is unavailable through other checks.

Commented [BS(19)]: Compliant with SG

3.3.2 DBS checking process

Before submitting an application, all applicants must apply for:

- an enhanced DBS check;
- it must be obtained through TfL's service provider; and
- it must be for the purpose of TfL taxi or PHV driver.

DBS certificates obtained for the purpose of TfL taxi or PHV driver licence applications that have **not** been obtained through TfL's service provider will **not** be accepted.

When applying for a DBS check, we recommend that all applicants register with the DBS Update Service (see 3.3.3).

When the checking process is complete the applicant will receive a certificate from the DBS detailing the result. The only information that will be provided to TfL directly will be to advise whether or not the disclosure sent to the applicant contained any information or was clear. If we are advised that the certificate contained information, TfL's service provider will contact the applicant and ask them to send them their original certificate. Once its authenticity has been verified, TfL's service provider will take a copy and pass this copy to TfL. TfL's service provider will return the original certificate to the applicant.

Commented [RG20]: Please add a line to say we recommend that the applicant registers for the update service

Commented [SB21]: Updated with current process

Any discrepancies in the name or address on the DBS certificate with the name or address on the licence application may result in the DBS check not being accepted. In these circumstances the applicants will be required to obtain a further enhanced DBS check. In accordance with DBS requirements, we will delete our copy once the licensing process has been concluded.

In the event that an applicant fails to provide their DBS certificate when requested to do so, the application will be treated as incomplete and discontinued.

Any DBS certificates submitted to TfL must have been issued no more than four months prior to the date of application.

In view of the time period which elapses between application and grant of licence, in the case of taxi applicants, a further DBS check will be obtained shortly before the driver's licence is issued. Even at this stage an application can be refused where current convictions or an earlier failure to disclose convictions are revealed. See also 3.15. Similarly, if 12 months or more have elapsed since the application was first made for any other reason, TfL will require a declaration from the applicant to confirm there have been no changes to the information provided as part of the application before making a licensing decision.

3.3.3 DBS Update Service

The DBS Update Service enables anyone who applies for a criminal record check to then pay an annual subscription which will allow them to keep their criminal record certificate up-to-date so that they can take it with them from role to role, within the same workforce.

When an applicant has subscribed to the Update service, TfL will only have to require the applicant to provide a new criminal record check if the DBS tells us something has changed.

3.3.4 Portability of DBS checks

Some applicants will have obtained a DBS check as part of the recruitment process for another job and may wish to provide this to TfL with their application. The only DBS certificates TfL will accept are those issued as part of an application for a taxi or PHV driver's licence with another licensing authority. Every certificate must meet the following conditions:

- It is an enhanced DBS check (see 3.3.1 above);
- the workforce code is 'other';
- the job title is 'taxi/PHV driver' or similar;
- the registered body is a taxi and PHV licensing authority; and
- it has been issued in the past four months.

3.3.5 Recording convictions/DBS Code of Practice

TfL will comply with DBS's [Code of Practice](#) in regard to use/retention of Disclosure information.

The Code of Practice prohibits the recording of information contained in DBS certificates for longer than is necessary. Therefore:

- No information in respect of criminal convictions (other than taxi or PHV offences) will be entered on any applicant's or driver's record;
- Copies of applicants' DBS certificates will only be retained for the purpose and duration of informing our decision-making process.

However,

Commented [SB22]: New separate para on Update service

Commented [RG23]: We also need to cover off if they have failed to maintain their subscription. Licensing action will be considered...

Commented [BS(24R23)]: This is in the licensed drivers section

Commented [RG25]: Is this still accurate. I thought we only accepted disclosures via our supplier?

Commented [BS(26R25)]: It would be disproportionate to refuse to accept one that was used for a taxi or PHV licence elsewhere. Suggests we don't trust the other authority's taxi and PHV licensing process.

- Self-declarations of convictions by applicants and licensed drivers will be retained on their record;
- Conviction information provided to TfL by third parties (e.g. police) for the purposes of informing our decision-making process will be retained on applicants' and drivers' records;
- References to convictions in minutes and reports that are made as part of the decision-making process can be retained on applicants' and drivers' records.

3.3.6 Spent convictions

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent', or forgotten, after a rehabilitation period (see [Appendix B](#)).

A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a taxi or PHV driver's licence or when involved in criminal or civil proceedings.

However, section 7(3) of the Act affords the opportunity to consider spent convictions if TfL is satisfied that an application cannot be properly considered unless account is taken of those convictions that could relate directly to an individual's fitness to hold a licence.

This power will not be used lightly and blanket inclusion of all spent convictions in the consideration process is not appropriate. Any decision to take into account any spent convictions will be supported by a justifiable reason and if required that reason will be put to magistrates' as part of any appeal hearing.

The relevance of the conviction to the role of taxi or PHV driver will always be taken into consideration but the protection and safety of the fare paying passenger and the public at large will be the overriding consideration in determining whether spent convictions will be considered.

Should particular spent convictions play a part in the consideration process the applicant will be advised in writing with reasons, set out in the refusal letter.

3.3.7 Cautions

Cautions (Simple Cautions and Conditional Cautions) are not convictions but, being admissions of guilt, are taken into consideration in the determination of good character. Cautions will appear on an enhanced DBS certificate.

In considering a caution the following factors will be taken into account:

- the nature of the offence;
- the applicant's offending history; and
- the guidelines applicable had it been a conviction.

Commented [SB27]: This was previously in Appendix A but it is more appropriate to include it in the body of the guidance. Appendix A is now generic rather than taxi and PH specific.

Commented [SB28]: List of specific offences deleted – too prescriptive. Include in business rules

Commented [SB29]: Updated terminology

3.3.8 Absolute and Conditional Discharges

A court can dispose of a case by issuing an Absolute or Conditional Discharge which although results from a finding of guilt is not a conviction. However, TfL can take the circumstances that resulted in the discharge into consideration when determining fitness. In the event that an applicant has been the subject of an Absolute or Conditional Discharge for an offence that would have resulted in refusal should they have been convicted, further information regarding the case will be requested.

3.3.9 Community Resolution Orders

Community Resolution Orders (CROs) are a way of dealing with minor offences without going through the courts. They have been used throughout England and Wales since 2013 and by the Metropolitan Police Service since August 2017. CROs do not form part of a criminal record but may appear on an enhanced DBS check under the 'any relevant information' heading.

A CRO is used by police as a tool for the resolution of a less serious offence or anti-social behaviour incident. They are used by the police primarily for first time offenders where genuine remorse has been expressed, and where the victim has agreed that they do not want the police to take more formal action.

The offences that warrant a CRO are likely to be low-level criminal damage, low-value theft, minor assaults (without injury) and anti-social behaviour. Metropolitan Police Service policy dictates that CROs cannot be used for domestic abuse and domestic violence matters, hate crime, sexual offences, firearms and other weapons offences.

CROs are designed to deal with minor offences and give first-time offenders a 'second chance', avoiding the consequences of a criminal conviction. Therefore, in considering a CRO, a warning to the applicant is likely to be the most appropriate outcome.

3.3.10 Criminal Behaviour Orders

A Criminal Behaviour Order (CBO) focuses on more serious offenders, who engage in criminal activity as well as anti-social behaviour. It can only be issued in conjunction with a sentence that is already imposed or if the individual has a conditional discharge.

CBOs replaced Anti-social Behaviour Orders (ASBOs) in England, Wales and Northern Ireland in 2015. ASBOs are still used in Scotland.

The order will either prohibit specified acts or require the offender to participate in specified acts. For example, a CBO may be issued where an individual has committed a drug related offence and as part of the order, has to attend a course educating offenders on the effects of substance abuse.

For adults over 18 the order will last a minimum of 2 years and can last indefinitely. Failure to comply is a criminal offence and as such can result in imprisonment and/or a fine.

By their very nature, CBOs are issued to individuals who have committed crime which may not be compatible with becoming a licensed driver. In addition to considering the conviction

Commented [SB30]: New – CROs introduced since last edition

Commented [SB31]: Replaces guidelines on ASBOs

itself, if an applicant is the subject of a CBO, consideration will be given to the nature of the order and any conditions that the applicant must meet. If the behaviour that led to the CBO appears incompatible with being a licensed driver, the application should be refused.

3.3.11 Suspended sentences

Suspended sentences will be treated the same as if they had been put into effect immediately. However, as a court decided to suspend the sentence, this can be taken into consideration when determining an applicant's fitness to be licensed. Consideration will also be given to the applicant's behaviour during the period of suspension. TfL will not license any applicant while a sentence remains suspended.

3.3.12 Barred lists

Part of the role of the DBS is to help prevent unsuitable people from working with vulnerable groups including children, barring them where necessary.

As part of the enhanced DBS check, TfL is provided with information about whether an applicant is barred from working within regulated activity with children or adults. In most cases, someone on a barred list would not be legally prevented from being a taxi or PHV driver, so TfL can use its discretion in making decisions. However, in the interests of public safety, unless there are exceptional circumstances, an application will normally be refused where the applicant appears on either barred list.

3.3.13 Overseas criminal history checks

Any applicant who has lived in a country other than the UK for one or more continuous periods of three months or more (other than periods of extended vacation) in the three years preceding the date of application is required to complete a 'Living Abroad Details' form (TPH/205).

The applicant will then be asked to produce a 'Certificate of Good Conduct' (CoGC) from every relevant country. The responsibility for obtaining such a document falls to the applicant and not TfL. The CoGC should be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The CoGC should document any convictions recorded against the individual or to confirm 'good conduct'. This requirement is in addition to the enhanced DBS check which is required for all applicants.

To obtain a CoGC the applicant should approach the relevant embassy, consulate or high commission. A translation is required if it is not provided in English. Applicants who need to provide a CoGC will need to ensure that they provide proof of its authenticity from the UK embassy, consulate or high commission of the country of issue.

Commented [SB32]: New re verification.

Where an applicant is unable to provide the above they must explain why and may be required to provide references from individuals/bodies who can confirm their conduct for their time in the country (the referee must not be a family member).

The absence of a CoGC or references will not prevent an application from being considered but the failure to do so will be taken into account at the decision-making stage.

Each case will be considered on its merits. Particular consideration will be given to assess whether the applicant has demonstrated that they have provided all the available evidence or made every effort to obtain the information.

3.3.14 Asylum seekers

Any applicant who has been granted or is awaiting a decision to be granted asylum/refugee status will not be required to produce a CoGC from the country they are claiming asylum from.

The applicant will, however, be required to obtain a CoGC from any other country they have resided within the three years prior to the date of application in line with the guidelines at 3.3.13.

To gain this exemption, the applicant must provide a clear and legible photocopy of either their Certificate of Registration or a letter issued by UK Visas and Immigration, an executive agency of the Home Office.

3.3.15 Consideration of disclosed criminal history

Where the DBS reports previous criminal convictions, cautions and/or other significant comments, consideration will be given to each applicant's suitability for licensing against the following criteria:

- nature of the offence(s);
- circumstances in which any offence was committed;
- subsequent periods of good behaviour;
- overall conviction history;
- sentence(s) imposed by the court;
- the period since the completion of the sentence⁵ (or the date of conviction if a fine was imposed); and
- any other character check considered reasonable (e.g. personal references).

Where there is no guideline for an offence, the guidelines for offences that are of a similar level of seriousness will be followed. In all cases the safety of the public should be the primary concern.

In the event that an applicant for a taxi or PHV driver's licence fails to meet the guidelines in 3.4 but will do so in the near future (e.g. during the period it would normally take to process the application) consideration will be given to allowing the application to proceed. Similarly, if an applicant who has appealed a decision to refuse a licence on the basis of the guidelines

Commented [SB33]: Revised to include all applicants

⁵ Completion of the sentence is taken to be the date by when the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served.

at 3.4 will meet those guidelines before the appeal is heard, or shortly thereafter, consideration will be given to waiving the decision to refuse.

3.3.16 Outstanding criminal matters

It remains the responsibility of applicants to satisfy TfL that they are fit to be licensed. If an applicant is the subject of an outstanding allegation, charge or summons for a serious offence, a licence may not be granted until the outcome of the criminal matter is known.

If the offence is not sufficiently serious to warrant deferring a decision, a licence may be granted but reviewed on receipt of further relevant information.

3.3.17 Non-conviction information

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration will be given to refusing the application.

In all cases of serious offences, including all allegations of sex and serious violent offences, details of the allegation and any available information (including any information sought from and disclosed by the police) will be considered. If there are reasonable grounds to suggest that the driver presents a risk to the travelling public, consideration will be given to refusing the application.

In assessing the action to take, the safety of the travelling public will be the paramount concern.

3.3.18 Convictions incurred by Knowledge students

In order to have an application to be a taxi driver accepted and to start the Knowledge of London, applicants are required to meet the above guidelines. In the event that a Knowledge student receives a conviction or caution between having their application accepted and being licensed, other than when drivers are disqualified under the 'totting up' procedure (see 3.4.9), the guidelines in respect of licensed drivers will be applied (4.2 refers) and if the applicant fails to meet them the decision to accept the application will be overturned and the application refused. However, in exceptional circumstances, account can be taken of the fact that completing the Knowledge can take a number of years so by the time the applicant is licensed they may have been free of conviction for an acceptable period. Therefore, if the conviction is of a minor nature and acceptable mitigation is provided the application may be allowed to continue subject to a written warning that any further convictions are likely to lead to refusal.

3.3.19 Summary

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a crime need not bar an applicant permanently from becoming licensed. As the guidelines in 3.4 indicate, in most cases, an appropriate period should pass before an application can be considered.

Commented [SB34]: Relates to completed matters rather than outstanding ones. Think Soham where there were no convictions but enough other info to suggest unsuitability.

Commented [SB35]: Revised to ensure full facts are obtained before a decision is made

Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

While it is possible that an applicant may have a number of convictions that, individually, meet the guidelines in 3.4, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

3.4 Offence guidelines

3.4.1 Violence

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved loss of life.

In other cases, anyone of a violent disposition will not be licensed until at least three years have elapsed since the completion of any sentence imposed. However, given the range of offences that involve violence consideration will be given to the nature of the conviction.

In particular:

(a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- or any similar offences or offences which replace the above.

(b) A licence will not be granted until at least ~~seven~~ 10 years have elapsed since the completion of any sentence imposed if the applicant has a conviction for an offence such as:

- Aggravated burglary
- Arson
- Grievous bodily harm/causing grievous bodily harm with intent
- Kidnapping
- Racially/religiously aggravated assault occasioning actual bodily harm

Commented [SB36]: For all convictions we've done away with the term 'free of conviction' and simply gone for a period since the completion of any sentence. Much simpler and in line with SG.

Commented [BS(37): Complies with SG

Commented [BS(38): SG says 10 years or any offence of violence

- Racially/religiously aggravated common assault
- Racially/religiously aggravated threatening/disorderly behaviour
- any other hate crime
- Riot, violent disorder and affray
- Robbery
- Threats to kill
- Wounding/wounding with intent
- or any similar offences or offences which replace the above.

(c) A licence will not be granted until at least three years have elapsed since the completion of any sentence imposed if the applicant has a conviction for an offence such as:

- Assault by beating
- Assault occasioning actual bodily harm
- Assault on police
- Assault with intent to resist arrest
- Common assault
- Harassment
- Threatening/disorderly behaviour
- or any similar offences or offences which replace the above.

An application will normally be refused if an applicant has more than one conviction for an offence of a violent nature.

3.4.2 Arson and criminal damage

A licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed if the applicant has a conviction for an offence such as:

- Arson – criminal damage by fire
- Arson – criminal damage with intent to endanger life
- Criminal damage (other than by fire) value exceeding £5,000
- Racially/religiously aggravated criminal damage
- or any similar offences or offences which replace the above.

Commented [BS(39)]: SG says 10 years for any offence involving violence. This is a bit of a blunt instrument and it seems harsh to treat common assault the same as GBH, for example.

Commented [RG40R39]: Agreed. Please ensure this is highlighted when the document is reviewed for final approval.

Commented [BS(41)]: New (used to be in the violence section).

Commented [BS(42)]: SG convictions guidelines don't cover criminal damage.

SG says 10 years or any offence of violence – these are effectively violent acts

A licence will not be granted until at least three years have elapsed since the completion of any sentence imposed if the applicant has a conviction for an offence such as:

- Criminal damage (other than by fire) value not exceeding £5,000
- Threats to destroy or damage property
- or any similar offences or offences which replace the above.

3.4.3 Weapons offences

A licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed if the applicant has a conviction for an offence such as:

- Possession of a firearm with intent
- Carrying a firearm in a public place
- Possession of an offensive weapon or bladed article

or any similar offences or offences which replace the above.

3.4.4 Sex and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will be closely scrutinised and TfL will take a strict approach when considering any sex and indecency offences. Those with convictions for the more serious sexual offences will be refused. For other offences a substantial period should have elapsed since the completion of any sentence imposed before an application will be allowed.

In particular:

- (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape or attempted rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- or any similar offences or offences which replace the above

Commented [BS(43): New section for weapons in line with SG (they used to be in our violent crimes section)

Commented [BS(44): Complies with SG

Driver Licences – New Applicants

- or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver.

(b) A licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed if they have a conviction for an offence such as:

- Indecent exposure
- Outraging public decency
- Soliciting (including kerb crawling)
- or any similar offences or offences which replace the above.

An application will normally be refused if an applicant has more than one conviction for any sex and indecency offences.

In addition to the above TfL will not grant a licence to any applicant who is currently on the Violent and Sex Offender Register (see [Appendix E](#)), or is the subject of a sexual harm prevention order or sexual risk order.

3.4.5 Human trafficking, people smuggling and assisting illegal immigration

Human trafficking, people smuggling and assisting illegal immigration can exploit vulnerable people, often by the use of force, violence, deception, intimidation or coercion. Such behaviour is incompatible with that of a licensed driver. Those with convictions for the more serious trafficking offences will be refused. For other offences a substantial period should have elapsed since the completion of any sentence imposed before an application will be allowed.

In particular:

(a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- Trafficking for prostitution
- Trafficking for sexual exploitation
- Trafficking for exploitation
- or any similar offences or offences which replace the above.

(b) Unless there are exceptional circumstances, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed if the applicant has a conviction for an offence such as:

- Assisting illegal immigration
- or any similar offences or offences which replace the above.

Commented [BS(45)]: SG says don't license for any offence involving 'illegal sexual activity'.

We have always taken a more nuanced view dependent on the seriousness of the offence.

Given the recommendation in the SG, should be now include these offences in the 'never license' category? Seems somewhat harsh.

If we do put these in the 'never license' category then there could be a significant impact on a number of drivers who have historic convictions and cautions when they come to renew as this policy will then be applied to them.

Commented [RG46]: Is this the case if the offence occurred whilst in the course of being a licensed driver? I thought we were stricter?

Commented [BS(47R46)]: See Table 2 at 4.1.7

Commented [BS(48)]: Complies with SG

Commented [BS(49)]: Complies with SG

Commented [SB50]: Allows us to consider cases where the applicant was helping a family member escape a regime or inadvertently assisted an illegal immigrant.

3.4.6 Dishonesty

A licensed PHV or taxi driver is expected to be a trustworthy person. Drivers may deal with customers who are vulnerable, unsuspecting or intoxicated and potentially easily confused. They can deal with cash transactions and valuable property may be left in their vehicles⁶. Taxi drivers are required to deposit such property with police within 24 hours and PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

A minimum period of seven years from the completion of any sentence is required before an application is allowed to proceed but for more serious offences a longer period will be expected.

Commented [BS51]: As per SG

Offences involving dishonesty include:

- burglary
- forgery and counterfeiting
- fraud and deception
- handling or receiving stolen goods
- making off without payment
- taking a vehicle without consent
- theft
- and any similar offences

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of dishonesty.

See also 3.1 regarding dishonesty during the licence application process.

3.4.7 Public justice offences

Commented [SB52]: New

Offences relating to conduct which hinders or frustrates the administration of justice, the work of the police, prosecutors and courts are some of the most serious in the criminal justice system. Any conviction for a public justice offence indicates an element of serious dishonesty which is incompatible with being licensed as a taxi or PHV driver.

⁶ Where weapons or drugs found in a licensed vehicle are claimed to be lost property, it will be TfL's presumption that they belong to the driver unless clear evidence indicates otherwise.

In general, a minimum period of seven years from the completion of any sentence is required before an application is allowed to proceed but for more serious offences a longer period will be expected.

Public justice offences include:

- Perverting the Course of Justice
- Perjury
- Offences concerning witnesses and jurors (e.g. intimidating witnesses and jurors)
- Offences concerning the police (e.g. obstructing the police, wasting police time, impersonating a police officer)
- Offences concerning prisoners and offenders (e.g. harbouring escaped prisoners, assisting offenders)
- Offences concerning the Coroner (e.g. preventing the burial of a body)

3.4.8 Discrimination

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.

3.4.9 Drugs

A serious view is taken of any drug related offence. The nature of the drugs, and whether for personal use or supply are issues which will be considered.

A licence will not be granted to an applicant with a conviction related to the **possession** of drugs until at least five years have elapsed since the completion of any sentence. If an applicant has more than one conviction for offences related to the **possession** of drugs, at least seven years must have elapsed since the completion of any sentence before an application will be considered.

A licence will not be granted to an applicant with a conviction for an offence related to the **supply, importing or production** of drugs until at least 10 years have elapsed since the completion of the sentence imposed.

3.4.10 Driving offences – General

The Mayor's Transport Strategy commits to delivering a 'Vision Zero' approach in London to make its streets safer for all by reducing deaths and serious injuries on London's roads.

Licensed taxi and PHV drivers are professional vocational drivers responsible for carrying the public. They are therefore expected to demonstrate a high standard of driving. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor driving offence would not prohibit the granting of a licence. However, applicants with serious or multiple driving convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Commented [BS(53)]: SG says 7 years for any offence involving dishonesty which probably includes these

Commented [BS(54)]: New – in line with SG

Commented [BS(55)]: SG says 5 years for all possession offences but makes no allowance for type of drugs whereas we have always allowed for a distinction. If we leave this in we're probably going to need some business rules which go beyond the SG. Should we treat Class A more seriously than Class C or just treat all types of drugs the same?

Commented [BS(56)]: SG says 10 years

Commented [SB57]: Moved to medicals section

Commented [BS(58)]: New as per GR's comment below

3.4.11 Driving offences involving death or serious injury

A very serious view is taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for:

- Causing death by dangerous driving
- Causing serious injury by dangerous driving
- Causing death by careless driving
- Causing death by careless driving when under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences.

3.4.12 Drink Driving/Driving Under the Influence of Drugs

A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. TfL will not normally license an applicant until at least seven years after completion of the driving disqualification.

More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. Following a second drink/drug drive conviction at least 10 years should elapse after completion of the driving disqualification before an application will be considered. Unless there are exceptional circumstances, an application will normally be refused where the applicant has more than two drink/drug drive convictions. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application is allowed to proceed.

3.4.13 Endorsable driving offences

All current driving endorsements will be shown on an individual's DVLA driving record and will be taken into account, since a poor driving record may raise doubts about the applicant's fitness to drive the public or indicate disrespect for the law.

Some endorsable offences can be only be dealt with by a court prosecution, others can be dealt with by either prosecution or fixed penalty notice (FPN(E)). A conviction or FPN for an endorsable offence will usually result in penalty points and/or a period of disqualification. A full list of endorsable offences and offence codes is at [Appendix C](#).

Minor driving offences will not prevent an application from proceeding, subject to a warning being given as to the likelihood of licensing action should similar offences occur in the future, along with advice on the standard expected of licensed drivers. However, major driving offences will give rise to serious doubts about the applicant's suitability to be a professional,

Commented [SB59]: Changes re driving offences all contribute to Vision Zero aims. Also more consistent with other LAs and SG

Commented [RG60]: Can you add a little more information about our expectations of a professional driver and our commitments to Vision Zero.

Commented [SB61]: Revised – all such offences to result in refusal

Commented [BS(62): Complies with SG

Commented [SB63]: Longer time period – used to be on restoration of DVLA licence. This will have an impact on drivers re-applying after being revoked for drink drive.

All references are now to completion of the driving disqualification.

Commented [BS(64): SG says 7 years

Commented [SB65]: Longer time period

Commented [BS(66): Complies with SG

Driver Licences – New Applicants

licensed driver. In general, a minimum period of one year since conviction is required before an application is allowed to proceed.

Commented [SB67]: Used to be license with a warning

More than one conviction for a major driving offence within the last five years would merit refusal and no further application would be considered until at least seven years after the most recent conviction.

Commented [SB68]: In line with SG. Used to be 1-3 years. A problem with this is that some offences are not recordable and only stay on your licence for four years so we may not know about them.

Major driving offences include, but are not limited to:

Commented [SB69]: New list of major offences including any single offence that attracted 6pts

- Aggravated vehicle taking
- Careless driving (resulting in six or more penalty points)
- Dangerous driving
- Drink and drugs offences (see also 3.4.12)
- Driving while disqualified
- Failing to give identity of driver
- Failing to stop/failing to report an accident (resulting in six or more penalty points)
- No insurance
- Using a hand-held mobile phone or a hand-held device
- any other single offence that resulted in six or more penalty points

Commented [BS(70)]: SG says do not license for five years for one offence of using a mobile phone (which attracts 6 pts) but doesn't mention any of the other offences in this list. It's really bad policy to single out offences like this and remain silent on others.

In cases where the driver has been disqualified from driving, the periods stated above will normally commence from the date the disqualification ends.

In the circumstances, and to ensure a consistent approach, the five year policy has been applied to all major driving offences.

In the event that a driver has been disqualified under the totting procedure, a licence will not normally be issued until at least 12 months after the end of the driving disqualification.

Commented [SB71]: New policy re totting disqual

Any applicant with nine or more penalty points who is granted a licence will be warned that incurring additional points is likely to result in the loss of both their DVLA driving licence and taxi or PHV driver's licence.

TfL will not license any applicant who has 12 or more penalty points on their licence.

Commented [SB72]: New policy re 12 ppts. Appropriate and proportionate approach; consistent with other LAs and in line with SG

In the event that an applicant for a taxi driver's licence is disqualified from driving under the 'totting up' procedure between having their application accepted and being licensed (e.g. while learning the Knowledge of London), rather than refusing the application, consideration will be given to putting the application 'on hold' for the period of the disqualification. This takes account of the fact that the period between application and being licensed can be several years. At the end of the disqualification, subject to a further, satisfactory check of the applicant's driving record, the applicant will be allowed to resume the at the point they left it. This concession will only be allowed when the offences that resulted in the accumulation of penalty points are not serious driving offences.

Commented [RG73R72]: When would we consider the application? Is it not until the points are removed for the DVLA.

Commented [BS(74R72)]: Yes. This makes it clear and simple. 12 pts = no licence.

Any applicant for a PHV driver's licence who is disqualified from driving under the 'totting up' procedure between having their application accepted and being licensed will have their application refused.

Convictions for minor (non-endorsable) traffic offences, e.g. obstruction, waiting in a restricted street should not prevent an application from proceeding. Non-endorsable traffic offences are not recorded on driving licences.

3.4.14 Illegally Plying for Hire and Touting

Commented [BS(75)]: SG doesn't mention these offences

Only taxis have the right to ply or stand for hire and it is an offence under section 8 of the Metropolitan Public Carriage Act 1869 for any vehicle other than a licensed taxi to ply for hire. Section 167 of the Criminal Justice and Public Order Act 1994 created the offence of 'touting', in a public place or to solicit persons to hire vehicles to carry them as passengers.

Following a conviction or caution for either offence⁷, at least one year should elapse before an application will be considered. Unless there is significant mitigation, an application will normally be refused where the applicant has more than one conviction or caution of this nature in the last five years.

An applicant with an isolated conviction or caution for either offence that is more than one year old, may be licensed subject to a written warning.

3.5 Physical fitness

Commented [BS(76)]: Specific guidelines for diabetes removed as DVLA guidelines are now applied

3.5.1 Physical fitness standards

Regulation states that taxi and PHV drivers must satisfy TfL that they are physically fit to hold a driver's licence. In assessing whether an applicant is physically fit, TfL will have regard to the medical standard that would apply in relation to a DVLA Group 2 licence.

Group 2 licences are required for large goods vehicles and buses and the medical standards for Group 2 drivers are much higher than those for Group 1 (ordinary motor cars and motorcycles). This higher standard requirement reflects the view that the nature of a licensed driver's employment places them in the category of vocational driver. Additionally, the fact that drivers' work patterns are unregulated affords further weight to the need for Group 2 requirement. The Group 2 standard is set out in the DVLA publication '[Assessing fitness to drive - a guide for medical professionals](#)'.

At all times it remains the applicant's responsibility to satisfy TfL that they meet the physical fitness standards and to meet any associated costs.

3.5.2 Medical reports

The medical report form (TPH/204) requires the doctor to answer either 'yes' or 'no' to set questions with space for explanation/amplification where appropriate. Medical reports must be completed by a medical practitioner who has access to the patient's **full** medical records. It is for the applicant to ensure only medical practitioners with full access to their medical records are consulted to provide medical reports.

⁷ As Illegally Plying for Hire is not a recordable offence, convictions will not appear on DBS Disclosures

The medical reports, together with the DVLA guidelines mentioned above, should generally enable the applicant's fitness to be licensed to be determined. It must be emphasised that each case will be considered on its merits. Where doubt exists, the applicant's doctor or consultant may be asked for additional information and/or the applicant's medical history may be referred to TfL's specialist occupational medical advisor. When it appears from these enquiries that an applicant does not meet the required standard, they will be informed of this in writing and given the opportunity to present further (written) medical evidence before a decision is made.

Administrative staff will not interpret medical conditions and the advice of TfL's specialist occupational medical advisor will be taken in determining fitness. However administrative staff may seek additional information on conditions identified in the medical report to assist the TfL advisor.

There may be occasions where a decision can be made without referral to TfL's specialist occupational medical advisor but if there is any doubt whatsoever as to whether or not an applicant meets the medical standard, advice will be sought from TfL's medical advisor.

3.5.3 Drugs

Commented [SB77]: Moved from convictions section

If the applicant's criminal history shows evidence of persistent drugs use, misuse or dependency (e.g. two or more convictions for possession) a satisfactory drug screening will be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency.

3.5.4 Physical disabilities

All cases where a physical disability is disclosed which may require adaptation of the vehicle will be referred to the Taxi and Private Hire Vehicle Policy Manager to advise on the need for an independent assessment by a Department for Transport (DfT) approved mobility centre. If an assessment is necessary the cost must be met by the applicant.

3.5.5 Medical reports for other professions

Some occupations require an in-depth medical to be undertaken and for the individual to meet a defined medical standard. For example, the standard of medical fitness required by the Civil Aviation Authority for a pilot's licence meets that required by TfL for a taxi or PHV driver's licence and as such TfL will accept a valid, current pilot's licence as evidence that the applicant meets TfL's physical fitness standard. To evidence that they continue to meet TfL's physical fitness standard, the applicant will have to continue to produce a valid, current pilot's licence whenever TfL requests a further medical report.

Should an applicant suggest that their occupation or a licence they hold requires them to meet at least the same medical standard as that required by TfL, the case will be referred to TfL's medical adviser for advice.

3.5.6 Holders of DVLA Group 2 Licences

After 1 January 1998, any driver who holds a full or provisional DVLA Group 2 licence would have already had a medical examination prior to being granted this entitlement. This entitlement will be shown on the driver's DVLA driving licence. Any drivers who have been granted this entitlement after 1 January 1998 **will not** have to complete a medical report (TPH/204).

Drivers who were awarded a Group 1 category B (motor car) licence before 1 January 1997 have additional entitlement to categories C1 (medium-sized lorries, 3.5t to 7.5t) and D1 (minibuses, 9 to 16 seats, not for hire or reward). However, these drivers will not have undergone a medical examination to get this entitlement and **will** have to complete a medical report (TPH/204) when applying for a taxi or PHV driver's licence.

Commented [SB78]: New – to provide clarity

3.6 Driving ability

3.6.1 Taxi driver applicants

All taxi driver applicants are required to undertake a taxi specific driving test in a TfL licensed taxi, paying particular attention to passenger safety and comfort, and vehicle features.

This additional test is necessary due to the different handling characteristics of licensed taxis and the need to demonstrate competency in using the features to assist disabled people. If appropriate/necessary due to an applicant's physical disability, such a test will need to be undertaken in a taxi specifically adapted for the driver (any modifications to the vehicle having first been approved by TfL).

Applicants are required to submit certificates proving they have passed both the driving and wheelchair elements of the test and at the point of first licensing the pass certificates must be no more than three years old.

Prior to 31 December 2016, these tests were conducted by the Driver and Vehicle Standards Agency (DVSA). The DVSA has now ceased provision of these tests and TfL is seeking an alternative approach.

Commented [BS(79)]: Reflects current position.

Until the alternative arrangements are in place, TfL will license any applicant for a taxi driver's licence who passes their final (Stage 6) Knowledge examination and meets all other licensing criteria but who did not have the opportunity to sit the DVSA test. Licences will be issued subject to the driver to pass a driving assessment at a later date.

3.6.2 PHV driver applicants

There is no requirement for PHV driver applicants to take an additional driving test.

3.6.3 Drivers with disabilities

Should a [Driving Mobility](#) centre report, or any other specialist advice, i.e. from a medical specialist, indicate that a driver with a physical disability is only fit to drive certain types of vehicles, e.g. those with automatic transmission or those fitted with specified adaptations, the nature of the limitation must be suitably endorsed on the licence (provision is made for this under article 27(1)(a) and Schedule 'D' of the London Cab Order, 1934 and section 13(5) of the PHV (London) Act 1998). Applicants must be aware that there is no guarantee that

specially adapted vehicles will be available to buy or hire. Moreover, any vehicle that is specially adapted must first be approved by TfL.

3.7 **Right to live and work in the UK**

Commented [SB80]: Updated to reflect Immigration Act 2016 and latest (Sept 2021) Home Office guidance on right to work checks

3.7.1 Immigration requirements

The Immigration Act 2016 amended the PHV Act 1998 and the Metropolitan Public Carriage Act 1869 to seek to prevent illegal working in the PHV and taxi sector. TfL additionally amended the London Cab Order 1934 to provide consistency between the provisions for PHV drivers and taxi drivers.

TfL is under a duty not to issue licences to people who are disqualified from holding a licence due to their immigration status. In determining whether someone is disqualified, TfL is under a statutory duty to have regard to [guidance](#) issued by the Home Office.

A person is disqualified from holding a PHV or taxi driver's licence by reason of their immigration status if:

- the person requires leave to enter or remain in the UK and has not been granted it; or
- the person's leave to enter or remain in the UK
 - is invalid;
 - has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise); or
 - is subject to a condition preventing the person from doing work of that kind.

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding licence, for example, they are subject to an immigration restriction that does not permit them to work or undertake work as a taxi or PHV driver.

3.7.2 Right to work checks

TfL has a duty to undertake checks to establish whether an applicant for a or taxi or PHV driver's licence has the right to work in the United Kingdom. There are two types of right to work check; a manual check and an online check. Online checks will be done by using the Government's online service '[View a job applicant's right to work details](#)'.

It will not be possible to conduct an online right to work check in all circumstances, as not all individuals will have an immigration status that can be checked online. The online right to work checking service sets out what information is needed. In circumstances in which an online check is not possible, a manual check will be undertaken.

For manual checks, the Home Office has produced a list of documents that can provide this evidence. These are listed at [Appendix F](#). Documents provided from List A establish that the person has a permanent right to work in the UK; documents from List B indicate that the person has a temporary right to work in the UK. A copy of every document produced will be

kept. Where a permanent right to work has been established, this will negate the need to undertake any further checks.

Further details on conducting right to work checks can be found in [guidance](#) issued by the Home Office.

3.7.3 Duration of licences

If an applicant provides acceptable documents from List A of [Appendix E](#), or TfL has conducted an online check that confirms there are no restrictions on the applicant's status in the UK, this does not prevent TfL from a licence for up to the statutory maximum three-year period.

If an applicant provides acceptable document(s) from List B of [Appendix F](#), or the online check confirms that the applicant has a time limited permission to work in the UK, then **a licence will only be issued for the period for which they are entitled to remain in the UK** (up to the statutory maximum three-year period).

In order for the licence to be 'extended' (i.e. a further licence issued) up to the maximum three years from the date of issuing the time-limited licence, drivers must produce further evidence to prove that they have the right to work in the UK.

In the event of a driver submitting this evidence after, but within three months of the initial expiry of the licence, subject to there being no other concerns, the licence can be 'extended'. However, unless there are exceptional circumstances, any driver submitting this evidence more than three months after the expiry of the initial licence is unlikely to be afforded this privilege. In such cases the driver will be treated as a new applicant. This will require the driver to wait until all necessary checks have been completed before a licence can be issued.

In the event that a driver does not have a further licence issued, they will be entitled to a refund of a pro-rata proportion of the grant of licence fee.

3.7.4 UK withdrawal from the European Union

The UK's withdrawal from the EU ended free movement. However, EU, EEA and Swiss nationals already resident in the UK could retain their right to live and work in the UK by applying to the European Union Settlement Scheme (EUSS). The EUSS opened in 2019 and closed to general applications on 30 June 2021.

Since 1 July 2021, EU, EEA and Swiss nationals are required to hold a valid immigration status in the UK, in the same way as other foreign nationals. They can no longer rely on an EU, EEA or Swiss passport or national identity card to prove their right to work.

Successful applicants to the EUSS will gain either settled or pre-settled status.

If granted settled status they will continue to have permission to live and work in the UK for as long as they wish and can be issued a full three-year licence.

If they have been granted pre-settled status then they will continue to have permission to live and work in the UK for up to five years. A full three-year licence can be issued if the expiry

date will be within the five-year period, but the expiry date of any licence issued cannot extend beyond the end of the five-year period and a shorter licence will be issued in such circumstances.

The deadline for most people to apply to the EUSS was 30 June 2021 although the government has put in place temporary protection to allow more applicants to apply. This means that any EU, EEA or Swiss citizen with an outstanding EUSS application, can be licensed pending the outcome of their application:

- PHV drivers will be issued with a six-month licence;
- Taxi drivers will be issued with a three-year licence but advised that a further review on their right work in the UK will be undertaken after six months. Should they not obtain leave to remain, the licence may be revoked.

3.8 English language requirement (PHV driver applicants only)

3.8.1 The required standard

From **14 October 2016** all new applicants for a PHV driver's licence must be able to demonstrate that they can communicate in English at or above level B1 on the Common European Framework of Reference (CEFR). The ability to communicate in English for the purposes of this requirement includes speaking, listening, reading and writing.

From **1 October 2021**, all new applicants must satisfy TfL of their ability to meet the English Language requirement by passing:

- a) a speaking and listening test conducted by or on behalf of TfL; and
- b) an assessment of safety, equality and regulatory understanding (this will be used to derive applicant's reading and writing ability) – see 3.9 below.

Applicants are allowed two attempts to pass either test. After failing either test for a second time, the application will be refused. Should the applicant wish to take the test again, they will have to make a new application to be licensed.

3.8.2 Previous requirement

Prior to 1 October 2021, applicants could satisfy TfL of their ability to meet the English Language requirement by providing either

- a) A certificate from a test provider appointed by TfL confirming that the applicant's level of proficiency in the English language is at level B1 on the CEFR or above; or
- b) Documentary evidence of a qualification (whether or not the qualification was obtained in the United Kingdom) on the basis of which TfL is satisfied that the applicant's level of proficiency in the English language is equivalent to level B1 on the CEFR or above.

These provisions no longer apply. Any applicant who applied before 1 October 2021 but had not provided acceptable evidence by 30 September 2021, will be required to take and pass

the new speaking and listening test and the safety, equality and regulatory understanding assessment by **31 March 2023**.

3.8.3 Exemptions

The regulations allow a small number of exemptions from the English language requirement. The exemptions are:

- a) applicants who have previously satisfied TfL that they met the English language requirement; and
- b) applicants with a disability⁸ that would prevent them from taking the speaking and listening test.

Each application for an exemption on the grounds of a disability will be treated on its own merits. Applicants will be required to provide evidence from a medical specialist to support a case for granting an exemption. Further guidance on exemptions can be found on the English language requirement page of the TfL [website](#).

Commented [BS(81): Insert link when available

3.8.4 Transitional provisions

The English language requirement applies to all applications received by TfL on or after 14 October 2016.

For applications received between **14 October 2016 and 31 March 2023**, applicants may be issued a licence but have until **31 March 2023** to prove to TfL that they comply with the English language requirement.

For all applications received on or after **1 April 2023**, applicants will need to prove to TfL that they comply with the English language requirement as part of their application **before** a licence will be issued.

3.9 Safety, equality and regulatory understanding (PHV drivers only)

Commented [BS(82): New

3.9.1 The required standard

From **1 October 2021**, all applicants for a PHV driver's licence must be able to demonstrate an understanding of safety, equality and regulatory issues relevant to their role as a PHV driver.

Applicants can satisfy TfL of this requirement by taking and passing the safety, equality and regulatory understanding (SERU) assessment. As part of the application process applicants will be invited to attend an assessment at a TfL assessment centre. Further information about the assessment can be found on the taxi and private hire pages of the TfL website.

The assessment is based on the content of the [PHV Driver's Handbook](#) that all applicants will need to read before taking the assessment. The handbook provides applicants with important information on:

⁸ within the meaning of section 6 of the Equality Act 2010

- their obligations under PHV and other legislation, including the Equality Act 2010
- policies and guidance issued by TfL relevant to PHV drivers;
- safeguarding children and vulnerable adults; and
- passenger and driver safety; and
- road and vehicle safety.

Applicants are allowed two attempts to pass the SERU assessment. After failing the assessment for a second time, the application will be refused. Similarly, should the applicant fail to attend their appointment for the assessment on two occasions without reasonable justification, their application will be refused.

Should the applicant wish to take the assessment again, they will have to make a new application to be licensed.

There are no exemptions to this requirement.

3.9.2 Transitional provisions

The safety, equality and regulatory understanding requirement applies to all applications received by TfL on or after 1 October 2021.

For applications received between 1 October 2021 and 31 March 2023, applicants may be issued a licence but have until 31 March 2023 to prove to TfL that they comply with the SERU requirement.

For all applications received on or after 1 April 2023, applicants will need to prove to TfL that they comply with the SERU requirement as part of their application **before** a licence will be issued.

3.10 Topographical knowledge and skills testing

3.10.1 Taxi driver applicants

Taxi drivers are required to have a significant depth of topographical knowledge i.e. the ability to take a passenger from pick up point to destination by the shortest possible route. To do this applicants have to learn the 'Knowledge of London' and pass a series of examinations.

Article 27(1)(b) of the London Cab Order 1934 allows TfL to limit taxi drivers' licences to discrete areas based on the driver's knowledge. Applicants can therefore apply to be licensed for the whole of London ('All London') or one of nine suburban sectors and will be tested on their knowledge of that area.

The nine suburban sectors are (see also Figure 1 below):

- Sector 1 Enfield, Haringey and Waltham Forest
- Sector 2 Barking & Dagenham, Havering, Newham and Redbridge
- Sector 3 Bexley, Greenwich and Lewisham
- Sector 4 Bromley
- Sector 5 Croydon
- Sector 6 Merton and Sutton
- Sector 7 Hounslow, Kingston upon Thames and Richmond upon Thames
- Sector 8 Ealing and Hillingdon
- Sector 9 Barnet, Brent and Harrow

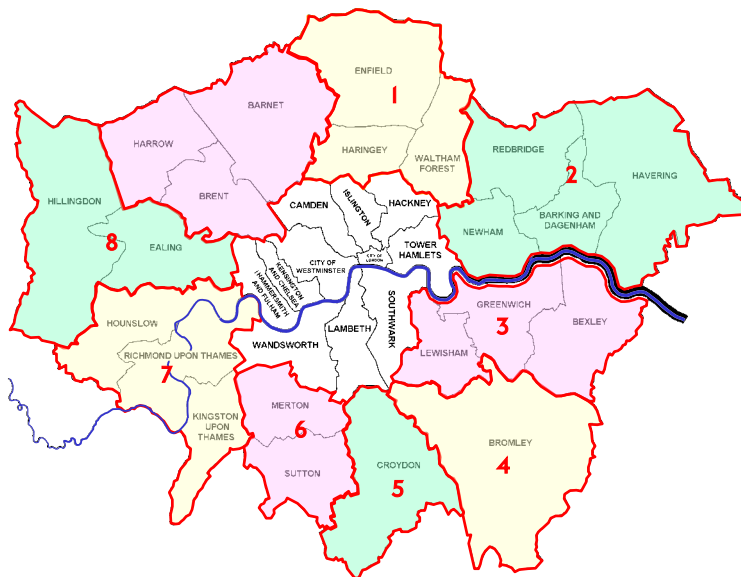


Figure 1 - Suburban sectors

Once licensed, suburban taxi drivers can increase their licence area either by adding additional sectors or becoming an All London driver (see 4.32).

Confirmation that any applicant meets the required standard will be determined solely by the Knowledge of London Manager and the Knowledge of London Examiners.

The Knowledge of London examination system is designed to allow applicants to progress at a speed that is commensurate with their ability and commitment. However, some applicants make so little progress that it raises doubts as to whether they will ever reach the required standard. Therefore, the following guidelines will be applied:

- Suburban: To be allowed to take Stage 3 twice; after the second failure to be given six months before being allowed to re-take Stage 3. After a further two failures at Stage 3 refusal of the application will be considered.
- All London: Those who repeatedly fail at Stage 3 are automatically reverted to the Stage 2 written exam. Applicants can take the written exam as many times as they wish and incur the associated costs. After each failure they are given a period in which to apply for a re-sit. If they do not apply the application will be discontinued. Given that applicants are paying for the resources they consume there is no need to consider refusal.

The TfL publication '[The Knowledge of London - learning and examination process](#)' provides a detailed description of the examination process and can be found on the TfL website.

3.10.2 PHV driver applicants

Commented [SB83]: Amended to reflect latest delivery arrangements.

There is a statutory requirement under section 13(3) of the Private Hire Vehicles (London) Act 1998 for PHV drivers to satisfy TfL that they have an appropriate level of knowledge of London and general topographical skills. As part of the application process applicants will be invited to book a topographical skills assessment at a TfL assessment centre. This will be scheduled for the same day as their English language speaking and listening test and SERU assessment (see 3.8 and 3.9 above). Further information about the topographical skills assessment can be found on the taxi and private hire pages of the [TfL website](#).

Applicants are allowed two attempts to pass the topographical skills assessment. After failing the assessment for a second time, the application will be withdrawn by TfL. Should the applicant wish to take the assessment again, they will have to make a new application to be licensed.

3.10.3 Concessions and exemptions

PHV driver applicants

We allow a small number of concessions for applicants for a PHV driver's licence who can demonstrate that they already satisfy the topographical skills requirement and will therefore not be required to take a topographical skills assessment.

The current concessions are:

- applicants who have passed a TfL topographical skills assessment as part of a previous application;
- licensed London taxi drivers – both All London and Suburban; and
- professional London tourist guides (e.g. Blue Badge Driver Guide).

Any other concessions will be considered on a case by case basis.

Taxi driver applicants

There is no exemption from the Knowledge of London for taxi driver applicants (see 3.14 and 4.18 re previously licensed taxi drivers).

3.11 Appeals against a decision to refuse a licence

3.11.1 Taxi driver applicants

Section 17 of the Transport Act 1985 provides for a reconsideration and/or appeal of the decision taken by TfL to refuse an applicant a taxi driver's licence.

An applicant for a taxi driver's licence who is refused a licence may, within 28 days, ask TfL to reconsider its decision by way of personal hearing or appeal directly to a magistrates' court. The procedure for personal hearings is summarised at [Appendix D](#). If the applicant is not satisfied with the result of the reconsideration by TfL they retain the right to then appeal, within 28 days, to a magistrates' court.

3.11.2 PHV driver applicants

Section 13(6) of the PHV Act 1998 provides an avenue of appeal against a decision by TfL to a refuse to grant a licence. Applicants for a PHV driver's licence whose application is refused may appeal to a magistrates' court no later than 21 days from the date they are notified of the refusal. A subsequent right of appeal to Crown Court is also available.

3.12 Previously refused applicants

In the event that an application is received from someone who has previously been refused a licence, the application will be considered in line with the guidelines in the preceding paragraphs.

3.13 Previous licence holders

In considering an application from an individual who has previously been licensed as a taxi or PHV driver, their previous history as a licensed driver will be examined.

All cases will be considered in line with the policies and guidelines in this document. If a licence was refused or revoked on medical grounds, the case will be submitted to TfL's specialist occupational medical advisor before consideration is given to re-licensing.

Paragraph 4.17 and Table 3 provide guidance to assist in the consideration of applications from previous licence holders who have had their licences revoked.

There will be occasions when a previously licensed driver is making a new application because they failed to renew their licence within three months of it expiring (see 4.25). When deciding whether or not to re-licence, consideration will be given to the following factors:

- Has the driver renewed late previously?
- Did the driver work as a taxi or PHV driver with an expired licence having been warned that they could not work?
- Did the driver continue to work as a taxi or PHV driver for more than three months after the licence expired?

If the answer to any of these questions is 'yes', consideration will be given to refusing the application and at least 12 months should elapse before a further application will be considered.

3.14 Re-assessing Knowledge of London and driving skills (taxi driver applicants)

Any previously licensed taxi driver who has not driven a taxi for a substantial period (usually two years other than by reason of illness or other unavoidable cause) will be required to undergo a Knowledge of London re-test (see also 4.18). The purpose of the re-test is for a Knowledge of London Examiner to determine the level of retained knowledge and then decide whether the driver meets the required standard or whether further learning and testing is required.

In order to benefit from this facility the applicant must provide sufficient evidence to prove that they were previously licensed. If the applicant cannot provide sufficient evidence, they may be required to complete the entire Knowledge of London process.

Commented [SB84]: Added. Onus on driver to prove they were licensed. We have full records for the last 12 years so will be able to confirm this in most cases.

If a previously licensed taxi driver has not driven for a period of three years, consideration will also be given as to whether the driver should be required to re-take the taxi driving test and/or the wheelchair assessment. If the driver has not previously taken the wheelchair assessment, they will be required to take and pass the assessment before they are re-licensed (subject to availability of tests – see 3.6.1).

3.15 Action by other licensing authorities and the National Register of Taxi Licence Revocations and Refusals

Commented [BS(85)]: New

Applicants are required to provide full details of any taxi and private hire licence history with other licensing authorities. This includes driver, operator and vehicle licences. Applicants must declare on the application form if they have a current licence; have previously been licensed; have had an application for any licence refused; or a licence revoked or suspended.

Commented [RG86]: See previous comment regarding the need to add this to the initial list of application requirements.

For every application, TfL will check the National Register of Taxi Licence Revocations and Refusals (NR3). This register is used by licensing authorities throughout England to record details of where a taxi or PHV driver's licence has been refused or revoked.

If either the applicant or NR3 discloses such information, the licensing authority that made the decision will be contacted to obtain all information relevant to the decision. If the licence was refused, suspended or revoked the reasons why must be established.

The information disclosed will be assessed and if the driver fails to meet the standards to be licensed by TfL or there is any threat to the safety of travelling public, consideration will be given to refusing the application.

If the applicant is currently suspended by another licensing authority, the application will be put on hold pending further enquiries with the authority concerned and the completion of the suspension. Consideration will then be given to the reasons for the suspension when making a licensing decision.

If the NR3 check discloses information that the applicant failed to disclose, consideration will be given as to whether the non-disclosure represents dishonesty and the applicant is fit to be licensed (see 3.1 regarding dishonesty during the licence application process).

Commented [SB87]: New

In the event that any application is refused, TfL will enter details of the refusal on the NR3 database. The information entered onto NR3 will be limited to the applicant's:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken (but not the reason for it)
- date of decision
- the date the decision took effect.

Once on the database, this information will be available to any other licensing authority in England. The information will be held on the register for 25 years. If during that time another authority requests further details relating to the decision because the applicant has applied to it for a taxi or PHV driver's licence, TfL may provide our reasons for the refusal or revocation.

In using NR3, all information will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).

Commented [BS(88)]: New

3.16 Taxi drivers: Pre-licensing checks

Commented [SB89]: New – clearly sets out what's required pre-licensing

When applicants for a taxi driver's licence complete the Knowledge of London, a significant period of time may have passed since they made their application. For this reason, prior to being licensed, applicants are required to complete form MHC/212 and declare any change in their circumstances since they applied.

Applicants are also required to undergo a further enhanced DBS check and provide a copy of their driving licence at this point. In the event that the either reveals information not previously disclosed, this will be assessed in line with the relevant guidelines in this document.

A further medical examination is not required at this stage unless the applicant was advised to the contrary when they first applied. However, if a change in medical fitness is disclosed, further enquiries will be undertaken as necessary.

The applicant will not be licensed until:

- a Knowledge of London Examiner has certified that the applicant has completed the Knowledge;
- the applicant has submitted a taxi driving test and wheelchair assessment pass certificate (see also 3.6.1);
- TfL is satisfied that the applicant meets the required character, medical and right to work standards.

3.17 Applicants for both taxi and PHV driver's licences

An applicant who is licensed as a taxi or PHV driver or has an active application for a driver's licence may be exempt from certain requirements should they apply for the other. This will include exemption from having to undergo a further medical examination and apply for an enhanced DBS check.

When the last DBS check was obtained will be taken into consideration before exemption is granted. If it is more than three years since the last DBS check was provided (e.g. an applicant has been learning the Knowledge for over three years and now applies for a PHV driver's licence), a further DBS check will be requested before a licence is issued.

Applicants will **not** be exempt from undergoing a further medical examination if they have reached the age at which age related medicals are required, it is more than three years since their last medical, and they have yet to be licensed. For example, if a PHV driver applicant is over 45 and more than three years have passed since undergoing a medical examination as part of an application for a taxi driver's licence, a further medical would be required.

Regardless of which licence the applicant applied for first, whichever licence is issued first will determine the timing and intervals for requesting all future medicals and DBS checks.

3.18 Duration of licences

All taxi and PHV driver licences are normally issued for a period of three years.

The [Statutory Taxi and Private Hire Vehicle Standards](#) state that licences should not be issued on a "probationary basis". It states that any shorter duration licence should only be granted when the licensing authority thinks it is appropriate in the specific circumstances of the case e.g. if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

TfL does not grant licences on a probationary basis and will only grant a taxi or PHV driver's licence when it has already determined that the applicant is fit to hold such a licence.

Commented [RG90]: What about if they have now reached an age they would ordinarily have to provide a medical.

Commented [BS(91R90)]: The requirement is a medical on application and then at age related intervals once licensed. They do have to declare no change in health at the point of licensing.

Commented [BS(92R90)]: It transpires that we DO ask for a further medical if they have passed one of the age related milestones for medicals which makes sense from the perspective of assessing medical fitness but it does highlight the grey area that KoL students live in. Do they have to meet applicant or driver requirements? Do we want to formalise our current practice?

Commented [BS(93)]: New

Commented [BS(94)]: Although we have never issued shorter licences, Legal recommend that we still address the issue to be in line with the SG.

Do we want to? Or do we just remain silent on the issue?

There is no power to issue shorter licences to taxi drivers so in the interests of consistency our policy position ought to be that we won't do it for PHV drivers unless there are very exceptional circumstances.

Commented [RG95R94]: Can we please add a general comment in line with SG but also refer to the fact it is only applicable to PHVs for the reasons you give.

Commented [BS(96R94)]: Text added.

While section 13(5) of the PHV Act 1998 allows TfL to grant a PHV driver's licence for a period of less than three years if we consider it appropriate in the circumstances of the case, there is no similar power for taxi driver licences.

In the circumstances, we will only consider issuing a PHV driver's licence for a period of less than three years if there are very exceptional circumstances.

3.19 Outstanding costs

Following an unsuccessful appeal against a decision by TfL to refuse, suspend or revoke a licence, it is likely that the licensee/applicant will be ordered by the court to pay TfL's costs. All outstanding costs must be paid before a fresh application will be considered.

As part of any application to be licensed an applicant is required to declare that they do not have any outstanding licensing debt to TfL. In the event that it is established that the applicant does have an outstanding debt to TfL, consideration will be given to refusing the application on the basis of a false declaration (see 3.1). Furthermore, any monies accompanying the new application may be kept and offset against the outstanding debt.

DRAFT

4. Driver Licences – Licence Holders

4.1 General

The licensing system is designed to protect the public and where a driver falls below an acceptable standard consideration will be given to suspending or revoking the licence. While removing an individual's livelihood will never be considered lightly, it would be wrong for TfL to avoid this course of action where it is clearly appropriate.

Where TfL receives or obtains relevant information which is not directly addressed by the guidance in this document, TfL will consider the information insofar as it is relevant to whether the driver is a fit and proper person to hold a licence. In the event that this results in suspension or revocation of the licence, such relevance will be explained in the decision letter.

Commented [SB97]: Added following comments made by our barrister following an appeal – provides scope to take anything into account

4.2 Immigration permission

The Immigration Act 2016 amended the PHV Act 1998 to seek to prevent illegal working in the PHV sector. TfL made equivalent provisions for taxi drivers by amending the London Cab Order 1934.

Commented [SB98]: New - Reflects requirements of Immigration Act

In the event that the Home Office cuts short or ends a person's immigration permission, any PHV or taxi driver's licence that the person holds, issued as a consequence of an application which was made on or after 1 December 2016, will automatically lapse.

As the licence has lapsed rather than being revoked there is no right of appeal.

For those who have limited permission to be in the UK, the check that the applicant has permission to be in the UK and undertake work as a PHV or taxi driver will be repeated at each application to renew the licence until such time as the applicant can demonstrate that they are entitled to remain indefinitely in the UK.

4.3 Previous convictions, cautions, etc.

Commented [BS99]: Reflects SG.

When first applying to be licensed, any convictions, cautions, etc. will have been considered in line with the guidelines for applicants applicable at that time. However, in the event that a driver does not meet the current guidelines set out in section 3.4 of this document, their fitness to be licensed will be reviewed.

Each case will be treated on its own merits, and in coming to a decision we will consider the risk to the public, deviating from the current guidelines where there are clear and compelling reasons to do so.

4.4 New convictions, cautions, etc.

Action taken in respect of new convictions coming to attention will depend upon:

- the nature and seriousness of the latest offence(s);
- any sentence imposed by a court;

- whether the offence was related to working in the taxi and private hire industry;
- any previous criminal history;
- any earlier suspensions, warnings, etc.; and
- promptness of advising TfL.

When considering what action to take, TfL has four options:

- no further action
- written warning
- suspension
- revocation

Any case resulting in imprisonment (including suspended prison sentences) or disqualification from driving is likely to result in the revocation of the driver's licence. Revocation will also be likely for other serious offences, particularly those which suggest the public may be at risk.

Drivers are required to inform TfL within 21 days of all arrests, charges, cautions and convictions. If it is established that a driver has failed to comply with this requirement, at the very minimum, the driver will be warned in writing and reminded of their obligations. Where licensing action is being considered for the offence itself, the failure to notify TfL within 21 days will form part of those considerations.

4.4.1 Cautions

Simple Cautions and Conditional Cautions are not convictions but, being admissions of guilt, will be taken into consideration in the determination of good character. In considering a caution the following factors will be taken into account:

- the nature of the offence;
- whether the offence was related to working in the taxi and private hire industry;
- the driver's offending history; and
- the guidelines applicable had it been a conviction.

4.4.2 Absolute and Conditional Discharges

A court can dispose of a case by issuing an Absolute or Conditional Discharge which although results from a finding of guilt is not a conviction. However, TfL will take the circumstances that resulted in the discharge into consideration when determining fitness. In the event that a licensed driver has been the subject of an Absolute or Conditional Discharge for an offence that would have resulted in suspension or revocation should they have been convicted, further information regarding the case will be sought.

Although an Absolute or Conditional Discharge may not be a conviction, drivers are still required to declare the matter to TfL.

4.4.3 Community Resolution Orders

A Community Resolution Order (CRO) is used by police as a tool for the resolution of a less serious offence or anti-social behaviour incident. They are used by the police primarily for first time offenders where genuine remorse has been expressed, and where the victim has agreed that they do not want the police to take more formal action. The most appropriate offences to warrant a CRO are likely to be low-level criminal damage, low-value theft, minor assaults (without injury) and anti-social behaviour.

The offences that warrant a CRO are likely to be low-level criminal damage, low-value theft, minor assaults (without injury) and anti-social behaviour. Metropolitan Police Service policy dictates that CROs cannot be used for domestic abuse and domestic violence matters, hate crime, sexual offences, firearms and other weapons offences.

CROs are designed to deal with minor offences and give first-time offenders a 'second chance', avoiding the consequences of a criminal conviction. Therefore, in considering a CRO a warning to the driver is likely to be the most appropriate outcome but the following factors will be taken into account, and if appropriate in the circumstances of the case, licensing action may be taken:

- the nature of the offence;
- whether the offence was related to working in the taxi and private hire industry; and
- the driver's offending history.

4.5 Offence guidelines

4.5.1 Violence and criminal damage and possession of weapons

Offences against the person, causing criminal damage and possession of weapons will be considered in the light of circumstances surrounding the offence. A very serious view will be taken where the victim is the passenger in a licensed vehicle, if the incident occurs in the course of licensed employment, or if the offence is racially or religiously aggravated. A conviction for a violent offence will normally result in revocation unless significant mitigation is forthcoming.

Offences that should be treated as violent offences are listed at 3.4.1 and weapons offences are listed at 3.4.2.

4.5.2 Sex and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, any case of a driver incurring a conviction for a sexual offence e.g. rape, sexual assault, indecent exposure, soliciting, will be dealt with as a matter of urgency. All convictions for illegal sexual activity will result in revocation of a driver's licence and convictions for serious sexual offences will

Commented [SB100]: New – CROs introduced since last edition

Commented [BS(101): Updated to reflect SG

Commented [SB102]: References to applications to be relicensed removed. We can just rely on 4.1.5 and table 3.

Commented [BS(103): Suspension not an option given that SG says don't license for 10 years.

Commented [SB104]: Changed – no longer says immediate suspension pending further investigation.

result in immediate revocation. Offences that should be treated as serious sexual offences are listed at 3.4.3.

4.5.3 Human trafficking, people smuggling and assisting illegal immigration

Commented [SB105]: New – replicates applicant section

Human trafficking, people smuggling and assisting illegal immigration can exploit vulnerable people, often by the use of force, violence, deception, intimidation or coercion. Such behaviour is incompatible with that of a licensed driver. A conviction for such an offence will normally result in ~~suspension or~~ revocation unless significant mitigation is forthcoming.

Commented [BS(106)]: As above

Examples of human trafficking and smuggling offences are listed at 3.4.4.

4.5.4 Immigration Act 2016 offences

Commented [SB107]: New – reflects Immigration Act

Under powers introduced by the Immigration Act 2016 and the London Cab Order 2016 (No 2), a conviction for an immigration offence is grounds for suspension or revocation of the licence. This includes attempting or conspiracy to commit any offences under the Immigration Acts. The power also extends to being required to pay an immigration penalty.

Any driver convicted of such an offence or being required to pay an immigration penalty may have their licence revoked.

Any cases in which TfL suspends or revokes a licence on immigration grounds will be reported to the Home Office in order that other appropriate enforcement action may be taken against the individual concerned.

4.5.5 Dishonesty

The honesty of drivers is essential for the reputation of London's taxi and PHV industries and drivers are in positions of trust. Drivers may well deal with customers who are vulnerable, unsuspecting or intoxicated and potentially easily confused. They can deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit property left in the vehicle with police within 24 hours. For PHV drivers, lost property is deposited with the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency, tariffs, etc. and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

A conviction or caution for a dishonesty related offence will normally result in revocation unless significant mitigation is forthcoming.

See also the guidelines at 4.5.7 in respect of licensed drivers that are found to have intentionally misled TfL, provided false or misleading information, or provided fraudulent documents to an operator.

4.5.6 Public justice offences

A very serious view will be taken of convictions relating to conduct which hinders or frustrates the administration of justice, the work of the police, prosecutors and courts. A conviction or caution for a public justice offence will normally result in revocation unless significant mitigation is forthcoming.

Commented [SB108]: New

Commented [BS(109)]: As above

4.5.7 False declarations and fraudulent documents

Licensed drivers that are found to have intentionally misled TfL or provided false or misleading information as part of the application process or during the currency of the licence will have their licence revoked and consideration will be given to prosecuting under section 14 of the London Hackney Carriages Act 1843 or section 28 of the PHV Act 1998, as appropriate.

Additionally, any driver found to have provided fraudulent documents to an operator or undertaken any other fraudulent activity while working as a taxi or PHV driver is likely to have their licence revoked.

Commented [SB110]: New

Commented [RG111R110]: As per discussion on prescribed conditions can we look to expand to cover any fraudulent activity with the operator e.g. allowing others to drive on their behalf.

4.5.8 Drugs

A serious view is taken of any drug related offence. Consideration will be given to the nature of the drugs, and whether the drug offence is related to possession or related to supplying, importing or production of drugs, however, unless significant mitigation is forthcoming, a conviction or caution for a drug related offence will normally result in revocation.

Commented [SB112]: Reference to quantity removed - quantity will be reflected in sentence but will not show in conviction

Commented [SB113]: New – used to just say that we'd review fitness

Commented [BS(114)]: As above

See 4.5.9 for guidelines re driving offences involving drugs.

4.5.9 Driving offences

Commented [BS(115)]: All driving offences consolidated in one section (drink drive used to be separate)

Endorsable driving offences:

All live endorsable offences are shown on an individual's driving licence. A full list of endorsable offences can be found at [Appendix C](#).

For major driving offences, action will be considered in accordance with Table I below, taking into account the penalty imposed which will be an indication of the seriousness of the offence. Should the offence result in disqualification from driving, revocation will automatically follow.

Table I - Major driving offences

Commented [SB116]: Generally more stringent

i	Causing death or injury by dangerous driving	Revocation
ii	Dangerous driving	Revocation
iii	Causing death by careless driving	Revocation

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iv	Causing death by careless driving when under the influence of drink or drugs	Revocation
v	Driving, attempting to drive, or being in charge of a motor vehicle with alcohol or drug level above limit	Revocation
vi	Driving, attempting to drive, or being in charge of a motor vehicle while unfit through drink or drugs	Revocation
vii	Failing to provide a specimen for analysis	Revocation
viii	Driving while disqualified	Revocation
ix	No insurance	
	While working as a licensed driver*	Revocation
	Not while working as a licensed driver	Three month suspension
	Second conviction within two years	Revocation
x	Driving without due care and attention Driving without reasonable consideration for other road users	
	Six or more penalty points	Revocation
	Less than six penalty points	Three month suspension
	Second conviction within two years	Revocation
xi	Fail to stop/fail to report an accident	
	Six or more penalty points	Revocation
	Less than six penalty points	Three month suspension
	Second conviction within two years	Revocation
xii	Using a hand-held mobile phone or a hand-held device	Revocation
xiii	Any other single offence that resulted in six or more penalty points	Revocation

* Includes a licensed taxi or PHV driver not having 'hire and reward' insurance

More minor driving offences may be dealt with by way of a Endorsable Fixed Penalty Notice. This is not a conviction but will result in the driving licence being endorsed with penalty points. Taxi and PHV drivers are required to inform TfL of all such endorsements.

Commented [BS(117): SG says singles out using a mobile phone but doesn't mention any others in this list which are just as common. It's poor policy to single out offences like this and remain silent on others. Nevertheless, all offences with a similar penalty (6 pts) now shown as revocation to provide a consistent approach.

Any driver accumulating nine or more penalty points will be warned that incurring additional points is likely to result in the loss of both their DVLA driving licence and taxi or PHV driver's licence.

In normal circumstances any driver accumulating 12 penalty points on their driving licence in a three year period will be disqualified from driving for a minimum of six months and revocation of a taxi or PHV driver's licence would follow. The courts have the discretion not to disqualify where there is exceptional hardship or other mitigating circumstances but even where this discretion is exercised, licensed taxi and PHV drivers who accumulate 12 penalty points and are not disqualified on or after <date of this policy> will have their licence suspended for six months.

Non-endorsable traffic offences:

Lesser traffic offences are not recorded on driving licences, do not attract penalty points, cannot lead to disqualification and are not normally taken into consideration when assessing fitness to be licensed (but see also 4.5.10 below).

4.5.10 Misuse of Cycle Superhighways

Cycle Superhighways aim to provide protected space for cycling on some of London's busiest roads. Parking or driving in a Cycle Superhighway puts cyclists in danger and is an offence.

A Cycle Superhighway may either be a separate cycle lane in the carriageway or a segregated cycle track: Taxis and PHVs may only enter cycle lanes when setting down and picking up passengers in cycle lanes; there are no exemptions for driving or parking in segregated cycle tracks.

Where there is clear evidence of a taxi or PHV driving or parking in a Cycle Superhighway, a written warning will be the norm for a first offence. Unless there is significant mitigation, further offences will result in the suspension or revocation of the driver's licence.

In the event that a driver is prosecuted for a more serious offence (e.g. Careless Driving or Dangerous Driving) as a result of driving in a Cycle Superhighway, licensing action will be taken in accordance with the guidelines at 4.5.9 above.

4.5.11 Disqualification from driving

A driver cannot hold a taxi or PHV driver's licence without a DVLA driving licence, therefore disqualification from driving automatically results in revocation of the taxi or PHV driver's licence. All such revocations will have immediate effect.

Revocation will still result even if the driver does not inform TfL about a disqualification until the disqualification has ended and they have had their DVLA driving licence restored. An application to be re-licensed will not be considered for a period of at least 12 months from the date revocation takes effect.

Where the period of disqualification is short term (i.e. 28 days or less) revocation is unlikely to be possible such that it would be concurrent with the period of disqualification. In such

Commented [RG118]: Why six months? What is the time period for any of the points to be removed from the DVLA licence?

Commented [BS(119R118)]: Six months is the same as the disqual period. Once you've had a totting disqual the points slate is wiped clean.

Commented [SB120]: New – inappropriate to license a driver with 12 ppts. Consistent with other LAs. SG says nothing on this.

Commented [SB121]: New – Contributes to VZ aims

Commented [RG122]: Can we be clearer on whether it is a suspension or revocation. Would it be in line with dangerous driving or driving without due care and attention?

Commented [BS(123R122)]: Depends on the facts of the case. Only if prosecuted by the police for s2 or s3. Otherwise it's a non-endorsable offence.

Commented [SB124]: Appropriate and proportionate approach for a non-endorsable offence

Commented [SB125]: Used to be a period equivalent to the period of disqualification. Means a harsher penalty for those who don't tell us.

circumstances the driver will be invited to voluntarily surrender their badge and licence for the duration of the disqualification. The driver will be advised in writing that;

- a) revocation would be the normal course of action but in view of the short timescales it is not reasonable;
- b) any further disqualifications may result in automatic revocation; and
- c) the badge and licence will only be returned on production of their DVLA driving licence.

In the event that a driver fails to surrender their badge and licence, revocation will be considered.

4.5.12 Revoked driving licences

Commented [SB126]: New

DVLA can revoke (withdraw) a driving licence for the following reasons:

- on medical grounds;
- under the Road Traffic (New Drivers) Act 1995;
- if a licence is issued in error;
- failure to surrender a licence for endorsement; or
- if the driver is living in the UK unlawfully.

Unlike disqualification, revocation does not require any court process as it is triggered by the DVLA, and there are no set periods for length of revocation. The process for having the licence reinstated varies depending on the reason for the revocation but may include having to re-take the driving test.

As they are no longer entitled to drive, any taxi or PHV driver whose driving licence is revoked will have their taxi or PHV driver's licence revoked with immediate effect. An application to be re-licensed as a taxi or PHV driver will be considered on the issue of a new driving licence, but the circumstances of the revocation will be taken into consideration when determining whether to re-license.

4.5.13 Touting

Section 167 of the Criminal Justice and Public Order Act 1994 created the offence of 'touting', in a public place, to solicit persons to hire vehicles to carry them as passengers. TfL takes a serious view of licensed drivers who have been convicted or cautioned for touting (it should also be noted that a conviction for touting is normally accompanied by a conviction for no insurance).

PHV drivers

Any licensed PHV driver convicted or cautioned for touting will have their licence revoked.

In the event that TfL becomes aware of a conviction or caution for touting within three months prior to the expiry of the driver's licence, while revocation would be the normal course of action, it is unlikely to be practicable to complete the revocation process (including allowing time for an appeal) before the licence expires. In such circumstances the licence will be allowed to expire and any further applications will be considered in line with the guidelines at Table 3. The driver will also be advised that any renewal application submitted at this time will be refused.

The same approach will be taken in respect of any PHV driver convicted or cautioned under section 2 of the PHV Act 1998 i.e. accepting bookings without an operator's licence.

Commented [SB127]: New

Licensed PHV operators will also be informed that their fitness to remain licensed may also come under scrutiny if significant numbers of their drivers are apprehended (see also the TfL Private Hire Operators Policy).

Taxi drivers

In the event that a licensed taxi driver is convicted of touting their fitness to remain licensed will be reviewed. Options available are a strict written warning, suspension and revocation. Revocation for a first-time conviction may be too harsh but a period of suspension may be an appropriate option dependent upon the circumstances. Subsequent convictions will attract more severe penalties.

Taxi drivers who receive a police caution for the offence will be dealt with by way of a strict warning by letter as to their future behaviour and advised that any further caution, warning or conviction for a similar offence will result in suspension or revocation of the licence.

4.5.14 Illegally plying for hire

Only licensed taxis have the right to ply or stand for hire and it is an offence under section 8 of the Metropolitan Public Carriage Act 1869 for any vehicle other than a licensed taxi to ply for hire.

PHV drivers

A serious view is taken of any licensed PHV driver who illegally plies for hire as there will be no record of any journeys undertaken and vehicles that are used to illegally ply for hire are almost always not appropriately insured.

Any licensed PHV driver who is convicted or cautioned for illegally plying for hire⁹ will normally have their licence revoked unless significant mitigation is forthcoming (like touting, a conviction is normally accompanied by a conviction for no insurance).

An application to be re-licensed will not be considered until at least 12 months after the date the revocation takes effect, subject to having no previous similar convictions or cautions.

⁹ As Illegally Plying for Hire is not a recordable offence convictions and cautions will not appear on DBS disclosures

Unless there is significant mitigation, it is unlikely that TfL will re-license an applicant who has more than one conviction and/or caution for illegally plying for hire in the last five years.

Taxi drivers

In the event that a licensed taxi driver is convicted or cautioned for illegally plying for hire (e.g. in an unlicensed taxi) their fitness to remain licensed will be reviewed. Options available are a strict written warning, suspension and revocation. Revocation will not normally result for first-time conviction but a period of suspension would be an appropriate option dependent upon the circumstances. Subsequent convictions will attract more severe penalties.

See also paragraph 4.25.

4.6 Other character considerations

4.6.1 Arrests, charges, summonses and allegations

If a licensed driver is arrested, charged or summonsed for any offence, their fitness to be licensed will be reviewed. For the most serious offences i.e. those which suggest they would be a danger to the public, consideration will be given to immediate revocation of their licence.

If a driver is the subject of an uncorroborated allegation for such an offence but has not been arrested, charged or summonsed, TfL will seek further information with respect to the allegation and invite the driver to provide representations before making a decision. The decision will be made on the strength of the information received and to warrant immediate revocation, the allegation must have been investigated sufficiently to establish that the allegation was credible.

In all other cases, a decision regarding the driver's fitness will be taken on the particular circumstances of the case.

Case law¹⁰ has determined that suspension cannot be used as an indefinite interim measure pending the outcome of any investigation or prosecution. Therefore, if the driver is alleged to have committed an offence, or arrested, charged or summonsed for an offence, which, if convicted, would result in revocation, the licence will be revoked at this stage.

Any decision to immediately suspend or revoke a licence must be timely and take into account when the incident occurred. Immediacy is only appropriate when an immediate risk to public safety is apparent.

See paragraph 4.16.2 for further details regarding immediate suspensions.

Any application to be re-licensed will normally be considered in line with the guidelines in Table 3.

Commented [RG128]: Shouldn't this be aligned with PHV and state that more than one conviction is five years?

Commented [BS(129R128)]: The one strike and you're out policy was very controversial and we had to make commitments that it didn't apply to the taxi trade, hence this approach.

A taxi driver illegally plying for hire is likely to be a more contentious/nuanced matter hence a less prescriptive approach.

The five years for PHVs relates to re-applying but taxi drivers are covered as well at 3.4.13

Commented [SB130]: Removal of reference to interim suspensions following Singh and Palowski; also referenced in draft Stat Guidance

Commented [SB131]: Clearer guidance to obtain the full facts before making a decision

Commented [BS(132)]: Reflects SG and case law

Commented [SB133]: Means we should not necessarily immediately revoke a year later when the immediate risk may have passed. As per advice from Legal

¹⁰ R (Singh) v Cardiff City Council (2012); Reigate & Banstead Borough Council v Pawlowski (2017)

4.6.2 Drivers admitting to sexual contact in a licensed vehicle

Commented [SB134]: Removal of reference to PHV drivers only – Legal advice is that it's a reasonable policy decision so we don't have to consult

If a licensed driver is accused of a sexual offence by the police or other credible source and subsequently admits to having sexual contact with a passenger, consensual or otherwise, they will have their licence revoked.

This decision will be made regardless of whether or not the driver is charged, cautioned or convicted for any offence.

Unless there are exceptional circumstances, any application to be re-licensed will normally be refused in line with the guidelines for sex and indecency convictions in Table 3 and at paragraph 3.4.2.

Commented [RG135]: Do you mean 3.4.2? Can we be clearer on likely time frame for refusal.

Commented [BS(136R135)]: Table 3 and 3.4.4 set out these time frames.

4.7 Taxi driver offences

The following are specific offences identified under taxi law:

- refusing to be hired (to a destination within the licensing area up to 12 miles or 20 miles from Heathrow Airport)
- demanding more than the legal fare
- abusive language
- misbehaviour
- plying for hire elsewhere than on an authorised taxi rank
- plying for hire outside of licensed area*
- loading passengers elsewhere than on an authorised rank
- failure to carry a copy of taxi driver's licence*
- failure to wear badge*
- failure to display taxi driver identifiers*
- failure to issue a receipt when requested
- leaving a taxi unattended on a rank*
- failure to accept payment by credit or debit card using a device approved by TfL*

Allegations of these offences which are the result of customer complaints will be dealt with under the complaints procedure (see 4.14). Offences identified by TfL Authorised Officers or through illegal activity reports will be dealt with in line with TfL's [Taxi and Private Hire Enforcement Policy](#).

Any driver receiving a conviction or caution for taxi specific offences will have their fitness to be licensed reviewed.

Specific guidelines for the offences marked * can be found in paragraphs 4.7.1 – 4.7.5 and 4.10.

Additionally, the accumulation of different offences (typically three within the preceding two years) or multiple offences being committed at the same time, will result in the suspension or revocation of the taxi driver's licence.

4.7.1 Suburban drivers plying for hire outside of their licensed area

Suburban taxi drivers who ply for hire outside of their licensed area are committing an offence under article 31 of the London Cab Order 1934.

A written warning will be the norm for a first offence in the period of the current and preceding licence. Unless there is significant mitigation, further offences in the same period will result in the suspension or revocation of the driver's licence.

4.7.2 Failing to wear taxi driver's badge

Taxi drivers' badges are either green (All London) or yellow (Suburban) with the badge number engraved across the centre.



Figure 2 - Taxi driver badges

Taxi drivers who fail to wear their badge while working are committing an offence under section 17 of the London Hackney Carriage Act 1843.

A written warning will be the norm for a first offence in the period of the current and preceding licence. Unless there is significant mitigation, further offences in the same period will result in the suspension or revocation of the driver's licence.

4.7.3 Failing to carry a copy of the taxi driver's licence

Taxi drivers who fail to carry their copy licence while working are committing an offence under article 28 of the London Cab Order 1934.

A written warning will be the norm for a first offence in the period of the current and preceding licence. Unless there is significant mitigation, further offences in the same period will result in the suspension or revocation of the driver's licence.

4.7.4 Failing to display taxi driver identifiers

When plying for hire, all taxi drivers must display their identifiers in the front and rear windows of the taxi they are driving. Like the driver's badge the identifiers are either green or

yellow and they show their badge number and for suburban licence holders, details of the exact area for which they are licensed (see Figure 3 below).

Due to the wide-ranging combination of licence areas for suburban drivers, this information is set out in codes rather than listing the specific areas by name. These codes and some examples of combinations can be found at [Appendix G](#).



Figure 3 - Taxi driver identifiers

Failure to display identifiers in the form prescribed by TfL or displaying identifiers that bear a different number to the driver's badge, is a breach of article 28A of the London Cab Order 1934.

A written warning will be the norm for a first offence in the period of the current and preceding licence. Unless there is significant mitigation, further offences in the same period will result in the suspension or revocation of the driver's licence.

If a driver is found displaying forged, fake or stolen identifiers, unless significant mitigation is provided within 14 days, consideration will be given to revoking their licence with immediate effect. Following revocation for displaying forged, fake or stolen identifiers, any application to be re-licensed will be considered in line with the guidelines for dishonesty offences committed in the course of employment as a taxi driver (see paragraph 4.17 and Table 3).

4.7.5 Failure to accept payment by credit or debit card

All taxi drivers must accept credit and debit card¹¹ and contactless payments via a fixed card payment device, approved by TfL, located in the passenger compartment, and provide printed receipts for those payments upon request. Handheld payment devices do not meet the licensing requirements and are regarded as unapproved devices.

Taxi drivers who fail to accept credit and debit card payments using an approved device are committing an offence under article 31A of the London Cab Order 1934.

Prescribed signage displayed in and on all licensed taxis advises passengers that card payments are accepted.

¹¹ Taxi drivers will be expected to accept Visa, Mastercard and American Express



Figure 4 - Example of prescribed card payment signage

A written warning will be the norm for a first offence of refusing to accept card payment or using an unapproved device in the period of the current and preceding licence. Unless there is significant mitigation, further offences in the same period will result in the suspension or revocation of the driver's licence.

Drivers displaying 'cash only' signs or covering up card payment machines that are in working order will be warned in writing of their obligations. Unless there is significant mitigation, further offences will result in the suspension or revocation of the driver's licence.

Separate action may be taken in respect of vehicle licences where card payment devices are not fitted, not working, or covered up; unapproved devices are used; unapproved signage (e.g. 'cash only', 'cash preferred') is displayed; or prescribed signage is not displayed.

4.8 PHV driver offences

The following are specific offences identified under PHV law:

- failure to wear badge (unless exempt)
- failure to produce licence for inspection (within six days of request)

Any allegations of these offences which are the result of customer complaints will be dealt with under the complaints procedure (see 4.13). Offences identified by TfL Authorised Officers or through illegal activity reports will be dealt with in line with TfL's [Taxi and Private Hire Enforcement Policy](#).

Any driver receiving a conviction or caution for PHV specific offences will have their fitness to be licensed reviewed.

Guidelines for these offences can be found in the following paragraphs.

Additionally, the accumulation of different offences (typically three within the preceding two years) or multiple offences being committed at the same time will result in the suspension or revocation of the PHV driver's licence.

4.8.1 Failing to wear PHV driver's badge

A PHV driver's badge displays the driver's name, photograph, licence number and licence expiry date.

PHV drivers who fail to wear their badge while working are committing an offence under section 14 of the PHV Act 1998.



Figure 5 - PHV driver's badge

A written warning will be the norm for a first offence in the period of the current and preceding licence. Unless there is significant mitigation, further offences in the same period will result in the suspension or revocation of the driver's licence.

4.8.2 Failing to produce PHV driver's licence

Unlike taxi drivers, PHV drivers are not required to carry their copy licence while working, however, a driver is required to produce it for inspection when requested to do so by a police officer or Authorised Officer. If the driver cannot produce it immediately, they have six days to do so. Failure to do so is an offence under section 21 of the PHV Act 1998.

A written warning will be the norm for a first offence in the period of the current and preceding licence. Unless there is significant mitigation, further offences in the same period will result in the suspension or revocation of the driver's licence.

4.9 Heathrow Airport and London City Airport Byelaws (taxi and PHV)

There are taxi and PHV offences specific to Heathrow Airport and London City Airport contained within the respective airport's byelaws. The [Heathrow Airport byelaws](#) specific to taxis are listed in the taxi driver's [Abstract of Laws](#), published by TfL. Enforcement of the byelaws is dealt with either by the airport authority or the police. Offences identified by police, airport officials or Authorised Officers but not resulting in a conviction will be considered in a similar manner to a conviction.

Commented [RG137]: Are they also available on the website? Can we reference.

As with other taxi and PHV offences, 'one off' offences will result in a warning letter being sent to the driver. A series of offences being committed will result in consideration of their continued fitness to hold a taxi or PHV driver's licence.

In addition to prosecuting drivers for offences under its byelaws, both airport authorities have the power to prohibit drivers from entering the airport either on a temporary or permanent basis. A temporary prohibition is a punishment in itself and it would therefore be inappropriate for TfL to take additional regulatory action. However, should a driver receive a permanent prohibition or multiple prohibitions for taxi or private hire related offences, or is prosecuted for breaching a prohibition, the driver's fitness to remain licensed will be reviewed, taking into account the circumstances that led to the prohibition(s).

4.10 Misuse of taxi ranks and charging bays

4.10.1 Taxi ranks

There are three types of taxi rank:

- Working taxi ranks – these are designated for drivers to wait on and be available for hire. Taxis must not be left unattended on working ranks;
- Rest ranks – these are designated ranks where drivers can leave their taxi for up to 60 minutes;
- Refreshment (shelter) ranks – these are designated ranks which are associated with a refreshment shelter (green hut) where drivers can leave their taxi for up to 45 minutes as long as they are purchasing food or drink from the refreshment shelter.

Working taxi ranks are appointed for the purpose of providing an identifiable place where the public can hire a taxi. They also allow taxi drivers to ply for hire without the need to drive around the streets of London.

Taxi drivers on any working rank must be with their taxis and available for immediate hire, and no taxi should be left unattended on any part of a working rank. Any taxi driver who leaves their taxi unattended on a working rank is not only committing an offence but is also denying other drivers the opportunity to work.

Taxi drivers who leave their taxis unattended on a rest or refreshment rank must do so only for the authorised time allowed. If a driver leaves their taxi on a rest or refreshment rank for longer than the authorised time then, after this time has elapsed the taxi will be considered to be unattended.

As all taxi ranks are specifically for taxis, there is no reason whatsoever for a PHV to either park or wait on any taxi rank. Any PHV driver doing so is at the very least committing a parking offence and their presence could also be interpreted as illegally plying for hire.

4.10.2 E-taxi charging bays

All taxis new to licensing in London must be zero emission capable. To support the operation of electric taxis, dedicated charging points have been installed throughout London. These are exclusively for charging e-taxis.

Any PHV driver that uses a e-taxi charging bay, either to charge their own vehicle or as a parking space, is denying an e-taxi driver the opportunity to charge their vehicle and, therefore, to work.

Similarly, taxis must only use e-taxi charging bays for the purpose of charging the vehicle.

Misuse of an e-taxi charging bay is an offence and may result in the issue of a Penalty Charge Notice by the local authority.

Commented [SB138]: New description of types of rank and expanded to include charging bays.

Commented [BS(139): New

4.10.3 Enforcement

In the event that an Authorised Officer, police officer or London borough parking enforcement officer witnesses and reports:

- an unattended taxi on a working taxi rank;
- a PHV on any taxi rank;
- a PHV on a dedicated e-taxi charging bay; or
- a taxi using a dedicated e-taxi charging bay but not for the purpose of charging the vehicle;

Commented [BS140]: New

as a minimum the driver will be issued with a warning. Repeated offences may result in the suspension or revocation of the driver's licence. Complaints from members of the public or other drivers will be passed to TfL's Compliance, Policing and On-Street Services Directorate to help target compliance activity.

Any licensing action taken will be regardless of enforcement action by the authority responsible for parking enforcement.

In taking steps to identify the driver it will be assumed that an owner-driver was driving their vehicle. If the vehicle is rented the vehicle owner will be approached and requested to nominate the driver.

If the vehicle is licensed by another licensing authority, details of the offence will be passed to that authority.

4.11 Equality Act offences

Commented [SB141]: New separate section. Expanded to include s1 65 requirements.

4.11.1 Offences

Sections 160 to 173 of the Equality Act 2010 relate specifically to taxis and PHVs.

Section 165 of the Equality Act places duties on the drivers of designated¹² wheelchair accessible taxi and PHVs. The duties are:

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

¹² TfL designates vehicles under section 167 of the Act. All taxis licensed by TfL are designated and a list of designated PHVs is published on the TfL website.

Not making any additional charge will be taken to include not leaving the meter running while the driver performs duties required by the Equality Act (e.g. deploying the ramps, helping the passenger enter the vehicle, etc.), or the passenger enters, leaves or secures their wheelchair within the passenger compartment.

Sections 168 and 170 of the Equality Act require taxis and PHVs to carry all assistance dogs accompanying disabled people and to do so without any additional charge.

Any complaint received by TfL of a taxi or PHV driver breaching the Equality Act will be investigated and, if there is sufficient evidence and it is in the public interest to do so, the driver will be prosecuted.

4.11.2 Convictions

The [statutory guidance](#) issued by the Secretary of State in relation to section 165 of the Equality Act states that “the Government’s presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a fit and proper person”. Therefore, a taxi or PHV driver convicted of an offence under section 165 of the Equality Act will have their fitness to be licensed reviewed and revocation is likely unless there is significant mitigation.

Again, a taxi or PHV driver convicted of an offence under section 168 or 170 of the Equality Act will have their fitness to be licensed reviewed and revocation is likely unless there is significant mitigation.

4.11.3 Allegations not resulting in a conviction

Allegations that do not result in conviction will be considered on a case by case basis taking into account why the prosecution did not take place or why it was unsuccessful. If there is sufficient evidence to confirm the offence took place then revocation is likely to follow, unless there is significant mitigation. However, in the event that there is doubt then a warning will be issued. Multiple warnings are likely to result in a period of suspension or revocation.

4.11.4 Other allegations

Where an allegation of discrimination is not a breach of the provisions within Part 12 of the Equality Act, e.g. a non-designated PHV refusing to take a passenger with a wheelchair, a taxi failing to respond to a hail by a wheelchair user, etc. TfL has no power to prosecute. All such complaints will be dealt with under the taxi and PHV complaints procedure (see 4.13).

4.12 Referral for licence review following enforcement activity

In accordance with TfL’s [Taxi and Private Hire Enforcement Policy](#), following enforcement activity licensed drivers may be referred for a review of their fitness to be licensed (if there are clear public safety concerns, a driver may be referred in advance of a pending prosecution).

When reviewing all such cases, TfL will take account of the guidelines in paragraphs 4.3 to 4.11 above. Where enforcement action has not resulted in a prosecution, consideration will

still be given to suspending or revoking the licence if there is a pattern of non-compliance or the driver has previously been warned or suspended.

4.13 **Driver** conduct

Commented [SB142]: New – Please review carefully

4.13.1 Authorised officers and other TfL employees

Licensed drivers must co-operate with Authorised Officers and police officers in all matters relating to the regulation of the licensed taxi and PHV trade. It is an offence to obstruct an authorised person in the course of their duties and any driver found in breach may be liable to prosecution and/or licensing action.

In addition, all TfL employees (including employees of its contracted service providers) have the right to be treated fairly, with respect and dignity, and free from workplace violence¹³, bullying and harassment.

Workplace violence, bullying or harassment in any form will not be tolerated and any taxi or PHV driver found to be committing such behaviour towards TfL employees/agents will have their fitness to be licensed reviewed. Unless there is significant mitigation, violent behaviour is likely to result in revocation.

4.13.2 Passengers and other road users

Licensed taxi and PHV drivers are expected to behave in a fair and non-discriminatory manner, to be courteous and polite, and treat all members of the public, passengers and fellow road users with respect at all times.

Taxi and PHV drivers should never use a passenger's personal contact details to start communicating with them about anything other than a taxi or PHV journey. Contacting a passenger for personal or social reasons is unacceptable and a misuse of the passenger's personal information.

Abuse, bullying or harassment of members of the public, passengers and other road users, or any other behaviour that is unacceptable will result in the fitness of the driver being reviewed.

4.13.3 Social media

The use of social media¹⁴ is increasingly popular and plays an important role in many people's lives. Social media is a public forum and licensed drivers must take care when mixing their personal and professional life in the social media and online world. TfL respects the right for drivers to speak freely on social media, however, when using social media (Facebook, Twitter,

¹³ Workplace Violence is defined as "any incident in which persons are abused, threatened or assaulted in circumstances relating to their work involving an explicit or implicit threat to their safety, wellbeing or health". (TfL HR Safety and Wellbeing Policy 2018)

¹⁴ "Social Media includes any websites and applications that enable people to socially interact with one another electronically, and give comment or opinion through words, images or video content, often in real time." (TfL HR Social Media Policy 2015)

blogging, etc.), a taxi or PHV driver's fitness to be licensed may be reviewed if they make comments which:

- harasses or bullies passengers, customers, other licensed drivers, and TfL employees/agents;
- are likely to offend on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and/or sexual orientation¹⁵; or
- breach any other laws or regulatory requirements.

As part of ensuring that social media is not used as medium to harass, intimidate or abuse TfL employees, agents and others, TfL will monitor and respond to any conduct on social media considered unacceptable. Each case will be assessed on individual facts but any conduct falling short of an acceptable standard will result in fitness review.

4.13.4 Urinating in public

Commented [BS(143)]: New

Urinating in public is unpleasant, offensive and behaviour that is incompatible with that expected of a professional driver. It may also be a criminal offence or a breach of local byelaws, which may result in prosecution or a fixed penalty notice.

In the event of a complaint of such conduct being received, the fitness of any taxi or private hire driver concerned to remain licensed will be reviewed. A written warning will be the norm for a first offence in the period of the current and preceding licence, but further complaints may result in the suspension or revocation of their licence.

In the event that the driver is convicted or cautioned, action will be taken in accordance with the guidelines at 4.6 above.

4.14 Complaints

Commented [BS(144)]: Compliant with SG

The Taxi and Private Hire Complaints Team within TfL Customer Experience is responsible for handling and investigating complaints regarding taxi and PHV licensees.

Responsibility for reviewing a licensee's fitness in the light of complaints and any consequent warnings, suspension or revocation action sits with the Taxi and Private Hire Licensing Team.

4.14.1 Taxi drivers

There are a number of different types of complaint and depending within which category they fit results in them being investigated in different ways.

Further details regarding types of complaints and the processes followed when investigating them are set out in TfL's guidelines for handling taxi and PHV complaints.

¹⁵ The nine protected characteristics listed in the Equality Act 2010

4.14.2 PHV drivers

PHV operators are required to record details of complaints made by customers in respect of service, vehicles and drivers, action taken and the outcome. In the first instance complainants are advised to make their complaint to the operator if they have not already done so. If this has been done and the complainant remains dissatisfied, TfL will investigate the operator's handling of the complaint.

PHV legislation does not contain similar offences to those for taxi drivers. However, it is appropriate that poor or inappropriate behaviour by PHV drivers is addressed in a similar way and TfL takes this information into account in assessing drivers' fitness to be licensed.

Commented [SB145]: New – allows us to take account of driver complaints

As with complaints about taxi drivers, there are a number of different types of complaint and depending within which category they fit results in them being investigated in different ways. Full details are set out in TfL's guidelines for handling taxi and PHV complaints.

Commented [BS(146): Complaints Team confirm that these are not published on our website

4.14.3 Reviewing a driver's complaints record

The loss of a licence removes the driver's ability to work at their chosen profession, therefore suspension or revocation could be seen as disproportionate in respect of a single lapse in the standard of service provided.

At the conclusion of a complaint investigation, the licensee's complaints history will be examined. Isolated minor complaints are unlikely to lead to licensing action being taken in the first instance. However, if a complaint is of a serious nature or the driver has attracted a number of complaints (typically three within the preceding two years) the Taxi and Private Hire Complaints Team will ask the Taxi and Private Hire Licensing Team to review their fitness to remain licensed. Should the driver hold both taxi and PHV driver's licences, their fitness to hold **both** licences will be reviewed.

In all cases one of the following actions will result:

a) No further action

The history of complaints does not give any cause for concern.

b) Warning letter

A single incident, a pattern of poor behaviour or history of complaints has been identified, but not serious enough to warrant suspension or revocation at this stage. Dependent on the nature of the complaints, the warning can be made in writing or in person. The opportunity can also be taken to provide advice and guidance on how the driver can improve their behaviour.

c) Suspension

The most recent complaint is sufficiently serious for the suspension of the licence; the driver has demonstrated a pattern of poor behaviour; or the driver has attracted further complaints since having been warned or previously suspended. If a driver has previously been suspended, a further, longer period of suspension can be considered as an alternative to revocation. The length of any suspension will be determined on an individual basis.

d) Revocation

The driver continues to demonstrate a pattern of poor behaviour or attracts further complaints despite having been warned or suspended.

At the conclusion of the investigation into any complaint of abuse or poor behaviour that was made by TfL staff, our contracted service providers, or our policing partners in the course of their work, the case will be referred to the Taxi and Private Hire Licensing Team for a decision. Guidelines for decision making in respect of individual complaints are contained within the aforementioned 'TPH Complaints Team Processes and Guidelines'.

4.15 PHV driver **suspension** and dismissal notices

Commented [SB147]: Ref to suspension added

PHV operators are required to inform TfL if a driver becomes unavailable by virtue of that driver's unsatisfactory conduct in connection with the driving of a PHV i.e. they are dismissed or suspended. Operators must inform TfL of the name of the driver and the circumstances of the case within 14 days of the driver's dismissal or suspension. TfL form [PHV/105](#) is available for this purpose.

Receipt of all driver suspension and dismissal notices will be recorded and the driver's record updated.

The information provided by the operator will be assessed and may result in TfL undertaking further investigation. On completion of any investigation a decision will be taken regarding the driver's continued fitness to be licensed.

Commented [SB148]: New guidance re TfL investigating. Reflects more proactive approach rather than just recording the info.

While a single occurrence of being suspended or dismissed by an operator might not result in any further action, if the behaviour was sufficiently serious or a history or pattern of behaviour is evident then the driver's fitness to remain licensed will be reviewed.

4.16 Suspension and revocation of licences

4.16.1 **General**

Commented [BS(149): New

As indicated throughout this policy document, if TfL determines that a licensed taxi or PHV driver is no longer fit to be licensed, or has failed to comply with any condition of the licence or any other obligation imposed on them by the legislation, TfL may suspend or revoke their licence. Should the driver hold both taxi and PHV driver's licences, their fitness to hold **both** licences will be reviewed.

The powers to suspend or revoke taxi and PHV driver licences are contained within article 30(1) of the London Cab Order 1934 and section 16(4) of the PHV Act 1998 respectively.

Before any decision is made, TfL will give full consideration to the available evidence and the driver will be given the opportunity to provide any mitigation that they want to be taken into account.

When drivers are informed of a decision to suspend or revoke their licence, they will be provided with full details of their rights of appeal.

4.16.2 Immediate suspension and revocation

Where TfL is of the opinion that the interests of public safety require the suspension or revocation to have immediate effect, the licence will be immediately suspended or revoked. With regard to taxi drivers, in such cases TfL would not exercise, if requested, the discretion available in section 17(9) of the Transport Act 1985 for the decision not to have effect until the end of the designated period (28 days). The specific rationale for immediacy will be specified in the decision letter.

Commented [RG150]: Can you please expand on what this discretion is.

Licences will also be revoked with immediate effect when a driver has been disqualified from driving or has been served an immigration penalty or convicted of an immigration offence, as they can no longer meet a statutory licensing requirement.

When their licence is suspended or revoked with immediate effect, drivers will not be given the opportunity to provide mitigation prior to the decision being made. Any mitigation will need to be provided through the statutory appeal process.

Commented [BS(151)]: New – to cover off SG

TfL recognises that the use of these powers has a significant effect on the livelihood of licensees therefore such decisions will only be taken in the most serious of cases where such an approach is justified. In assessing the action to take, the safety of the public will be the paramount concern. Within this document there are references to when it would be appropriate to use these powers, however this does not preclude them being used in other circumstances where it can be justified.

If a licensee has bail conditions that are not compatible with working as a licensed driver, consideration will be given to using these powers and initiating appropriate regulatory action.

4.16.3 National Register of Taxi Licence Revocations and Refusals

Commented [BS(152)]: New

In the event that a licence is revoked, details of the revocation will be entered on the NR3 database. For further details regarding the details entered and use of that information is at 3.15.

4.17 Return of licence following suspension/revocation

Licences are suspended for a predetermined period and returned on the expiry of the suspension. However, in the case of revocation, the licensee loses all right to the licence and in order to become re-licensed the driver has to make a new application and has the same status as a new applicant.

Commented [SB153]: Removal of 'normally' as they must be suspended for a prescribed period (Singh/Palowski)

In practice an application can be made at any time, but where the licence has been revoked because of a conviction, caution, etc., a new licence will not normally be issued until the applicant can show a suitable period free from further conviction. Each case will be considered on its merits and drivers **will not** be given a date when an application would be successful. TfL is unlikely however to give serious consideration to any application for re-licensing until after the minimum periods as shown in Table 3 below.

If a driver was revoked for drug use/misuse, a satisfactory drug screening (in accordance with DVLA Group 2 medical standards) will be required as part of any application to be relicensed.

Where an application is received from a driver whose licence was revoked on the basis of a serious allegation, arrest or charge in line with the guidance at 4.6.1 but was not subsequently convicted, the outcome of any proceedings will be taken into consideration. While no guarantee can be given that the application will be successful, such an application to be relicensed will be expedited. Any enquires (e.g. DBS check, medical examinations, etc.) that existed in relation to the revoked licence, up to the point which they would have required renewing had the licence not been revoked, will be accepted for the new application. TfL may also waive the application and licence issue fees depending on the circumstances of each case.

Drivers whose licences were revoked because they failed to meet the English language requirement or SERU requirement do not have to wait for any defined period before an application to be re-licensed will be considered.

Commented [SB154]: New – reflects judge's comment in Palowski; also referenced in the draft Stat Guidance

Commented [BS(155): New

DRAFT

Table 2 - Minimum periods before re-licensing

Commented [BS(156)]: Updated to reflect SG

Offence type		Period before re-licensing
Violence and public order	Outside employment	See guidelines at 3.4.1
	In the course of employment	At least 2 years in addition to the guidelines at 3.4.1
Arson and criminal damage	Outside employment	See guidelines at 3.4.2
	In the course of employment	At least 2 years in addition to the guidelines at 3.4.2
Possession of weapons	Outside employment	See guidelines at 3.4.3
	In the course of employment	At least 2 years in addition to the guidelines at 3.4.3
Sex and indecency	Outside employment	See guidelines at 3.4.4
	In the course of employment	At least 2 years in addition to the guidelines at
Human trafficking and smuggling		See guidelines at 3.4.5
Dishonesty	Outside employment	See guidelines at 3.4.6
	In the course of employment	At least 2 years in addition to the guidelines at 3.4.6
Public justice offences	Outside employment	See guidelines at 3.4.7
	Related to role as taxi or PHV driver	At least 2 years in addition to the guidelines at 3.4.7
Drugs		See guidelines at 3.4.9
Driving offences involving death and serious injury		See guidelines at 3.4.11

Driver Licences – Licence Holders

Driving under the influence of drink or drugs	Not involving use of a taxi or PHV	first conviction	Disqualified – 7 years [‡]
		more than one conviction	Not disqualified – after a period* equivalent to the minimum period of disqualification plus 7 years 10 years [‡]
	Involving taxi or PHV	first conviction	At least 2 years in addition to the guidance above [‡]
		more than one conviction	At least 2 years in addition to the guidance above [‡]
Other serious driving convictions			See guidelines at 3.4.13
Touting/Illegally plying for hire	First caution/conviction		1 year [†]
	More than one caution/conviction		See guidelines at 3.4.14
Persistent serious taxi offences (convictions and complaints) including:			3-5 years [†]
<ul style="list-style-type: none"> ▪ Refusal ▪ Abusive language ▪ Misbehaviour ▪ Demanding more than the legal fare ▪ Plying for hire elsewhere ▪ Plying for hire outside of licensed area ▪ Refusing to accept card payments 			
Other poor or inappropriate behaviour as a taxi or PHV driver			3-5 years [†]
Equality Act and other discrimination offences			7 years [†]
Knowingly working as a taxi or PHV driver after expiry of licence			1 year [†]

* from date of conviction

[‡] from end of driving disqualification

[†] from date revocation/refusal takes effect

NB These periods will not be regarded as rigid and they can be varied (i.e. shortened or lengthened) according to the merits of the particular case.

4.18 Topographical skills re-tests

4.18.1 Taxi drivers

Should a previously licensed driver's application for re-licensing be approved and the driver has been unlicensed for two years or more, they will normally be required to undertake a Knowledge of London assessment. A Knowledge of London Examiner will carry out the assessment.

This requirement applies to any driver who has been unlicensed for a period of two years or more, whether by choice or otherwise (e.g. revocation).

The Knowledge of London assessment is designed to establish whether the driver's Knowledge is up to date or whether further learning and testing is required. The specification for the assessment can be obtained from the Knowledge of London Manager.

4.18.2 PHV drivers

The topographical skills assessment for PHV drivers is a one-off assessment of skills rather than retained knowledge and only in exceptional circumstances will a driver be required to take a further assessment e.g. where a driver is the subject of repeated complaints about route finding skills. This will include any driver who has previously been exempted from taking a topographical skills assessment.

4.19 Physical fitness

4.19.1 Taxi and PHV drivers

Drivers are required to continue to satisfy TfL that they are physically fit to hold a driver's licence throughout their career and meet any costs associated with doing so. Once licensed, drivers are required to provide a medical report at certain age related intervals (see 4.20.2 and 4.20.3 below). In assessing whether an applicant is medically fit, TfL will have regard to the medical standard that would apply in relation to a DVLA Group 2 licence.

In general the same standard of fitness is required as for new applicants (although some licensees have certain grandfather entitlements e.g. with vision – see 4.20.4) and each case will be considered on its merits. Where any doubt arises, further advice may be sought from TfL's own specialist occupational medical advisor who will provide guidance as to any further enquiry/examination.

4.19.2 Taxi drivers

Following the initial medical report at application stage, once licensed, taxi drivers are required to undergo a medical examination at the ages of 50, 56, 62, 65 and annually thereafter. Medical examinations may be required at such other times as may be considered appropriate in order to prove physical fitness.

Commented [BS(157)]: Diabetes guidelines deleted as we now apply DVLA guidelines

4.19.3 PHV drivers

Following the initial medical report at application stage, PHV drivers are required to undergo a medical examination on renewal from the age of 45. From the age of 65 when medicals will be required annually. Medical examinations may be required at such other times as may be considered appropriate in order to prove physical fitness.

4.19.4 Visual acuity – ‘Grandfather rights’

The DVLA Group 2 standards allow drivers who were originally licensed under lower standards to retain these entitlements. The standard applied is determined by the date the individual was accepted onto the Knowledge of London (taxi drivers) or first licensed as a PHV driver. The standards that applied on certain dates are set out in Table 4 below.

Retaining this entitlement is dependent on the driver remaining continuously licensed since they were first licensed.

Any driver benefiting from grandfather rights must also meet all of the current Group 1 visual acuity standards.

As the standard applicable from 2 April 2013 may be lower than the standard that applied when the driver first applied or was first licensed, the lower of the two standards will be applied.

Table 3 - Visual acuity standards

Date of acceptance	Standard
Before 1 January 1983 [†]	<ul style="list-style-type: none"> ▪ At least 6/12 in the better eye; <i>and</i> ▪ At least 6/36 in the worse eye; <p style="margin-left: 20px;">with or without optical aid.</p>
On or after 1 January 1983* and before 1 November 2012	<ul style="list-style-type: none"> ▪ At least 6/9 in the better eye; <i>and</i> ▪ At least 6/12 in the worse eye; <i>and</i> ▪ If these are achieved using corrective lenses, <i>uncorrected</i> visual acuity of at least 3/60 in <i>each</i> eye.
On or after 1 November 2012 [‡]	<ul style="list-style-type: none"> ▪ At least 6/7.5 in the better eye; <i>and</i> ▪ At least 6/12 in the worse eye. ▪ The <i>uncorrected</i> visual acuity in <i>each</i> eye must be at least 3/60. ▪ Where glasses are worn to meet the minimum standards, they should have a corrective power $\leq +8$ dioptres.
On or after 2 April 2013	<ul style="list-style-type: none"> ▪ At least 6/7.5 in the better eye; <i>and</i> ▪ At least 6/60 in the worse eye. ▪ Where glasses are worn to meet the minimum standards, they should have a corrective power $\leq +8$ dioptres. <p style="margin-left: 20px;">There is no <i>uncorrected</i> requirement</p>

[†] Retaining this entitlement is dependent on:

- there being no significant deterioration in any other aspects of the driver's vision; and
- the driver not having been involved in an accident in the preceding 10 years, in which their eyesight might have been a factor.

* Any taxi driver first accepted between 1 January 1983 and 30 March 1991 who fails to meet the uncorrected standard will be assessed on a case by case basis taking into account the standard that applied at that time and the standard that has been applied to the driver since that time.

[‡] No driver will have grandfather rights under this standard as the current standard is lower.

4.19.5 Retirement age

No retirement age is applied to taxi and PHV drivers and subject to providing satisfactory medical evidence of continued fitness to drive and meeting all other licensing criteria, they can continue to be licensed.

4.19.6 Medical reports for other professions

Some occupations require an in-depth medical to be undertaken and for the individual to meet a defined medical standard. For example, the standard of medical fitness required by the Civil Aviation Authority for a pilot's licence meets that required by TfL for a taxi or PHV driver's licence and as such TfL will accept a valid, current pilot's licence as evidence that the applicant meets TfL's medical standard. To retain the exemption the applicant will have to continue to produce a valid, current pilot's licence whenever TfL requests a further medical.

Medicals for any other occupations or licences will be considered on a case by case basis.

4.19.7 Drivers who fail to meet the medical standard

Where a licence holder appears to fail to meet the required medical standard they will be invited to voluntarily surrender their licence pending clarification of their medical condition(s).

The driver's medical record will be reviewed and where appropriate advice from TfL's own specialist occupational medical advisor may be sought. If the driver is requested to provide further medical evidence but fails to do so, consideration will be given to revoking the licence.

If, having voluntarily surrendered their licence, a driver subsequently asks for it to be returned without having provided further medical evidence, TfL will refuse to comply with the request. The driver will be advised that the licence cannot be returned until such time as they can prove that they meet the medical standards.

Should a driver not voluntarily surrender their licence, TfL will suspend the licence.

If it is reported that a driver has collapsed at the wheel while driving, immediate steps will be taken to ensure that they do not drive again until medical clearance has been obtained. The driver's licence will be revoked as soon as possible and an application to be re-licensed will not be considered until satisfactory medical evidence is produced by the driver.

4.19.8 Failure to provide medical evidence

When a driver fails to submit an age related or annual medical, TfL can no longer be certain that they remain medically fit to be licensed. If the driver fails to supply the necessary evidence following a reminder giving 21 days' notice and due warning of the risk of not supplying the information, consideration will then be given to revoking their licence with immediate effect.

4.20 Action by other licensing authorities

In the event that a taxi or PHV driver has an application refused or a licence suspended or revoked by another licensing authority, full details will be obtained from that authority including the date of the refusal, suspension or revocation and the reasons for it. All information will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).

Consideration will be given to the information disclosed and if the driver no longer meets the standards to be licensed by TfL or there is any threat to the safety of public, consideration will be given to suspending or revoking their licence.

4.21 Debts/Bankruptcy

Taxi owners and PHV operators may feel that TfL should take action against licensed drivers who consistently fail to pay for vehicle rental, equipment rental, etc. and, as a result, build up substantial debts with various owners/operators. It must be clearly understood that TfL is not a debt collector. The prime responsibility for thwarting the activities of persistent debtors must rest with the owners/operators themselves e.g. by sharing details of bad debtors with other owners/operators; by ensuring that their business accounting methods and procedures are efficient; by installing 'date stop' meters in their vehicles (taxis) and by taking prompt action through the courts, if necessary, in respect of outstanding amounts and for the recovery of vehicles where payments are long overdue. Any information received on issues of debt will be considered in determining fitness to remain licensed but will not solely give cause for the instigation of regulatory action.

Taxi drivers who fail to return the vehicle to the owner for maintenance give cause for concern in respect of the safety of the travelling public. Such action is likely to result in a review of a driver's fitness to be licensed.

There is nothing in law to prevent a bankrupt from being self-employed and running their own business and being declared bankrupt is not in itself an indication that the individual is no longer fit and proper. Therefore, if TfL receives notification that a licensed driver has been declared bankrupt there is no need to review their fitness to hold a licence.

If TfL receives notification that a licensed driver has been made the subject of a Bankruptcy Restriction Undertaking (BRU) or Bankruptcy Restriction Order (BRO), this indicates that the conduct of the individual has been dishonest or blameworthy in some way. In this instance the driver will be required to provide details of the BRU or BRO and consideration will then be given to their continued fitness to hold a licence.

4.22 Appeals against a decision to suspend or revoke a licence

4.22.1 Taxi drivers

Section 17 of the Transport Act 1985 provides for a reconsideration and/or appeal of the decision taken by TfL to suspend or revoke a taxi driver's licence.

Any taxi driver whose licence is suspended or revoked may, within 28 days of the date of the decision letter, ask TfL to reconsider its decision by way of personal hearing or appeal

directly to a magistrates' court. The procedure for personal hearings is summarised at [Appendix D](#). If the applicant is not satisfied with the result of the reconsideration by TfL, they retain the right to then appeal to a magistrates' court within 28 days from the date of the reconsideration notice.

4.22.2 PHV drivers

Section 25 of the PHV Act 1998 provides for an appeal against a decision taken by TfL to suspend or revoke a PHV driver's licence.

Any PHV driver whose licence is suspended or revoked may appeal to a magistrates' court no later than 21 days from the date they are notified of the decision. A subsequent right of appeal to Crown Court is also available.

4.23 Expired DVLA photocard

DVLA photocard are valid for 10 years after which they must be renewed. The expiry date is shown at 4b on a photocard.



Figure 6 - Sample DVLA photocard

Failure to renew a photocard is an offence but as it is the photocard that expires not the driving licence, a driver can continue to drive with an expired photocard.

Any driver found with an expired licence will be advised to renew it immediately, but TfL will allow a driver to continue to work as a taxi or PHV driver in London while they await the issue of a new photocard.

A valid photocard must be held before TfL will renew a taxi or PHV driver's licence.

4.24 Renewals

4.24.1 Applications

An application to renew a licence is effectively an application for a new licence. However, TfL will respect the fact that a driver is already licensed and not require drivers to provide all the documents and evidence listed at paragraph 3.1.

Drivers can apply to renew their licence up to four months prior to its expiry. While every effort will be made to issue a new licence before the expiry of the existing licence, there can be no guarantee of this if drivers do not allow sufficient time for all the necessary checks and processes to be completed.

When renewing a licence, every taxi and PHV driver must submit the following:

- completed application form
- DBS application reference number or evidence of subscription to the DBS Update Service
- evidence of right to live and work in the UK
- a copy of their driving licence
- a DVLA licence 'share code' (DVLA issued licences only)
- application fee (applicants can submit both the application and grant of licence fees with their application if they wish)

PHV drivers aged 45 or over on the date of the expiry of the existing licence must also provide a medical declaration completed by a doctor with full access to medical history (see 4.19.3).

See paragraph 4.26 for the English language requirements for PHV drivers renewing their licences.

See paragraph 4.27 for the SERU requirement for PHV drivers renewing their licences.

Any driver who has lived abroad for a period of three months or more in the period of the existing licence will also have to complete a Living and Working Abroad form (TPH/205) and provide a Certificate of Good Conduct from every relevant country.

Any driver granted an exemption from wearing their badge, or carrying either assistance dogs or wheelchairs that expires at the same time as their licence will also have to apply for a further exemption (see 4.28, 4.29 and 4.30).

Existing licensed drivers do not have to re-take the Knowledge of London (taxi drivers), a topographical skills assessment (PHV drivers) or a SERU assessment (PHV drivers).

TfL will make a check of NR3 (see 3.15) in respect of every renewal application.

4.24.2 Considerations

Any new convictions disclosed will be considered in line with the policy for existing licensees in paragraph 4.3, but if either the DBS or DVLA disclose previously undeclared convictions or endorsements, the guidance at paragraph 4.24.3 will be followed.

In the event that a driver fails to provide their DBS certificate when requested to do so, the licence renewal application will be treated as incomplete and discontinued.

In the event that the renewal application discloses a medical condition that indicates that the driver may not be fit to be licensed, the driver will be asked to submit additional evidence as a matter of urgency. The driver will be advised that it may not be possible to renew the licence until such information has been received and considered, and failure to submit the information may result in the application being refused.

Should the NR3 check disclose previously unknown information, full details will be obtained from the relevant authority including the date of the refusal or revocation and the reasons for it. Consideration will be given to the information disclosed and if the driver does not meet the standards to be licensed by TfL, or there is any threat to the safety of public, consideration will be given to refusing the renewal application (see also 4.20). Furthermore, should the NR3 check disclose information that the driver did not disclose, consideration will also be given as to whether the non-disclosure represents dishonesty and the driver remains fit to be licensed.

A new licence can only be issued when all necessary checks have been completed satisfactorily. However, in the event that a driver has not received the outcome of the DBS application, having applied to the DBS at least 90 days before the expiry of their licence, a temporary licence may be issued subject to there being no other issues outstanding. Temporary licences are valid for two weeks and re-issued until such time as the outcome of the DBS check is received.

4.24.3 Failure to advise TfL of convictions, cautions or driving disqualifications

Drivers are required to inform TfL of any convictions or cautions they receive. Therefore, a more serious view will be taken if the driver has failed to declare a conviction or caution.

If, during the renewal of a licence, a DBS or driving licence check reveals an undeclared conviction, caution or driving disqualification, consideration will be given to refusing the renewal application or, if there is an immediate risk to public safety, revoking the current licence.

If a renewal application is being considered for refusal on this basis, the applicant will be informed of the discovery of the undeclared information and presented with an opportunity to provide written representation. If a renewal application is refused, a further application will not be considered for a period of at least 12 months from the date the current licence expires at which point the new applicant guidelines for the relevant offence will be applied.

Failure to inform TfL of Endorsable Fixed Penalty Notices for driving offences will result in a warning for a first occurrence but further occurrences may result in revocation of the licence and/or refusal of a renewal application.

4.24.4 Late renewals

In the event of a driver submitting an application for renewal of their licence after the expiry of the previous licence there will be no guarantee of the immediate issue of a new licence. The driver may have to wait until all processes, including the return of a satisfactory DBS check, have been completed.

Commented [SB158]: Revised to clarify the process for considering renewals with undeclared convictions and driving disqualifications – aims to ensure there can be no advantage in not declaring

The new licence shall have effect from the date it is issued, not the date of expiry of the preceding licence or the date of application.

Any driver applying to renew their licence more than three months after the expiry of the preceding licence will not be afforded this privilege. In such cases the driver will be treated as a new applicant. This will require the driver to obtain a new medical examination and wait until all necessary checks have been completed before a licence can be issued. However, their record as a licensed driver will be taken into account when considering the application.

Any taxi driver who has been unlicensed for two years or more will be required to undergo a Knowledge of London re-assessment prior to being re-licensed (see 4.18).

If late renewal is unavoidable due to a medical condition a more pragmatic approach will be made with reference to article 25(b) of the London Cab Order 1934. Although there is no comparable provision in private hire legislation, a similar approach will be adopted in respect of PHV drivers.

Any driver who submits a renewal application after the expiry of their licence will be advised that they are no longer licensed and cannot work until a new licence is issued.

4.25 Drivers working after the expiry of their licence

It is an offence for a taxi or PHV driver to work without a valid driver's licence and any driver that continues to work after their licence has expired is also likely to invalidate their hire and reward insurance.

Any driver who fails to renew their taxi or PHV driver's licence will be advised in writing that their licence has expired and they are no longer permitted to work. The driver will be advised to submit a renewal application immediately. Alternatively, if the driver does not intend to renew, they will be instructed to return their badge and expired licence.

In the event that a driver is found working post-licence expiry, they will be reported for the appropriate offence which may result in prosecution. Regardless of whether any prosecution follows, this information will then be taken into consideration when considering a subsequent renewal application.

If the offence was an isolated occurrence, there were genuine reasons for the driver failing to renew their licence, and they had renewed promptly previously, the driver may be re-licensed subject to a written warning. However, in the absence of such mitigation, or if a driver is found to be working after having been warned that their licence has expired, consideration will be given to both refusing their application and prosecution (NB a decision to refuse will not be dependent on the outcome of any prosecution).

Taxi drivers only

The only circumstances in which a driver can continue to work once their licence has expired are where a taxi driver has submitted a complete application (including submitting an application for a DBS check) at least 90 days before the expiry of their licence and the DBS check has not yet been completed and/or TfL has yet to make a decision on the fitness of the driver before the licence expires. In these circumstances the existing licence will

continue until the application has been disposed of. This is provided for by section 17(7) of the Transport Act 1985 and is only applicable to taxi drivers.

There is no similar provision for PHV drivers.

Commented [SB159]: New – reflects our consideration of the law and what we communicated to the taxi trade in 2014

4.26 English language requirement (PHV drivers only)

Commented [BS(160)]: Revised for post 1 October 2021

All PHV drivers applying to renew their licence need to demonstrate that they meet the English language requirement. See paragraph 3.8 for how drivers can satisfy TfL that they meet the English language requirement.

Any PHV driver who has previously provided satisfactory documentary evidence will be deemed to have satisfied TfL that they meet the English language requirement.

Any PHV driver who provided documentary evidence by 30 September 2021 in order to satisfy the English language requirement which is **not** subsequently accepted by TfL, will be required to undertake and pass both the speaking and listening test and the SERU assessment no later than **31 March 2023**.

Any PHV driver who provided **no** documentary evidence by 30 September 2021 in order to satisfy the English language requirement will be required to undertake and pass both the speaking and listening test and the SERU assessment no later than **30 September 2022**.

For all applications received on or after **1 April 2023**, applicants will need to satisfy TfL that they meet the English language requirement as part of their application **before** a licence can be issued.

Drivers are allowed two attempts to pass the English language speaking and listening test. After failing the test for a second time, their licence will be revoked.

Similarly, should the driver fail to attend their appointment for the test on two occasions without reasonable justification, their licence will be revoked.

Should the applicant wish to take the test again, they will have to make a new application to be licensed.

Commented [BS(161)]: Should we put a time limit on how soon they can re-apply?

Commented [RG162R161]: Do we for topo failures? I would like to be consistent with previous approach.

Commented [BS(163R161)]: We don't have a limit for topos. No justification for it.

4.27 Safety, equality and regulatory understanding requirement (PHV drivers only)

All PHV drivers applying to renew their licence on or after **1 October 2021** will need to meet the SERU requirement by taking the SERU assessment. See paragraph 3.9 for more information on the assessment.

For applications received between **1 October 2021** and **31 March 2023**, applicants may be issued a licence but have until **31 March 2023** to prove to TfL that they comply with the SERU requirement.

For all applications received on or after **1 April 2023**, applicants will need to prove to TfL that they comply with the SERU requirement as part of their application **before** a licence will be issued.

Drivers are allowed two attempts to pass the SERU assessment. After failing the assessment for a second time, their licence will be revoked.

Similarly, should the driver fail to attend their appointment for the assessment on two occasions without reasonable justification, their licence will be revoked.

Should the driver wish to take the assessment again, they will have to make a new application to be licensed.

4.28 Exemption from having to wear badge (PHV drivers only)

Section 14(10) of the PHV Act 1998 allows TfL to exempt a driver from wearing a badge if the authority considers it inappropriate (having regard to that service).

TfL has determined that exemptions will only be granted when the nature of the service is such that to wear a badge presents a specific risk to the personal safety of the driver and/or passengers that would not be present (at least to the same degree) were a badge not to be worn.

Commented [SB164]: Reference to passenger requesting badge not to be worn removed

There is no legal right of appeal against decisions to refuse exemption.

Where an exemption is granted, the driver will be issued with an exemption notice that they must carry at all times when working as a PHV driver.

Exemptions are only valid for the duration of the current licence and a further exemption application must be submitted with each licence renewal application.

4.29 Exemption from having to assist wheelchair users

Commented [SB165]: Now reflects commencement of sl 65

Section 165 of the Equality Act 2010 places duties on the drivers of taxis and PHVs that have been designated by TfL as wheelchair accessible. All taxis licensed by TfL are designated as are those PHVs that meet certain accessibility standards. Details of all designated vehicles are on the TfL website.

The duties include the drivers assisting the passenger get into and out of the vehicle and to give the passenger such mobility assistance as is reasonably required (see also 4.12). This will normally involve the driver deploying the wheelchair ramps or other aid to loading a wheelchair and helping the passenger into the vehicle while the passenger remains in the wheelchair.

TfL can exempt a driver from these duties on medical grounds or on the grounds that their physical condition makes it impossible or unreasonably difficult for him to comply with the duties.

To apply for an exemption a driver must complete and submit form TPH/209. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist (consultant) medical practitioner. It is therefore expected that evidence from a specialist will be provided with the exemption application.

In determining whether to issue an exemption certificate TfL will consider whether the evidence provided confirms that the driver is unable to safely complete one or more of the following tasks, giving due regard to the type of vehicle the driver will be driving:

- securely erect wheelchair ramps (if applicable);
- safely install a wheelchair and occupant into their vehicle (this may involve pushing a wheelchair up sloping ramps into the vehicle);
- ensure the wheelchair and occupant are secure in readiness for the journey; and
- reverse the entire process.

Any costs associated with providing this evidence are the responsibility of the applicant.

In considering exemption applications, TfL will take account of the [statutory guidance](#) issued by the Secretary of State.

Where an exemption is granted, the Licensing Team will advise the driver accordingly and issue an exemption certificate and Notice of Exemption (see Figure 7). The Notice must then be displayed in the windscreen of the driver's vehicle.

Exemptions are not indefinite and the length of the exemption will be based on the medical need. The Notice of Exemption displays the expiry of the exemption and this should not exceed the expiry date of the driver's current licence. If the medical condition is not permanent a further exemption application must be submitted with the licence renewal application. If the driver's medical condition is permanent further exemption applications are not required but a new Notice must be issued with each licence.



The image shows a 'Notice Of Exemption' form. At the top, it says 'Section 166 Equality Act 2010'. The title is 'Notice Of Exemption'. Below the title are three fields: 'Name of licensing authority', 'Driver's name', and 'Licence No.'. Below these fields is a statement: 'The person named above is exempt from the duties required by section 165 of the Equality Act 2010.' At the bottom left, it says 'This notice expires' followed by a line for the year and '20'. At the bottom right is the TfL logo 'Ew'.

Figure 7 - Assisting passengers in wheelchairs Notice of Exemption

Under section 172 of the Equality Act drivers can appeal to a magistrates' court against a decision to refuse an exemption within 28 days of the decision. Any driver whose application is refused will be advised of their rights of appeal.

4.30 Exemption from having to carry guide and assistance dogs

Sections 168 and 170 of the Equality Act 2010¹⁶ require taxis and PHVs to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without any additional charge.

Drivers can only seek exemption from these duties on medical grounds. To apply for an exemption a driver must complete and submit form TPH/208.

Guidance from the Shariat Council in 2002 confirmed that trained assistance dogs may accompany disabled people in taxis and PHVs managed or driven by Muslims. The Council's guidance helps to clarify religious law and prevent any possible conflict with secular law. In the circumstances, religious grounds will not be recognised as a valid reason for an exemption.

The main reasons a taxi or PHV driver may wish to apply for a medical exemption are if they have a condition, such as severe asthma, which is aggravated by contact with dogs; if they are allergic to dogs; or if they have an acute phobia to dogs.

Drivers must provide medical evidence to support their application. If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. A driver's General Practitioner will only be approached as a last resort where no other alternatives are available.

If a driver has a chronic phobia to dogs, this would need to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption.

Any costs associated with providing this evidence are the responsibility of the applicant.

If there is any doubt as to whether the driver should be granted an exemption on medical grounds, advice will be sought from TfL's special occupational medical advisor.

Where an exemption is granted, the Licensing Team will advise the driver accordingly and issue them with an exemption certificate and Notice of Exemption (see Figure 8). The Notice must then be displayed in the windscreen of the driver's vehicle.

Exemptions are not indefinite and the length of the exemption should be based on the medical need. The Notice of Exemption displays the expiry of the exemption and this should not exceed the expiry date of the driver's current licence. If the medical condition is not permanent a further exemption application must be submitted with the licence renewal application. If the driver's medical condition is permanent further exemption applications are not required but a new Notice must be issued with each licence.

¹⁶ On 1 October 2010 the duties placed on drivers to carry assistance dogs transferred from the Disability Discrimination Act 1995 to the Equality Act 2010. All existing exemption certificates and exemption notices remain in force as though they had been made under the Equality Act 2010.

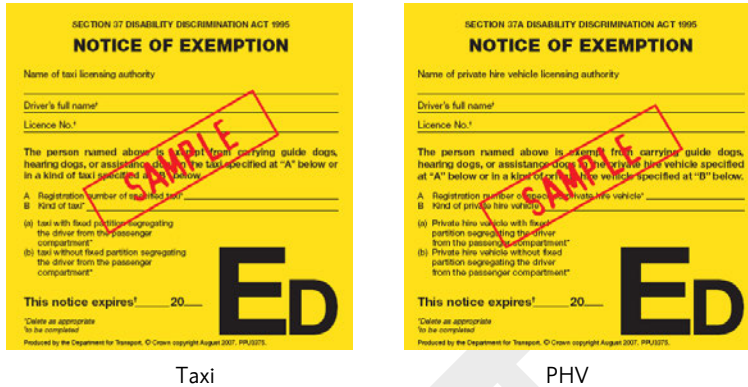


Figure 8 – Carriage of assistance dogs Notices of Exemption

Under section 172 of the Equality Act 2010 drivers can appeal to a magistrates' court against a decision to refuse an exemption within 28 days of the decision, therefore any driver whose application is refused will be advised of their rights of appeal.

In considering exemption applications, TfL will take account of guidance in the following DfT publications:

- [Carriage of Assistance Dogs in Taxis – Guidance for Licensing Authorities](#)
- [Carriage of Guide, Hearing and other Assistance Dogs in Private Hire Vehicles – Guidance on the Duties, Medical Exemptions and Enforcement](#)

4.31 Refund of licence fees

The PHV driver regulations¹⁷ make specific references as to when licence fees can be refunded. Although there are no similar requirements in taxi regulations, the principles of the PHV regulations will be applied to taxi drivers.

A refund of the fee paid for the **grant of a licence** can be made where a driver's licence ceases to have effect (whether by revocation or otherwise) in the following circumstances:

- the holder is no longer physically fit to hold the licence;
- the licence is surrendered by the holder; or
- the holder dies.

Refunds will **not** be given where the driver has their licence revoked due to their conduct.

The request must be made in writing and accompanied by the licence and badge. The amount refunded will be in proportion to the number of whole **months** remaining on the licence.

¹⁷ Regulation 5(4), The Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003

If costs are owed to TfL in relation to a licence appeal then these will be deducted before any refund is given.

4.32 Suburban taxi drivers – Increasing licence areas

4.32.1 Additional sectors and All London licensing

Once licensed, suburban taxi drivers can increase their licence area either by adding additional sectors or becoming an All London driver. To achieve this, drivers will have to complete the full Knowledge of London examination process for the additional area (see 3.9.1). This can be instigated on request to TfL.

In the event that a suburban driver who is undergoing Knowledge examinations for another licence area has their licence revoked, the Knowledge process will be terminated forthwith. The driver will be advised in writing that they will not be able to take any further examinations and if they want to be licensed for the larger area they would have to make a new application (which would need to be considered in line with the guidelines at 4.18).

In the event that a suburban driver who is undergoing Knowledge examinations for another licence area has their licence suspended, all Knowledge examinations will also be suspended for the period of the suspension.

As the driver is already licensed there is no need for them to make another application to be licensed for the larger area. Therefore, if the Knowledge process has to be suspended or terminated, formal refusal is not appropriate and there are no rights of appeal to this decision. All rights of appeal will relate to the decision to revoke the licence.

4.32.2 Incomplete sectors

As a legacy of the suburban licence structure in place prior to July 2000, some suburban drivers are only licensed for parts of one or more of the current nine sectors. These drivers can apply to be assessed on their topographical knowledge of the other boroughs in the sector to enable them to be licensed for the complete sector. The assessment, undertaken by a Knowledge of London Examiner, is designed to establish whether the driver's knowledge of the additional borough(s) is adequate or whether further learning and testing is required.

4.33 Smoking and e-cigarettes

It is against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles¹⁸. This means that smoking is not allowed by anyone in a taxi or PHV at any time. This includes the driver, even if the vehicle is not being used for hire and reward at that time. The Regulations also require licensed taxis and PHVs to display approved 'no smoking' signs.

Drivers or passengers found to be smoking in a licensed taxi or PHV may be subject to a fixed penalty notice of £50, or a maximum fine of £200 if prosecuted and convicted by a court.

¹⁸ Health Act 2006 and The Smoke-free (Exemptions and Vehicles) Regulations 2007



Figure 9 - Sample 'No Smoking' sign

Responsibility for enforcing no smoking regulations sits with local authorities rather than TfL. However, as the licensing authority, TfL will investigate any allegations of licensed drivers smoking and any adverse findings may be taken into consideration in determining driver's fitness. Further details regarding handling allegations of drivers smoking are set out in TfL's guidelines for handling taxi and PHV complaints.

TfL has prohibited the use of e-cigarettes and vape sticks on all TfL services including taxis and PHVs. In the event that a taxi or PHV driver is found using an e-cigarette or vape stick in a licensed vehicle, while they are not committing any offence, they should be advised of the need to comply with TfL policy.

Commented [SB166]: Reflects policy previously communicated in TPH Notice

Appendices

Appendix A - Disclosure and Barring Service information

Information included	Type of check			
	Basic DBS check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police information ³	No	No	Yes	Yes
Barred list(s) information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or out of court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate (see [Appendix B](#)).
3. This is any additional information held by the police which a chief officer reasonably believes to be relevant and ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adult's barred lists maintained by the DBS

Appendix B – Rehabilitation of Offenders Act 1974

Commented [SB167]: Updated to reflect most recent MoJ guidance. Specifics relating to taxi and PHV licensing now included in section 3

This guidance provides background information on the Rehabilitation of Offenders Act 1974, explains who benefits from it, and sets out rehabilitation periods for offences covered by the Act. More detailed guidance can be found at www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974.

What is the Rehabilitation of Offenders Act 1974?

1. The Rehabilitation of Offenders Act, 1974, primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law.
2. Under the 1974 Act, following a specified period of time which varies according to the disposal administered or sentence passed, cautions and convictions (except those resulting in prison sentences of over four years and all public protection sentences*) may become spent. As a result the offender is regarded as rehabilitated.
3. For most purposes the 1974 Act treats a rehabilitated person as if he or she had never committed, or been charged with or prosecuted for or convicted of or sentenced for the offence and, as such, they are not required to declare their spent caution(s) or conviction(s), for example, when applying for most jobs or insurance, some educational courses and housing applications.
4. *A public protection sentence, the provisions for which are set out in Part 12 of the Criminal Justice Act 2003 and Part 8 of the Armed Forces Act 2006, means a sentence of imprisonment or detention imposed for specified sexual and violent offences. These sentences include imprisonment or detention for public protection, extended sentences of imprisonment or detention for public protection, and extended determinate sentences.

Who benefits from the 1974 Act and how?

5. All cautions and convictions may eventually become spent, with the exception of prison sentences, or sentences of detention for young offenders, of over four years and all public protection sentences regardless of the length of sentence.
6. Once a caution or conviction has become spent under the 1974 Act, a person does not have to reveal it or admit its existence in most circumstances. Unless an exception applies (see below), then spent cautions and convictions need not be disclosed when filling in a form, or at a job interview. An employer cannot refuse to employ someone (or dismiss someone) because he or she has a spent caution or conviction unless an exception applies.
7. The exceptions where an individual may have to declare spent cautions and convictions are listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Taxi and PHV Drivers are included in the Exceptions Order.

Filtering

8. On 29 May 2013, amendments were made to the Exceptions Order so that certain old and minor cautions and spent convictions are 'protected' and are not subject to disclosure under the Exceptions Order, nor will they appear on a standard or enhanced disclosure certificate issued by the DBS. In addition employers will not be able to take these protected cautions and convictions into account when making decisions about any individual. These rules were updated on 28 November 2020.
9. Filtering is the term that the DBS uses to describe the process which will identify protected convictions and cautions and ensure that they are not disclosed on DBS certificates.
10. The rules as to when a conviction or caution will be filtered are set out in legislation. This states that a standard or enhanced disclosure certificate must include the following:
 - All cautions for specified offences
 - All convictions for a specified offence
 - All convictions that result in a custodial sentence

Other records must be included depending on when the caution or conviction was received:

- Any adult caution for a non-specified offence received in the last 6 years
 - Any adult conviction for a non-specified offence received in the last 11 years
 - Any youth conviction for a non-specified offence received in the last 5½ years
11. The 2020 update removed the multiple conviction rule, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed
 12. Where a person is convicted of multiple offences, then the conviction will be included on the certificate, as each offence is treated as if it were a separate conviction.
 13. A 'specified offence' is one which is on the [list of specified offences](#) agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate where it resulted in a conviction or an adult caution. Youth cautions for specified offences will not be automatically disclosed.
 14. The list of specified offences includes a range of offences which are serious and which relate to sexual offending, violent offending and/or are relevant to safeguarding people in vulnerable circumstances.
 15. Any cautions (including reprimands and warnings) and convictions not covered by the rules above are 'protected' and will not appear on a DBS certificate automatically.

- 16. Cautions, reprimands and warnings received when an individual was under 18 will not appear on a Standard or Enhanced certificate automatically.
- 17. Enhanced certificates may include information relating to a protected caution or conviction if the police consider that it is relevant to the workforce that the individual intends to work in.

How long will it take before a caution or conviction becomes spent?

- 18. The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence, which is known as the 'buffer period'. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed.
- 19. The 'buffer periods' are halved for those who are under 18 at date of conviction (save for custodial sentences of six months or less where the 'buffer period' is 18 months).
- 20. Prison sentences and community orders (with a buffer period):

Sentence		Time it takes to become spent	
		Adult (18+) at conviction/disposal	Young person (U18) at conviction/disposal
Prison (including suspended sentences)	Over 48 months	Never spent	
	Over 30 months but not exceeding 48 months	Full sentence + 7 years	Full sentence + 3½ years
	Over 6 months but not exceeding 30 months	Full sentence + 4 years	Full sentence + 2 years
	Up to 6 months	Full sentence + 2 years	Full sentence + 18 months
Community order or youth rehabilitation order		Full length of the order + 1 year	Full length of order + 6 months

21. Other sentences which do not have 'buffer periods':

Sentence/disposal	Time it takes to become spent (from date of conviction)	
	Adult (18+) at conviction/disposal	Young person (U18) at conviction/disposal
Fine	1 year	6 months
Driving endorsements	5 years	2 years 6 months
Driving disqualifications	End of disqualification period	
Absolute discharge	Spent immediately	
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	
Simple caution, youth caution	Spent immediately	
Compensation order	Once it is paid in full	
Relevant orders [†]	Length of the order	

[†] Relevant orders include conditional discharge orders, restraining orders, hospital orders, bind overs, referral orders, care orders and any order imposing a disqualification, disability, prohibition or other penalty not mentioned in the table.

Are there any sentences which are not covered by the 1974 Act?

22. The following sentences are exempt from the 1974 Act and can never become spent:

- Sentence of imprisonment for life;
- Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over 4 years;
- Sentence of preventive detention;
- Sentence of detention during Her Majesty's pleasure or for life;
- Sentence of custody for life;
- Public protection sentences (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders).

Source: www.gov.uk

Appendix C - Endorsement Offence Codes and Penalties

The following is a guide to whether a court can disqualify and the number of penalty points it may impose. It does not reflect the fact that most offences will attract a fine and some may incur a period of imprisonment. Offence codes and penalty points stay on a driving record for 4 or 11 years depending on the offence.

Code	Offence	Disqualification	Penalty Points
Accident Offences			
These codes must stay on a driving record for 4 years from the date of the offence			
AC10	Failing to stop after an accident	Discretionary	5-10
AC20	Failing to give particulars or report an accident within 24 hours	Discretionary	5-10
AC30	Undefined accident offences	Discretionary	4-9
Disqualified Driver			
Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence			
BA10	Driving while disqualified by order of court	Discretionary	6
BA30	Attempting to drive while disqualified by order of court	Discretionary	6
Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction			
BA40	Causing death by driving while disqualified	Discretionary	3-11
BA60	Causing serious injury by driving while disqualified	Discretionary	3-11
Careless Driving			
Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence			
CD10	Driving without due care and attention	Discretionary	3-9
CD20	Driving without reasonable consideration for other road users	Discretionary	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	Discretionary	3-9

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Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction			
CD40	Causing death through careless driving when unfit through drink	Obligatory	3-11*
CD50	Causing death by careless driving when unfit through drugs	Obligatory	3-11*
CD60	Causing death by careless driving with alcohol level above the limit	Obligatory	3-11*
CD70	Causing death by careless driving then failing to supply a specimen for analysis	Obligatory	3-11*
Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction			
CD80	Causing death by careless, or inconsiderate, driving	Obligatory	3-11*
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	Obligatory	3-11*
Construction & Use Offences			
These codes must stay on a driving record for 4 years from the date of the offence			
CU10	Using a vehicle with defective brakes	-	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	-	3
CU30	Using a vehicle with defective tyre(s)	-	3
CU40	Using a vehicle with defective steering	-	3
CU50	Causing or likely to cause danger by reason of load or passengers	-	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile telephone	-	3-6
Dangerous Driving			
These codes must stay on a driving record for 4 years from the date of the conviction			
DD10	Causing serious injury by dangerous driving	Obligatory	3-11*
DD40	Dangerous driving	Obligatory	3-11*

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DD60	Manslaughter or culpable homicide while driving a vehicle	Obligatory	3-11*
DD80	Causing death by dangerous driving	Obligatory	3-11*
DD90	Furious Driving	Discretionary	3-9
Drink			
These codes must stay on a driving record for 11 years from the date of the conviction			
DR10	Driving or attempting to drive with alcohol level above limit	Obligatory	3-11*
DR20	Driving or attempting to drive while unfit through drink	Obligatory	3-11*
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	Obligatory	3-11*
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	Obligatory	3-11*
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	Discretionary	10
Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence			
DR40	In charge of a vehicle while alcohol level above limit	Discretionary	10
DR50	In charge of a vehicle while unfit through drink	Discretionary	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	Discretionary	10
DR70	Failing to provide specimen for breath test	-	4
Drugs			
These codes must stay on a driving record for 11 years from the date of the conviction			
DG10	Driving or attempting to drive with drug level above the specified limit	Discretionary	3-11
DG60	Causing death by careless driving with drug level above the specified limit	Discretionary	3-11
DR80	Driving or attempting to drive when unfit through drugs	Discretionary	3-11

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These codes must stay on a driving record for 4 years from the date of the offence or 4 years from the date of conviction where a disqualification is imposed			
DG40	In charge of vehicle while drug level above specified limit	Discretionary	10
DR90	In charge of a vehicle when unfit through drugs	Discretionary	10
Insurance offences			
Code IN10 must stay on a driving record for 4 years from the date of the offence			
IN10	Using a vehicle uninsured against third party risks	Discretionary	6-8
Licence offences			
These codes must stay on a driving record for 4 years from the date of the offence			
LC20	Driving otherwise than in accordance with a licence	-	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	-	3-6
LC40	Driving a vehicle having failed to notify a disability	-	3-6
LC50	Driving after a licence has been revoked or refused on medical grounds	-	3-6
Miscellaneous Offences			
These codes must stay on a driving record for 4 years from the date of the offence			
MS10	Leaving a vehicle in a dangerous position	-	3
MS20	Unlawful pillion riding	-	3
MS30	Play street offences	-	2
MS50	Motor racing on the highway	Obligatory	3-11*
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)		3
MS70	Driving with uncorrected defective eyesight	-	3
MS80	Refusing to submit to an eyesight test	-	3

MS90	Failure to give information as to identity of driver etc.	-	6
Motorway Offences			
Code MW10 must stay on a driving record for 4 years from the date of the offence			
MW10	Contravention of special roads regulations (excluding speed limits)	-	3
Pedestrian Crossings			
These codes must stay on a driving record for 4 years from the date of the offence			
PC10	Undefined contravention of pedestrian crossing regulations	-	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	-	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	-	3
Speed Limits			
These codes must stay on a driving record for 4 years from the date of the offence			
SP10	Exceeding goods vehicle speed limits	Discretionary	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	Discretionary	3-6
SP30	Exceeding statutory speed limit on a public road	Discretionary	3-6
SP40	Exceeding passenger vehicle speed limit	Discretionary	3-6
SP50	Exceeding speed limit on a motorway	Discretionary	3-6
Traffic Directions and Signs			
These codes must stay on a driving record for 4 years from the date of the offence			
TS10	Failing to comply with traffic light signals	-	3
TS20	Failing to comply with double white lines	-	3
TS30	Failing to comply with 'Stop' sign	-	3

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TS40	Failing to comply with direction of a constable/warden	-	3
TS50	Failing to comply with traffic sign (excluding stop signs, traffic lights or double white lines)	-	3
TS60	Failing to comply with a school crossing patrol sign	-	3
TS70	Undefined failure to comply with a traffic direction sign	-	3
Special Code			
Code TT99 must stay on a driving record for 4 years from the date of conviction			
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified.		
Theft or Unauthorised Taking			
Code UT50 must stay on a driving record for 4 years from the date of the offence			
UT50	Aggravated taking of a vehicle	Obligatory	3-11*

* if exceptionally not disqualified

Mutual recognition codes

Drivers will get an 'MR' code on their driving record if disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. The disqualification period will also be valid in GB and will stay on the driver's record for 4 years from the date of conviction.

Mutual recognition codes	
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle while disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, Abetting, Counselling or Procuring

Offences as coded, but with the end 0 changed to 2

Causing or permitting

Offences as coded, but with the end 0 changed to 4

Inciting

Offences as coded, but with the end 0 changed to 6

Source: www.gov.uk

Appendix D - Taxi Reconsideration Hearing Procedure

"Where the Licensing Authority has refused to grant, or has suspended or revoked a licence, the applicant for, or (as the case may be) holder of the licence require the, authority to reconsider his decision [and].... the person calling for the decision to be reconsidered shall be entitled to be heard either in person or by his representative." (Section 17 of the Transport Act, 1985)

TfL has a legal obligation to arrange a reconsideration hearing in person affording an aggrieved taxi applicant/licence holder the opportunity to present their case. The hearing is conducted by an officer within TfL who is independent from licensing decision makers. The officer conducting the hearing has no decision-making powers nor will make any recommendations. The final decision rests with a delegated officer after considering the report and representations made by or on behalf of the applicant/licensee.

Hearings may be held either in person or virtually. The applicant/licensee will be given the opportunity to choose the format of their hearing.

The hearing process

The officer conducting the hearing will be familiar with all relevant regulations, as well as policies and procedures relating to taxi drivers and vehicle owners that are followed by TfL.

Appellants may be accompanied by a legal or other representative, relative or friend. TfL must be advised in advance and the conduct of the hearing is managed by the officer conducting the hearing who has a discretion on who is allowed to speak other than the appellant and any conditions or requirements necessary.

The hearing is primarily an opportunity for the appellant to speak for himself and personally to bring to attention matters which he feels TfL should take into consideration in reviewing its decision. It is not conducive to an effective hearing for too many people to be present, but it can be helpful for a partner or friend to be present throughout and speak on behalf of the appellant. Even when represented the appellant should be encouraged to speak for himself.

Following the hearing TfL will:

- reconsider its decision in the light of the report of the hearing;
- notify the appellant in writing of the outcome of TfL's reconsideration within 28 days from the date of the hearing.

No indication of the possible outcome of the appeal will be given at the time of the hearing.

Appendix E - Violent and Sex Offender Register (ViSOR)

What is ViSOR?

ViSOR contains the details of anyone convicted, cautioned or released from prison for sexual offences against children or adults since September 1997, when it was set up.

The offences that result in a person being placed on the register are listed in Schedule 3 of the Sexual Offences Act 2003.

The register, which is run by the police, is not retro-active, so does not include anyone convicted before 1997.

How long do offenders remain on the register?

It depends on the sentence:

Sentence	Period on ViSOR
Imprisonment for 30 months or more	Indefinite*
Admitted to hospital subject to a restriction order	Indefinite†
Imprisonment for more than 6 but less than 30 months	10 years* (or 5 years if under 18)
Imprisonment for 6 months or less	7 years* (or 3½ years if under 18)
Admitted to hospital without being subject to a restriction order	7 years* (or 3½ years if under 18)
Caution	2 years‡ (1 year if under 18)

* from date of conviction

† from date of finding

‡ from date of Caution

Appendix F - Lists of acceptable documents for right to work checks

Commented [BS(168)]: Updated to reflect HO Guidance dated 29-09-21

Where a right to work check has been conducted using the online right to work checking service, the information is provided in real-time directly from Home Office systems and there is no requirement to check any of the documents listed below.

List A: Acceptable documents to establish a permanent right to work in the UK	
1.	A passport (current or expired) showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
3.	A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.
4.	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7.	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8.	A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
9.	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
10.	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B: Documents where there are restrictions on right to work in the UK	
Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave	
1.	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.
4.	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5.	A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
6.	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
Group 2 – Documents where a time-limited statutory excuse lasts for 6 months	
1.	A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service
2.	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 together with a Positive Verification Notice from the Home Office Employer Checking Service.
3.	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
4.	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.
5.	A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.

Source: Home Office

Appendix G - Taxi Driver Identifiers - Suburban Licence Area Codes

Sectors	Sector Code
Enfield, Haringey, Waltham Forest	S1
Barking & Dagenham, Havering, Newham, Redbridge	S2
Bexley, Greenwich, Lewisham	S3
Bromley	S4
Croydon	S5
Merton, Sutton	S6
Hounslow, Kingston upon Thames, Richmond upon Thames	S7
Ealing, Hillingdon	S8
Barnet, Brent, Harrow	S9

Boroughs	Code
Enfield	ED
Haringey	HY
Waltham Forest	WM
Redbridge	RE
Newham	NM
Barking & Dagenham	BG
Havering	HG
Lewisham	LM
Greenwich	GH
Bexley	BY
Bromley	BR

Boroughs	Code
Croydon	CN
Sutton	SN
Merton	MN
Kingston upon Thames	KN
Richmond upon Thames	RD
Hounslow	HW
Ealing	EG
Hillingdon	HN
Brent	BT
Harrow	HA
Barnet	BA

Extensions	Extension Code
Clapham, Balham and Tooting	E1
Hackney	E2

Using these codes, below are some examples of how different licence areas are shown:

Enfield, Haringey, Waltham Forest

Sector	Borough	Extension
S1	-	-

Kingston upon Thames, Richmond upon Thames

Sector	Borough	Extension
-	KN RD	-

Merton, Sutton, Clapham Extension

Sector	Borough	Extension
S6	-	E1

Hounslow, Kingston upon Thames, Richmond upon Thames, Ealing, Hillingdon

Sector	Borough	Extension
S7 S8	-	-

Croydon, Merton, Sutton, Kingston upon Thames, Richmond upon Thames

Sector	Borough	Extension
S5 S6	KN RD	-

Bromley, Croydon, Lewisham

Sector	Borough	Extension
S4 S5	LM	-

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EVERY JOURNEY MATTERS