

Staff Manual

Advice and guidance on the consideration
of taxi and private hire licence applications
in London

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Approved



Tom Moody
Head of Policy and Service Development

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Contents

1. Introduction	8
1.1 The Licensing Authority	8
1.2 This manual	8
1.3 Levels of decision making authority	8
1.4 Terminology	9
2. Driver Licences - General Regulatory	10
2.1 General.....	10
3. Driver Licences - New Applicants.....	11
3.1 Applications	11
3.2 Driving Licences	12
3.3 Character	13
3.4 Medical fitness	26
3.5 Driving ability	28
3.6 Topographical skills testing.....	29
3.7 Right to live and work in the UK.....	32
3.8 Appeals against a decision to refuse a licence	32
3.9 Previously refused applicants	33
3.10 Previous licence holders	33
3.11 Action by other licensing authorities	35
3.12 Applicants for both taxi and PHV driver's licences.....	35
3.13 Outstanding Costs	36
4. Driver Licences - Licence Holders.....	37
4.1 General.....	37
4.2 New convictions.....	37
4.3 Taxi and PHV offences	44
4.4 Complaints.....	50
4.5 PHV Driver Dismissal Notices.....	52
4.6 Immediate suspension of licences	52

4.7	Return of licence following suspension/revocation	53
4.8	Topographical skills re-tests	56
4.9	Medical fitness considerations	56
4.10	Action by other licensing authorities	60
4.11	Debts/Bankruptcy	60
4.12	Appeals against a decision to suspend or revoke a licence.....	60
4.13	Renewals	61
4.14	Expired DVLA photocard.....	62
4.15	Late renewals	63
4.16	Drivers working after the expiry of their licence	63
4.17	Exemption from having to wear badge (PHV drivers only)	64
4.18	Exemption from having to carry guide and assistance dogs	64
4.19	Exemption from having to assist wheelchair users	66
4.20	Refund of licence fees	67
4.21	Suburban taxi drivers – Increasing licence areas	67
5.	Vehicle Licences - General Regulatory	69
5.1	Taxi.....	69
5.2	Private Hire Vehicles	69
6.	Vehicle Licences - New Applicants	70
6.1	Name on the licence	70
6.2	Fit and proper person (taxi only).....	70
6.3	Vehicle standards	70
6.4	Appeals.....	71
7.	Vehicle Licences – Licence Holders.....	72
7.1	General.....	72
7.2	Character considerations	72
7.3	Breach of conditions (taxi)	72
7.4	Breach of conditions (PHV).....	73
7.5	Appeals.....	73

7.6	Exemption from having to display licence discs (PHV only).....	73
8.	Operator Licences – General	75
8.1	General regulatory	75
8.2	Requirement to be licensed	75
8.3	'For hire'	77
8.4	Department for Transport guidance	79
8.5	Ambulance services.....	79
8.6	Licensed Public Service Vehicle operators that operate PHVs.....	81
8.7	Internet based booking platforms.....	81
9.	Operator Licences – New Applicants	82
9.1	Who is the licensee?.....	82
9.2	Applications	82
9.3	Declarations.....	82
9.4	Fit and proper person	83
9.5	Administrative rules	83
9.6	Assessing an application	84
9.7	Consideration of criminal history.....	84
9.8	Business repute	85
9.9	Right to live and work in the UK.....	85
9.10	Other PHV applications.....	86
9.11	Pre-licensing inspections	87
9.12	Insurance	87
9.13	Radio Licences	87
9.14	Pre-licensing inspection results	88
9.15	Considering an application - Summary	88
9.16	Trading names.....	88
9.17	Appeals.....	89
9.18	Outstanding Costs	89
10.	Operator Licences - Licence Holders	91

10.1 General.....	91
10.2 Suspensions and Revocations.....	91
10.3 New convictions.....	91
10.4 Business Repute.....	93
10.5 Change of/acquisition of new operating centre	94
10.6 Removal of an operating centre.....	95
10.7 Someone other than the licensee trading at an operating centre.....	95
10.8 Operators whose whereabouts are unknown.....	95
10.9 Small operators becoming standard operators	96
10.10 Change of entity.....	96
10.11 Changes to partnerships etc.....	97
10.12 Death of a licensed operator.....	97
10.13 Temporarily cessation of trading.....	97
10.14 Compliance visits.....	98
10.15 ‘Satellite’ operating centres.....	99
10.16 Refund of licence fees	99
10.17 Complaints.....	100
10.18 Use of the term ‘taxi’ etc. in advertisements	101
10.19 Use of TfL branding	101
Appendices.....	103
Appendix A ..The Rehabilitation of Offenders Act, 1974	103
Appendix B ..Endorsement Offence Codes and Penalties	105
Appendix C ..Taxi Hearing Procedure	111
Appendix D ..Disclosure and Barring Service Code of Practice.....	114
Appendix E ..Sex Offenders Register.....	119
Appendix F...Evidence to support the right to work in the UK	120
Appendix G..Taxi Driver Identifiers - Suburban Licence Area Codes	123
Appendix H..Filtering rules for criminal record check certificates.....	125

Figures

Figure 1 - Suburban sectors..... 30

Figure 2 - Taxi driver badges 45

Figure 3 - Taxi driver identifiers..... 46

Figure 4 - PHV driver’s badge 48

Figure 5 - Carriage of assistance dogs Notices of Exemption..... 65

Figure 6 - PHV licence disc..... 74

Figure 7 - ‘Is licensing required?’ flowchart 76

Tables

Table 1 - Major driving offences 40

Table 2 - Minimum periods before re-licensing 54

Table 3 - Visual acuity standards 58

Table 4 - Determining whether a vehicle is for hire 77

1. Introduction

1.1 The Licensing Authority

The responsibility for licensing London's taxis and taxi drivers, private hire operators, drivers and vehicles, plus the appointment of taxi ranks, rests with Transport for London (TfL).

Under TfL's Standing Orders, the licensing functions have been delegated to the Managing Director, Surface Transport 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 and the appointment of taxi ranks 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 all these powers to TfL. Similarly, under section 254 of same Act the function of the Secretary of State under the Private Hire Vehicles (London) Act 1998 were also transferred to TfL.

Grounds for refusal and revocation/suspension of driver, vehicle and operator licences are set out in paragraphs 7, 19, 25 and 30 of the London Cab Order 1934 (taxi) and sections 16, 17 and 22 of the Private Hire Vehicles (London) Act 1998 (private hire).

Only TfL or a delegated officer has the power to refuse an application or revoke or suspend a licence. An appeal against any decision made by TfL or a delegated officer may be made under Section 17 of the Transport Act, 1985 and Sections 3(7), 7(7), or 13(6) of the Private Hire Vehicle (London) Act 1998.

(N.B. Under Section 9(1) of the Private Hire Vehicles (London) Act 1998 a police constable or authorised officer has the power to suspend or revoke private hire vehicle licence.)

1.2 This manual

To ensure that TfL's powers are exercised in a consistent and reasonable manner, the advice in this manual is designed for the use of London Taxi and Private Hire (TPH) staff. **It is important to note however that this is only advice and each case must be considered on its own particular merits.** We must also take cognisance of the Human Rights Act 1998 whereby all are treated fairly and equally, and the Mayor's policy on equality and inclusion.

1.3 Levels of decision making authority

All decisions by TPH 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 depending on the type of decision and the circumstances of the case.

These guidelines must therefore be used in conjunction with directions issued by the TPH Director that prescribe the levels of decision making authority. However, whilst such directions provide for the majority of cases, **if there is any doubt whatsoever** as to an applicant's suitability to be licensed or licensee's fitness to remain licensed, the case must be escalated to a higher level of authority.

1.4 Terminology

In the interpretation of these words of advice any reference to the masculine includes the feminine.

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

Private hire vehicles (PHVs) 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 manual and refers to all such vehicles.

2. Driver Licences - General Regulatory

2.1 General

Applicants will be accepted from prospective All London taxi drivers from the age of 18 years. For suburban taxi applicants, applications will be accepted from the age of 21 years. No licences will be issued until the age of 21 (London Cab Order 1934 para 24) and the Private Hire Vehicles (London) Act 1998 (Section 13(2)(9)).

Licences may be refused under paragraph 25 of the London Cab Order 1934 and Section 13 of the Private Hire Vehicles (London) Act 1998 if the applicant fails to satisfy TfL that he:

- is of good character;
- is fit to act as a driver; or
- having held a licence within the preceding 3 years has acted as a taxi driver in that period (unless by reason of illness or other unavoidable cause) (taxi applicants only);
- has held a UK or EEA licence for a period of at least 3 years (PHV applicants only).

'Fitness' to act as a driver encompasses evidence of:

- medical fitness;
- driving proficiency; and
- appropriate knowledge of route selection from pick-up point to destination.

3. Driver Licences - New Applicants

3.1 Applications

An applicant must complete and submit:

- an application form (MHC/203 or PHV/203)
- a medical declaration (TPH/204)

The forms must be accompanied by the following supporting documentation:

- the applicant's birth certificate or passport
 - a full, current DVLA/NI driving licence
- or
- a full, current EC/EEA driving licence (see paragraph 3.2)
 - an enhanced Disclosure and Barring Service (DBS) check¹ or a DBS application reference number (see paragraph 3.3.2)
 - certificate of topographical skills (PHV applicants only – see paragraph 3.6.2)

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 3 months or more within the last three years, he will be required to complete a Living and Working Abroad form (TPH/205) (see paragraph 3.3.10).

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

The application must be accompanied by the appropriate application fee².

Any omission or misrepresentation within the application documentation could suggest dishonesty. However proceedings for misrepresentation under Section 14 of the London Hackney Carriages Act, 1843, or section 28 of the PHV (London) Act 1998 would only be considered in exceptionally serious cases and would result in the

¹ Following the merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority to form the DBS, any CRB-branded certificates should be treated the same as DBS-branded certificates.

² PHV driver applicants are requested to 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 should be refunded in full. All application fees are non-refundable.

refusal of the application. In other less serious cases the applicant may be allowed to proceed with an appropriate warning of the possible risks should there be any reoccurrence in the future as to fitness to be licensed.

Where the applicant is the subject of an outstanding criminal or other charge, he should be advised that his application will be processed, but no final decision on the application will be made pending the conclusion of proceedings (see paragraph 3.3.23).

3.2 Driving Licences

All applicants must have a full UK or European Economic Area (EEA) driving licence. In order to be issued a PHV driver's licence, the applicant must have held this licence for a minimum of three years (for UK licences, this includes the 2 year probationary period).

All UK driving licences must be accompanied by a valid photocard.

All EC/EEA driving licence holders are required to provide a copy of their licence with their application.

The full list of EC/EEA states is:

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

3.3 Character

Character will normally be assessed on the basis of information supplied by the Disclosure and Barring Service (DBS).

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.

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 Private Hire Vehicles (London) Act 1998 for PHV drivers.

3.3.1 Types of DBS check

There are two levels of DBS check, known as 'standard' and 'enhanced'.

Both the standard and enhanced checks contain details of:

- spent convictions³
- unspent convictions
- cautions³
- 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 will also include information held on the DBS's children and adults barred lists (see 3.3.9) together with any information held locally by police forces that is reasonably considered to be relevant to the post applied for.

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

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 at Appendix H.

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.

Given the role 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.

3.3.2 DBS checking process

Before submitting an application, the applicant must apply for a DBS check through TMG CRB, TfL's service provider.

As of 17 June 2013, only the applicant will receive a certificate from the DBS detailing the result of the check. The only information that will be provided to TPH 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 information has been disclosed to the applicant TMG CRB will write to him and ask him to send us his original certificate. Once its authenticity has been verified TMG CRB will take a copy and pass this copy to TPH. TMG CRB will return the original certificate to the driver.

As is usual practice and in accordance with DBS requirements, we will destroy 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 should be treated as incomplete and discontinued.

Any DBS certificates submitted to TPH must have been issued no more than three 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 must 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 admit convictions are revealed.

3.3.3 Portability of DBS checks

Many applicants will have obtained a DBS check as part of the recruitment process for another job and may wish to provide this to TPH with their application. TPH will accept a DBS certificate issued as part of an application for another role on the following conditions:

- It is an enhanced DBS check (see 3.3.1 above); and
- It has been issued in the past three months.

On 17 June 2013, the DBS launched its Update Service. This will enable 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.

The Update Service will allow TPH to carry out free, instant online checks of an individual's certificate, to check that it is up-to-date. When someone is subscribing to this service, we will only have to seek a new criminal record check if the DBS tells us something has changed.

Further details of how TPH will accommodate applicants using the Update Service will be published in due course.

3.3.4 Recording convictions/DBS Code of Practice

TPH will comply with DBS's Code of Practice in regard to use/retention of Disclosure information (see Appendix D).

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) must be entered on any applicant's or driver's record;
- Registered Body DBS certificates and copies of applicants' DBS certificates must only be retained for the duration of and purposes of informing our decision making process.

However,

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

3.3.5 Spent convictions

The enhanced DBS check may include any spent convictions (see Appendices A and H) and TfL is entitled to consider these when coming to a decision provided these are relevant to the role of carrying passengers for hire and reward.

3.3.6 Adult Cautions

Adult Cautions (also known as Police or Simple Cautions) are not convictions but, being admissions of guilt, are taken into consideration in the determination of good character. In considering a caution the following factors should be taken into account:

- the nature of the offence
- the driver's offending history; and

- the guidelines applicable had it been a conviction.

3.3.7 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 he have been convicted, further information regarding the case should be requested.

3.3.8 Suspended sentences

Suspended sentences should 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 should also be given to the applicant's behaviour during the period of suspension.

3.3.9 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.

3.3.10 Overseas criminal history checks

Any applicant who has lived in a country other than the UK for one or more continuous periods of between three and 12 months (other than periods of extended vacation) within three years of the date of application is required to complete form TPH/205.

The applicant will then be asked to produce a 'Certificate of Good Conduct' from the relevant country. The responsibility for obtaining such a document falls to the applicant and not TPH. The 'Certificate of Good Conduct' should be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. This Certificate 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 Certificate of Good Conduct the applicant should approach the relevant embassy or legation. A translation is required if it is not provided in English.

Where an applicant is unable to provide the above they must explain why and 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 'Certificate of Good Conduct' 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 must 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.

3.3.11 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 Certificate of Good Conduct from the country he is claiming asylum from.

The applicant will, however, be required to obtain a Certificate of Good Conduct from any other country he has resided within the three years prior to the date of application in line with the guidelines at paragraph 3.3.10.

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

3.3.12 Consideration of disclosed criminal history

Where the DBS reports previous criminal convictions 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 imposed by the court
- any other character check considered reasonable (e.g. personal references)

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

In the event that an applicant for a taxi driver's licence fails to meet the following guidelines but will do so in the next three months, consideration can be given to accepting their application. As this provision takes into account the time it is likely to

take to learn and pass the Knowledge of London, it only applies to applicants who have not previously been licensed as taxi drivers.

3.3.13 Violence

Licensed drivers have close regular contact with the public. A firm line is to 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 must not be licensed until at least 3 years free of such conviction⁵. However, given the range of offences that involve violence consideration must 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) Before an application is allowed, an applicant should be free of conviction for at least 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence such as:
- Aggravated burglary
 - Arson
 - Grievous bodily harm
 - Kidnapping
 - Racially/religiously aggravated assault occasioning actual bodily harm
 - Racially/religiously aggravated common assault
 - Racially/religiously aggravated criminal damage
 - Racially/religiously aggravated threatening/disorderly behaviour
 - Robbery

⁵ For the purposes of this manual the phrase 'free of conviction' means from the date of conviction.

- Riot, violent disorder and affray)
 - Threats to kill
 - Wounding with intent to cause grievous bodily harm
 - or any similar offences or offences which replace the above.
- (c) Before an application is allowed, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence such as:
- Assault occasioning actual bodily harm
 - Assault on Police
 - Assault with intent to resist arrest
 - Common assault
 - Criminal damage
 - 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 in the last 10 years for an offence of a violent nature.

In the event of an application being allowed to proceed, a strict written warning should be administered.

3.3.14 Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before an application is allowed.

3.3.15 Sex and Indecency Offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences 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
 - 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
 - or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver.
- (b) Before an application is allowed, an applicant should be free of conviction for at least 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence such as:
- Indecent exposure
 - Soliciting (including kerb crawling)
 - or any similar offences or offences which replace the above.

In addition to the above TfL will not normally grant a licence to any applicant who is currently on the Sex Offenders Register (see Appendix E).

An application will normally be refused if an applicant has more than one conviction for a sex or indecency offence.

An applicant with a conviction for an offence of a sexual nature who meets the guidelines in (b) can be granted a licence subject to a written warning, but if there is any doubt as to the applicant's suitability to be licensed the case should be escalated.

3.3.16 Human trafficking and smuggling

Human trafficking and smuggling exploits 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, applicants will be expected to show a

substantial period free of conviction for such offences 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) Before an application is allowed, an applicant should be free of conviction for at least 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence such as:
- Assisting unlawful immigration
 - or any similar offences or offences which replace the above.

3.3.17 Dishonesty

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. 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.

In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before allowing an application to proceed. Offences involving dishonesty include:

- benefit fraud
- burglary
- conspiracy to defraud
- forgery
- fraud
- handling or receiving stolen goods
- obtaining money or property by deception
- other deception
- perverting the course of justice
- 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.

3.3.18 Drugs

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

An application from an applicant who has an isolated conviction for an offence related to the **possession** of drugs within the last 3-5 years may be considered, but consideration must be given to the nature and quantity of the drugs, as well as the sentence imposed by the court. A more severe court penalty should indicate that a sterner stance should be taken.

An application will normally be refused where the applicant has more than one conviction for offences related to the **possession** of drugs and has not been free of conviction for 5-7 years, again taking into consideration the nature and quantity of the drugs.

An application will normally be refused where the applicant has a conviction for an offence related to the **supply, importing or production** of drugs and has not been free of conviction for 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is the longer).

If there is evidence of persistent drugs use, misuse or dependency (e.g. two or more convictions for possession) a specialist medical examination may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency.

3.3.19 Driving offences involving the loss of life

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

Before an application is allowed, an applicant should be free of conviction for 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- or any similar offences.

Before an application is allowed, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

3.3.20 Drink Driving/Driving Under the Influence of Drugs

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a second drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

3.3.21 Endorsable Traffic Offences

All current endorsable offences will be shown on an individual's driving licence and should 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.

An endorsable offence will usually attract penalty points and/or a period of disqualification. 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)).

Endorsable offences include:

- Accident offences
- Careless driving
- Construction and Use offences
- Dangerous driving
- Drink or drugs offences
- Driving whilst disqualified
- Insurance offences
- Licence offences
- Speed limit offences
- Traffic direction and sign offences
- Theft or Unauthorised Taking

A full list of endorsable offences and offence codes is at Appendix B.

An isolated conviction for a serious driving offence e.g. without due care and attention, no insurance etc., would normally merit a warning being given as to future driving and advice on the standard expected of licensed drivers. More than one conviction for this type of offence within the last two years would merit refusal and no further application would be considered until a period of 1 to 3 years free from conviction had elapsed.

In the event that an applicant is disqualified from driving under the 'totting up' procedure between having his application accepted and being licensed (e.g. while learning the Knowledge), rather than refusing the application, consideration can be

given to putting the application 'on hold' for the period of the disqualification. At the end of the disqualification the applicant can be allowed to resume the Knowledge at the point he left it. This concession can only be allowed when the offences that resulted in the accumulation of penalty points are not serious driving offences.

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.

3.3.22 Illegally Plying for Hire and Touting

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 to solicit persons to hire vehicles to carry them as passengers.

Following a conviction or caution for either offence⁶, at least 12 months 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 conviction or caution one of this nature in the last 5 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.

3.3.23 Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

If the outstanding charge or summons is for an offence that would result in refusal if convicted, then the application must be put on hold until proceedings are concluded.

3.3.24 Non-conviction information

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

In all cases of serious offences, including allegations of sex and serious violent offences full details regarding the circumstances of the case should be obtained from the police before making a decision. If there are reasonable grounds to suggest that the driver presents a risk to the travelling public, consideration must be given to refusing the application.

⁶ As Illegally Plying for Hire is not a recordable offence convictions will not appear on DBS Disclosures

Any applicant who has been the subject of more than one allegation of a sex offence (even if all allegations have not resulted a prosecution, conviction or caution) will normally have his application refused unless significant mitigation is provided.

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

3.3.25 ASBOs

Anti Social Behaviour Orders (ASBOs) are civil, not criminal, sanctions (although breaches are punishable by up to five years in prison) and are handled by police and local authorities working in partnership.

ASBOs are aimed at tackling serious, persistent but relatively low-level disorder that can blight communities. The orders often include restrictions on entering a geographical area or shop but can include bans on specific acts. A specific act specified in an ASBO issued in 2010 was 'not apply to become a licensed PHV driver'.

By their very nature, ASBOs are issued to individuals who have committed anti-social behaviour which may not be compatible with becoming a licensed driver. If an applicant is the subject of an ASBO, consideration must be given to the nature of the order and any conditions that the applicants must meet. If the behaviour that led to the ASBO appears incompatible with being a licensed driver, the application should be refused.

3.3.26 Summary

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 7 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

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 above guidelines, the overall offending history must 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. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

3.3.27 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 his application accepted and being licensed, other than when drivers are disqualified under the 'totting up' procedure (see 3.3.21), the guidelines in respect of licensed drivers should be applied (paragraph 4.2 refers) and if the applicant fails to meet them the decision to accept the application must 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 he 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 can be allowed to continue subject to a written warning that any further convictions are likely to lead to refusal.

3.4 **Medical fitness**

3.4.1 Medical Standards

Regulation states that taxi and PHV drivers must satisfy TfL that they are medically fit to hold a driver's licence. 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.

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 motor cycles). This higher standard requirement reflects the view that the nature of a licensed driver's employment places him 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 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'.

3.4.2 Medical reports

The medical report form requires the doctor to answer either 'yes' or 'no' to set questions with space for explanation/amplification where appropriate. Medical reports should be completed by a medical practitioner who has access to the patient's **full** medical records.

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 should 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 TPH's specialist occupational medical advisor. When it appears from these enquiries that an applicant does not meet the required standard, he is to be informed of this in writing and given the opportunity to present further (written) medical evidence before a decision is made.

Administrative staff should not seek to interpret medical conditions in determining fitness. In areas of doubt the advice of TPH's specialist occupational medical advisor must be taken. However staff may seek additional information on conditions identified in the medical report to assist the TPH advisor.

It is the role of TPH's medical advisor to recommend when an application should be refused on medical grounds. However, where an applicant fails to meet DVLA Group 2 medical standards for one of the following conditions and there are no other complicating conditions, the application may be refused without referral to TPH's medical advisor:

- Visual acuity (applicants should always be given the opportunity to obtain verification of their visual acuity from an ophthalmic optician before a decision is made to refuse their application);
- Hypertension (if an applicant's blood pressure fails to meet the prescribed standard or there is evidence of a history of hypertension, he should always be given the opportunity to obtain additional blood pressure readings before a decision is made to refuse their application);
- Epilepsy (other than cases involving head injury).

If there is any doubt whatsoever as to whether or not an applicant meets the medical standard, advice must be sought from TPH's medical advisor.

3.4.3 Physical disabilities

All cases where a physical disability is disclosed which may require adaptation of the vehicle should be referred to the Vehicle Policy Manager to advise on the need for an independent assessment by a DfT approved mobility centre. If an assessment is necessary the cost has to be met by the applicant.

3.4.4 Diabetes

A review of the policy relating to insulin treated diabetes and the grant of PHV and taxi driver licences was undertaken in 2005. This review included a re-assessment of regulatory medical requirements and took account of new advice issued by the Secretary of State for Transport's Honorary Medical Advisory Panel on Driving and Diabetes Mellitus as well as the views of TfL's specialist occupational medical advisor. Since 2 January 2006, the following criteria have had to be met by all PHV and taxi driver applicants with insulin treated diabetes.

Applicants for a PHV or taxi driver licence will be required to:

- a) hold a DVLA C1 category Group 2 licence (i.e. one issued after 1 January 1998);
- or
- b) satisfy TfL that he meets the medical requirements which would allow a C1 Group 2 licence to be issued.

In regard to option b), the applicant will need to provide a medical report from a hospital consultant specialising in diabetes confirming:

- the applicant has been undergoing insulin treatment for over four (4) weeks;
- during the twelve (12) months prior to the date of the licence application, the applicant has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,
- the applicant has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

The applicant will also be required to submit a signed declaration that:

- he will comply with the directions for treatment given to him by the doctor supervising that treatment;
- immediately report to TfL, in writing, any change in diabetic condition; and,
- provide to TfL, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a taxi or private hire vehicle during employment.

3.4.5 Medical reports for other professions

Some professions require an in-depth medical to be undertaken (e.g. pilot's licence). Medical advice has been sought and confirmation received that the standard of medical fitness required by the Civil Aviation Authority meets that required by TPH and as such TfL has agreed to grant the exemption. To retain the exemption the applicant in question will have to continue to produce a valid, current pilot's licence issued by the Joint Aviation Authorities whenever TfL requests a further medical.

Should an applicant suggest that a particular licence they hold is at least equivalent to TfL's medical requirements of licensing they should be referred to TPH's medical adviser for advice.

3.4.6 Holders of DVLA Group 2 Licences

After 1 January 1998, any driver who holds a DVLA Group 2 full or provisional licence would have already had a medical prior to being granted this entitlement. This entitlement will be shown on the driver's DVLA driving licence. Any drivers who have this entitlement after 1 January 1998 will not have to complete a Medical Declaration.

3.5 Driving ability

3.5.1 Taxi driver applicants

All taxi driver applicants will undertake a taxi specific driving test in a TfL licensed taxi, paying particular attention to passenger safety and comfort, and vehicle features. These tests are conducted by the Driving Standards Agency (DSA) on

behalf of TfL and are in addition to the normal Department for Transport driving test requirements for DVLA licences.

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. Whilst the DSA would undertake the test, the modifications to the vehicle would first have to be approved by TPH.

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.

3.5.2 PHV driver applicants

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

3.5.3 Drivers with disabilities

Should a 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 upon the licence (provision is made for this under paragraph 27(1)(a) and Schedule 'D' of the London Cab Order, 1934 and section 13(5) of the PHV (London) Act 1998). There is no guarantee that specially adapted vehicles will be available for a driver to hire and this must be explained to the individual concerned at the outset. Moreover, any vehicle that is specially adapted must first be approved by TPH.

3.6 Topographical skills testing

3.6.1 Taxi driver applicants

Taxi driver applicants 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 quickest, most direct route.

Paragraph 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 or more suburban sector and will be tested on their Knowledge of that area.

There are nine suburban sectors⁷:

- Barking & Dagenham, Havering, Newham and Redbridge*
- Barnet, Brent and Harrow
- Bexley, Greenwich and Lewisham
- Bromley
- Croydon
- Ealing and Hillingdon
- Enfield, Haringey and Waltham Forest
- Hounslow, Kingston upon Thames and Richmond upon Thames*
- Merton and Sutton*



Figure 1 - Suburban sectors

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

⁷ From 1 February 2012, TfL will not process any new applications for those sectors marked * pending a review of suburban taxi driver licensing. Anyone submitting an application for one of these sectors should be given the option of having their application put on hold pending the outcome of the review; applying for another suburban sector; or applying for an All London licence

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 6 months before being allowed to re-take Stage 3. After a further two failures at Stage 3 refusal of the application should 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 to be given a period in which to apply for a re-sit. If they do not apply the application is to be discontinued. Given that applicants are paying for the resources they consume there is no need to consider refusal.

The TPH publication 'The Knowledge of London Examination System' provides a detailed description of the examination process and can be found on the TPH pages of the TfL website.

3.6.2 PHV driver applicants

There is a statutory requirement for PHV hire drivers to undertake an appropriate topographical test. Applicants are required to attend a designated, accredited assessment centre to undertake the PHV driver topographical skills assessment. The full specification for the assessment can be found on the TPH pages of the TfL website. On successful completion of the assessment, applicants are issued with a certificate which must be submitted to TPH with their application.

3.6.3 Exemptions

Any PHV driver applicant who satisfies any one of the criteria listed below will be regarded as having already satisfied the topographical skills requirement and will be exempt from taking the topographical skills test for a PHV driver's licence:

- previously licensed PHV drivers who have passed a TPH topographical skills assessment;
- licensed London taxi drivers – both All London and Suburban;
- professional London tourist guides (e.g. Blue Badge Driver Guide);
- an individual who can provide TPH with evidence of a relevant vocational qualification in passenger transport (e.g. NVQ or equivalent).

Any other applications for exemptions must be submitted to the Driver and Operator Policy Manager for consideration.

There is no exemption from the Knowledge of London for taxi driver applicants.

3.7 Right to live and work in the UK

All applicants for a PHV or taxi driver's licence must provide documentary evidence confirming their **right to live and work** in the United Kingdom.

The UK Border Agency 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 an ongoing entitlement to work in the UK; documents from List B indicate that the person has restrictions on their entitlement to be in the UK. A copy of every document produced should be kept.

The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK. The National Insurance number can only be used for this purpose when presented in combination with one of the documents listed in Appendix F.

Licences granted to drivers whose leave to remain in the UK is time-limited must only be valid for the period for which they are entitled to work in the UK. In order for the licence to be extended (up to the maximum three years) 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, any driver submitting this evidence more than three months after the expiry of the initial licence should not be afforded this privilege. In such cases the driver should 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.

In the event that a driver does not have his licence extended, he will, on request, be entitled to a refund of a pro-rata proportion of the grant of licence fee.

3.8 Appeals against a decision to refuse a licence

3.8.1 Taxi driver applicants

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

Any applicant for a taxi driver's licence who is dissatisfied with the decision to refuse to grant him a taxi driver's licence may, within the prescribed period (28 days), ask TfL to reconsider its decision by way of personal hearing. The procedure for personal hearings is summarised at Appendix C. If the applicant is not satisfied with the result of the reconsideration by TfL he may then appeal, within the prescribed period, to the appropriate magistrates' court.

3.8.2 PHV driver applicants

Section 13 (6) of the Private Hire Vehicles (London) Act 1998 provides an avenue of appeal against a decision by TfL to a refuse to grant a licence. PHV driver applicants who are refused a licence 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.

3.9 Previously refused applicants

In the event that an application is received from someone who has previously been refused a licence, the application should be considered in line with the guidelines in the above paragraphs. However, even if the applicant now meets the guidelines, if the previous application was refused on the basis of a serious criminal offence or because the driver may have posed a danger to the public, the case must be referred to a Licensing Manager.

3.10 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 is to be examined.

Any case where TfL has refused or revoked a licence for one of the following reasons should be referred to a Licensing Manager in the event of a further application being received:

- the driver committed any offence referred to in paragraphs:
 - 3.3.13 (a) and (b)
 - 3.3.15
 - 3.3.16
 - 3.3.19
- the driver committed any offence referred to in paragraphs
 - 3.3.13 (c)
 - 3.3.14
 - 3.3.17
 - 3.3.18
 - 3.3.20

that involved the use of a taxi or PHV;
- the driver received a prison sentence of 2½ years or more for any offence;

- the driver was disqualified from driving for a period of more than 12 months (or if not disqualified because of exceptional circumstances, committed an offence that attracts obligatory disqualification for more than 12 months);
- the driver posed a danger to the travelling public;
- repeated taxi/PHV offences;
- complaints history.

Furthermore, if, when refused or revoked, the driver was given an indicative timescale as to when a new application would be considered, and that timescale has not been met, the case should be referred to a Licensing Manager.

All other cases can be considered in line with the guidelines in this manual. If a licence was refused or revoked on medical grounds, the case must be submitted to TPH's specialist occupational medical advisor before consideration is given to re-licensing.

Paragraph 4.7 provides 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 he failed to renew his licence within 3 months of it expiring (see paragraph 4.16). When deciding whether or not to re-license, consideration should 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 he 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 should be given to refusing the application and at least 12 months should elapse before a further application is considered.

Any previously licensed taxi driver who has not driven a taxi for a period of 2 years other than by reason of illness or other unavoidable cause or more is to undergo a topographical knowledge re-test (see also paragraph 4.8). 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.

If a previously licensed taxi driver has not driven for a period of 3 years, consideration must also be given as to whether the driver should be required to re-take the DSA taxi driving test and/or the wheelchair assessment. If the driver has not previously taken the wheelchair assessment, he should be required to take and pass the assessment before he is re-licensed.

If a previously licensed PHV driver has never undertaken a topographical skills assessment (e.g. because he was licensed before the introduction of skills assessments or was exempt by virtue of holding a temporary permit) he should take an assessment as part of a re-application.

3.11 Action by other licensing authorities

Applicants are obliged to declare if they have had an application for a taxi or PHV driver's licence refused, or such a licence revoked or suspended by any other licensing authority. If such information is disclosed, the relevant authority must be contacted to establish when the licence was refused, suspended or revoked and the reasons why. Such information can be obtained under the provisions of section 31 the Data Protection Act 1988.

The information disclosed must 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 should be given to refusing the application.

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

3.12 Applicants for both taxi and PHV driver's licences

An applicant who has an active application for one form of driver's licence will be exempt from certain requirements should he apply for the other. Specifically this will include exemption from having to undergo a further medical examination and apply for an enhanced DBS check.

However, when the last DBS check was obtained must 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 must be requested before a licence is issued.

Equally, applicants will **not** be exempt from undergoing a further medical examination if they have reached the age at which 'age related' medicals are required and it is more than three years since their last medical. 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.

3.13 Outstanding Costs

Following an unsuccessful appeal against a decision by TfL to refuse, suspend or revoke a licence, it is likely that the driver/applicant will be ordered by the court to pay TfL's costs.

As part of any fresh application to be licensed a driver/applicant is required to declare any outstanding licensing debt. TfL cannot refuse an application on the grounds of outstanding costs but is within its rights to treat the application as incomplete and decline to process it, if there is an outstanding debt to TfL.

Therefore, in the event that the driver/applicant submits a further application to be licensed before all outstanding costs have been paid, the application should not be processed. Furthermore, all monies accompanying that application will be kept and off-set against the outstanding debt.

Only when the debt is fully discharged **and** the application fee is provided in full will the application be processed.

4. Driver Licences - Licence Holders

4.1 General

In any consideration it must be assumed that drivers do not have other employment. Consideration to revoke or suspend a licence should never be considered lightly. However, the licensing system is designed to protect the public and it would be wrong to avoid this course of action where it is clearly appropriate.

4.2 New convictions

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

- the seriousness of the latest offence(s);
- any previous criminal history;
- any earlier suspensions, warnings, etc.; and
- promptness of advising TPH.

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

- revocation
- suspension
- written warning
- no further action

In serious cases resulting in imprisonment (including suspended prison sentences), the revocation of a driver's licence is likely to follow. However, where an offence is less serious; mitigating circumstances are introduced; or the offence appears out of character; a period of suspension or a written warning could be considered appropriate.

Convictions which suggest the public may be at risk are of particular concern.

4.2.1 Adult Cautions

Adult Cautions (also known as Police or Simple Cautions) are not convictions but, being admissions of guilt, should be taken into consideration in the determination of good character. In considering a caution the following factors should be taken into account:

- the nature of the offence
- whether the offence was committed in the course of employment
- the driver's offending history; and

- the guidelines applicable had it been a conviction.

4.2.2 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 can 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 he have been convicted, further information regarding the case should be requested.

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

4.2.3 Violence

Offences against the person must 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 suspension or revocation unless significant mitigation is forthcoming.

Offences that should be treated as violent offences are listed at 3.3.13.

4.2.4 Possession of a weapon

A conviction for possession of a weapon or any other weapon related offence will normally result in suspension or revocation unless significant mitigation is forthcoming. A very serious view will be taken if a licensed driver is found in possession of a weapon when working.

4.2.5 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, must be dealt with as a matter of urgency. Convictions for sexual offences will be the subject of immediate disciplinary action which is likely to result in suspension/revocation.

If a licence is revoked for a serious sex or indecency offence, or for an offence committed in the course of employment as a taxi or PHV driver, it is unlikely that TfL will ever consider the individual fit to hold a driver's licence again. Furthermore, TfL will not normally grant a licence to any applicant who is currently on the Sex Offenders Register (see Appendix E).

4.2.6 Dishonesty

The honesty of drivers is essential for the reputation of London's hire and reward industries and drivers are in positions of trust. 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. 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 become 'fair game' for an unscrupulous driver.

A conviction or caution for a dishonesty related offence, which was committed during the course of employment as a taxi or PHV driver, will normally result in suspension or revocation unless significant mitigation is forthcoming. If the licence is revoked, this would debar a driver for being licensed for a minimum of 5 years (see Table 3). A conviction or caution for an offence committed outside the course of employment will normally result in a warning or suspension for a first offence; any subsequent cautions or convictions are likely to lead to the revocation of the licence.

4.2.7 Drugs

Given the carriage of the public on the highway by licensed drivers any drug related offence has significant safety implications. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered. A driver with a conviction for a serious offence should have his fitness to remain licensed reviewed.

If the licence is revoked the driver will generally be required to show a period of at least 5 years free of conviction before being allowed to proceed with a new application. More than one conviction for a drugs related offence should debar a driver for a minimum of 7 years. If the convictions are for drug use/misuse a specialist medical examination (in accordance with DVLA Group 2 medical standards) will be required before any application may be allowed to proceed.

4.2.8 Drink Driving/Driving Under the Influence of Drugs

When a driver is convicted of driving or being in charge of a motor vehicle while under the influence of drink or drugs, a distinction is to be made between offences committed in or outside of the course of employment, bearing in mind that a vehicle can be used privately. Nonetheless, any drink/drug driving conviction will result in disciplinary action being considered. If the conviction is for an offence that attracts obligatory disqualification (see Appendix B) revocation of the taxi/PHV driver's licence should be considered regardless of the sentence imposed by the court.

An offence committed outside licensed employment will normally result in an application to be re-licensed being sympathetically considered on return of the DVLA driving licence, subject to there having been no previous similar convictions. However, if the offence occurred when fare paying passengers were being carried, the 'taxi' sign was lit, or as part of a pre-booked journey, i.e. in the course of employment, revocation will normally be maintained for a minimum period of 12 months after restoration of the ordinary driving licence (see section 4.7).

In the event that the driver was not disqualified yet revocation followed, a further application should not be considered until a period equivalent to the minimum period of disqualification for the offence has lapsed since the date of revocation.

Following a second conviction, at least three years should elapse following the return of the DVLA licence before an application will be considered.

4.2.9 Driving offences

Endorsable driving offences:

All live endorsable offences will be shown on an individual's driving licence. For major driving offences action will be considered in accordance with the table below, taking into account the penalty imposed which will be an indication of the seriousness of the offence.

Table 1 - Major driving offences

i)	Causing death by dangerous driving	Revocation	
i)	Dangerous driving	Revocation	
iii)	Causing death by careless driving	Revocation	
iv)	Causing death by careless driving whilst under the influence of drink or drugs	Revocation	
		Outside employment	In employment
v)	Driving whilst uninsured	Warning letter	One month suspension
	Driving without due care and attention/without reasonable consideration		
	Fail to stop/fail to report an accident		
	Second conviction within 2 years	Revocation	

A full list of endorsable offences can be found at Appendix B.

In normal circumstances any driver accumulating 12 penalty points on his driving licence in a three year period will be disqualified from driving for a minimum of six months. However, the courts have the discretion not to disqualify in exceptional hardship. Where this discretion is exercised and the driver has not been convicted of more than one major offence (see Table 1 above) TfL will not revoke the driver's licence but will issue a written warning highlighting the risk of revocation should the driver receive further penalty points and is subsequently disqualified.

Non-endorsable traffic offences:

Minor traffic offences are not recorded on driving licences, do not attract penalty points, cannot lead to disqualification and are not taken into consideration when assessing a driver's fitness.

4.2.10 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 TPH licence. Revocation will still result even if the driver does not inform TPH about a disqualification until the disqualification has ended and he has had his DVLA driving licence restored and an application to be re-licensed will not be considered until a period equivalent to the period of disqualification has lapsed.

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 circumstances the driver should be invited to voluntarily surrender his badge and licence for the duration of the disqualification. The driver should 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; and
- b) any further disqualifications may result in automatic revocation.

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

4.2.11 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 his licence revoked.

An application to be re-licensed will not be considered until at least 12 months after the date of revocation, subject to him having had no previous similar convictions or cautions. 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 touting in the last 5 years.

In the event that TPH becomes aware of a conviction or caution for touting within three months prior to the expiry of the driver's licence, whilst 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 should be allowed to expire and any further applications will be considered in line with the guidelines above. The driver should also be advised that any renewal application submitted at this time will be refused.

Offences identified by TPH Compliance Officers can be treated in the same way as a conviction or caution. On each occasion a full written report of the facts accompanied by witness statements must be submitted by the officer concerned prior to any disciplinary action being taken.

Licensed PHV operators will also need to be informed that their fitness to remain licensed may also come under scrutiny if significant numbers of their drivers are apprehended - see section 10.3.

Taxi drivers:

In the event that a licensed taxi driver is convicted of touting his fitness to remain licensed must 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 would 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/conviction for a similar offence will result in suspension or revocation of the licence.

4.2.12 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 insured for that usage.

Any licensed PHV driver who is convicted or cautioned for illegally plying for hire will normally have his licensed 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 of revocation, subject to him having had no previous similar convictions or cautions. 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 5 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) his fitness to remain licensed must 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 would be an appropriate option dependent upon the circumstances. Subsequent convictions will attract more severe penalties.

See also paragraph 4.16.

For both taxi and PHV drivers, offences identified by TPH Compliance Officers can be treated in the same way as a conviction or caution. On each occasion a full written report of the facts accompanied by witness statements must be submitted by the officer concerned prior to any disciplinary action being taken.

4.2.13 Equality Act offences

Sections 168 and 171 of the Equality Act 2010 require taxi and PHV drivers to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without any additional charge.

The power to prosecute such offences lies with licensing authorities, therefore if TfL had already prosecuted the driver it could be considered unreasonable if we were to seek to punish the driver twice by suspending or revoking his licence. However, more than one incident of this type could give TfL reason to consider the driver's fitness to be licensed.

4.2.14 Arrests, charges and summonses

If a licensed driver is arrested, charged or summonsed for a serious offence which suggests he would be a danger to the public, consideration should be given to immediate suspension of his licence. Such offences would include serious violent offences; all sex and indecency offences; and use of illicit drugs or excess alcohol whilst at work.

See paragraph 4.6 for further details regarding immediate suspensions.

In the event that the allegation does not result in a prosecution, conviction or caution, full details regarding the circumstances of the case should be obtained from the police before making a decision regarding the restoration of the driver's licence. If there are reasonable grounds to suggest that the driver presents a risk to the travelling public, consideration must be given to revoking his licence.

A driver who has been the subject of more than one allegation of a sex offence (even if all allegations have not resulted a prosecution, conviction or caution) will normally have his licence revoked unless significant mitigation is provided.

4.2.15 Drivers admitting to sexual contact in a licensed vehicle (PHV only)

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, he will have his 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 3.3.15.

4.2.16 Failure to advise TPH of convictions

It is a condition of licensing that a driver informs TfL of any convictions or cautions he receives. Therefore, a more serious view should be taken if the driver has failed to declare a conviction or caution.

If, during the renewal of a licence, a DBS check or driving licence check reveals an undeclared conviction consideration should be given to refusing the renewal application. A further application should not be considered for a period of at least 12 months at which point the new applicant guidelines for the relevant offence should be applied.

Furthermore, if a licensed taxi or PHV driver has been disqualified from driving and has not informed TPH, the renewal application should be refused and a further application should not be considered until a period equivalent to the period of disqualification has lapsed.

4.3 Taxi and PHV offences

4.3.1 Taxi offences

The following are specific offences identified under hackney carriage law:

- refusing to be hired (to a destination within the licensing area up to 12 miles or 20 miles from Heathrow)
- 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*

Whilst the majority of allegations of these offences will be the result of customer complaints (see paragraph 4.4), any driver receiving a conviction or caution for taxi specific offences will result in his previous licensed history being examined. 'One off' offences will normally result in a warning letter being sent to the driver. A series of offences being committed will result in consideration of continued fitness to hold a taxi driver's licence.

Specific guidelines for the offences marked * can be found in paragraphs 4.3.2 - 4.3.5 and 4.3.10.

Offences identified by police or TPH Compliance Officers activity but not resulting in a conviction will be considered in a similar manner to a conviction.

4.3.2 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 paragraph 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, a second offence will result in a suspension for one month, and a third offence in the same period will result in revocation of the driver's licence.

Incidents arising from passenger complaints where there is no corroboration will be dealt with by a written warning to the driver in the first instance. Any further occurrences will result in a period of suspension being considered taking into account any other relevant information such as previous complaints/warnings etc.

4.3.3 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 whilst 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, a second offence will result in a suspension for one month, and a third offence in the same period will result in revocation of the driver's licence.

If the driver is not wearing his badge because it has been lost or stolen and he has informed TPH, no further action is necessary. However, if the driver fails to inform TPH action as above should be considered.

4.3.4 Failing to carry copy of taxi driver's licence

Taxi drivers who fail to carry their copy licence whilst working are committing an offence under paragraph 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, a second offence will result in a suspension for one month, and a third offence in the same period will result in revocation of the driver's licence.

If the driver is not carrying his licence because it has been lost or stolen and he has informed TPH, no further action is necessary. However, if the driver fails to inform TPH action as above should be considered.

4.3.5 Failing to display taxi driver identifiers

As of 1 March 2012, all taxi drivers, when plying for hire, must display 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 his badge number and for suburban licence holders, details of the exact area for which he is 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 paragraph 28A of the London Cab Order 1934.

Action should be taken in accordance with the following guidelines:

- i) Not displaying identifiers: 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, a second offence will result in a suspension for one month, and a third offence in the same period will result in revocation of the driver's licence.
- ii) If the driver is not displaying identifiers because they have been lost or stolen and he has informed TPH, no further action is necessary. However, if the driver fails to inform TPH action as at (i) above should be considered.
- iii) Displaying identifiers in the wrong place: A Compliance Officer should resolve on the spot either by issuing an additional wallet to affix in the correct location or making a note to send an additional wallet to licensee's address.
- iv) Displaying identifiers with the wrong badge number: Each case will be judged on its own merits although if there is evidence of fraudulent activity consideration must be given to suspending or revoking the driver's licence (see also (v) below).
- v) If a driver is found by police or TPH Compliance Officers displaying forged, fake or stolen identifiers, unless significant mitigation is provided within 14 days, consideration must be given to revoking his licence with immediate effect.
- vi) Following revocation any application to be re-licensed should be considered in line with the guidelines for dishonesty offences committed in the course of employment as a taxi driver (see paragraph 4.7 and Table 3). Furthermore, if the driver is undertaking the All London Knowledge, this should be terminated and no examinations offered until such time as a new application to be licensed is accepted.
- vii) Drivers displaying photocopies of their identifiers, and storing their original elsewhere in their taxi: The driver should be given a verbal warning and advised to display the correct identifiers. A record of the warning must be made and should the driver repeat the offence it should be dealt with as at (i) above.

4.3.6 PHV 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)

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

4.3.7 Failing to wear PHV driver's badge

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



Figure 4 - PHV driver's badge

PHV drivers who fail to wear their badge whilst working are committing an offence under Section 14 of the PHV (London) 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, a second offence will result in a suspension for one month, and a third offence in the same period will result in revocation of the driver's licence.

If the driver is not wearing his badge because it has been lost or stolen and he has informed TPH, no further action is necessary. However, if the driver fails to inform TPH action as above should be considered.

4.3.8 Failing to produce PHV driver's licence

Unlike taxi drivers, PHV drivers are not required to carry their copy licence whilst working, however, a driver is required to produce it for inspection when requested to do so by a police or authorised officer such as a TPH Compliance Officer. If the driver cannot produce it immediately he has six days to do so. Failure to do so is an offence under section 21 of the PHV (London) 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, a second offence will result in a suspension for one month, and a third offence in the same period will result in revocation of the driver's licence.

If the driver cannot produce his licence because it has been lost or stolen and he has informed TPH, no further action is necessary. However, if the driver fails to inform TPH action as above should be considered.

4.3.9 Heathrow Airport (Taxi and PHV)

In addition to the taxi offences listed at 4.3.1, there are taxi offences specific to Heathrow Airport which are identified within the Heathrow Airport by-laws. The by-laws are listed in the taxi driver's Abstract of Laws, published by TPH. Enforcement of the by-laws is dealt with either by the airport authority or the police.

Offences identified by police, traffic wardens or airport officials but not resulting in a conviction will be considered in a similar manner to a conviction.

As with other taxi 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 continued fitness to hold a taxi driver's licence.

In addition to prosecuting drivers for offences under its by-laws, Heathrow Airport Limited (HAL) has the power to prohibit drivers from the airport either on a temporary or permanent basis. This power is frequently used in respect of drivers found to be touting. A temporary prohibition is a punishment in itself and it would therefore be inappropriate for TfL to take additional disciplinary action. However, should a driver receive a permanent prohibition or multiple prohibitions for cab related offences, or is prosecuted for breaching a prohibition, the driver's fitness to remain licensed must be reviewed, taking into account the circumstances that led to the prohibition(s).

4.3.10 Leaving a taxi or PHV unattended on a taxi rank

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.

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

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

In the event that a Compliance Officer or police officer witnesses and reports an unattended taxi or a PHV on a taxi rank, the guidelines in Table 2 below should be followed. Complaints from members of the public or other drivers should be passed to the TPH Intelligence Team to target compliance activity.

Any action by TPH will taken be regardless of parking enforcement action by the local authority.

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

Table 2 - Taxis and PHVs left unattended on taxi ranks

Allegation	Offence number*/action
Licensed London taxi left unattended on a taxi rank	<ol style="list-style-type: none"> 1. Advisory letter 2. Written warning 3. One month suspension 4. Three month suspension 5. Revocation
Licensed London PHV left unattended on a taxi rank (including rest and shelter ranks)	<ol style="list-style-type: none"> 1. Written warning 2. One month suspension 3. Three month suspension 4. Revocation
Licensed London PHV with driver waiting on a rank (including rest and shelter ranks)	<p>Driver instructed to remove his vehicle</p> <ol style="list-style-type: none"> 1. Written warning 2. One month suspension 3. Three month suspension 4. Revocation
Non-London licensed taxi or PHV on a taxi rank	<p>If driver present, instruct him to remove his vehicle</p> <p>Pass evidence to relevant licensing authority</p>

* During the period of the current and preceding licence.

4.4 Complaints

The Congestion Charging and Traffic Enforcement (CC&TE) Correspondence Unit 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 TPH.

4.4.1 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 the document 'Taxi and Private Hire Complaints Processes and Guidelines'.

4.4.2 Private Hire

PHV regulations require PHV operators 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.

In the most serious cases e.g. where the standard of behaviour falls far below that expected of a licensed PHV driver, or if it is not appropriate to refer the matter to the operator or other authority, TfL will carry out the investigation.

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. Again, full details are set out in the document 'Taxi and Private Hire Complaints Processes and Guidelines'.

4.4.3 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 should be examined. Isolated minor complaints should not give any cause for concern but if a driver has attracted a number of complaints (typically three within the preceding two years) the CC&TE Correspondence Unit Team Leader will ask TPH to review his fitness to remain licensed.

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 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 his behaviour.

c) Suspension

The driver has demonstrated a pattern of poor behaviour or 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 partners or our policing partners in the course of their work, the case will be referred to the TPH Licensing Team for a decision. Guidelines for decision making in respect of individual complaints are contained within the aforementioned 'Taxi and Private Hire Complaints Processes and Guidelines'.

4.5 PHV Driver Dismissal Notices

PHV operators are required to advise TfL if a driver becomes unavailable by virtue of that driver's unsatisfactory conduct in connection with the driving of a PHV i.e. he is dismissed.

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

A single occurrence of being dismissed will not normally result in any further action, but if a history or pattern of behaviour is evident then the driver's fitness to remain licensed must be reviewed.

4.6 Immediate suspension of licences

If it comes to notice that a licensed driver has been arrested, charged or cautioned for a serious offence which suggests he would be a danger to the public, consideration should be given to immediate suspension of his licence. Such offences would include serious assaults; rape, paedophilia and other serious sexual and indecency offences; and use of illicit drugs or excess alcohol whilst at work.

In assessing the action to take, the safety of the travelling public must be the paramount concern. If the driver is remanded in custody or subject to bail conditions which preclude him from working as a driver, appropriate disciplinary action should still be initiated.

Any decision by TfL to immediately suspend a licence until the outcome of criminal proceedings are known should be conveyed to the licence holder as soon as possible following the decision being made. This will involve the assistance of a Compliance Officer who will either hand deliver the letter to the individual concerned or leave it at the registered address of that individual. Recovery of the licence should only be pursued when it is considered safe to do so. Following service of the letter, the Compliance Officer should immediately contact the Licensing Team in order that the licensee's details can be removed from the public registers. The Compliance Officer will also be required to make an entry in his note-book and subsequently supply the Licensing section with written confirmation of the service of the letter. All

requests for Compliance Officer assistance should be made through the Compliance Manager or his deputy.

4.7 Return of licence following suspension/revocation

Except for medical reasons, a licence is suspended for a predetermined period and is 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.

In practice an application can be made at any time, but a new licence will not normally be issued until the applicant can show a suitable period free from further conviction. Each case must be considered on its merits and drivers **must 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.

Any case where TfL has refused or revoked a licence for one of the reasons listed in paragraph 3.10 should be referred to a Licensing Manager in the event of a further application being received.

Furthermore, if, when refused or revoked for any other reason, the driver was given an indicative timescale as to when a new application would be considered, and that timescale has not been met, the case should be referred to the Head of Licensing.

Whenever a licence has been revoked because of criminal, driving or taxi convictions, the applicant is to be warned as to the significance to his licence status if there is any reoccurrence at sometime in the future before being allowed to proceed. A new licence will only be issued after all enquiries have been completed satisfactorily.

Table 3 - Minimum periods before re-licensing

Offence type		Period before re-licensing	
Sex & indecency	Outside employment	See guidelines at 3.3.15	
	In the course of employment	See guidelines at 3.3.15 (a)	
Violence	Outside employment	See guidelines at 3.3.13	
	In the course of employment	At least 2 years in addition to the guidelines at 3.3.13	
Dishonesty	Outside employment	At least 3 years*	
	In the course of employment	At least 5 years*	
Touting/Illegally plying for hire	First caution/conviction	1 year [†]	
	More than one caution/conviction	See guidelines at 3.3.22	
Drugs	First conviction	See guidelines at 3.3.18	
	More than one conviction	At least 2 years in addition to the guidelines at 3.3.18	
Driving under the influence of drink or drugs	Not involving use of a taxi or PHV	first conviction	Disqualified - On return of DVLA driving licence Not disqualified – after a period equivalent to the minimum period of disqualification
		more than one conviction	a minimum of 1 year [‡]
	Involving taxi or PHV	first conviction	1 year [‡]
		more than one conviction	3 years [‡]

Driving offences involving the loss of life	Outside employment In the course of employment	See guidelines at 3.3.19 At least two years in addition to the guidelines at 3.3.19
Other serious driving convictions		On return of DVLA driving licence or 1 year* whichever is the later. For taxi drivers consideration is also to be given to passing another driving test in a taxi against the background of previous driving history.
Persistent serious taxi offences (convictions and complaints) including:	Refusal Abusive language Misbehaviour Demanding more than the legal fare Plying for hire elsewhere Plying for hire outside of licensed area	3-5 years [‡]
Knowingly working as an taxi or PHV driver after expiry of licence		1 year [‡]

* from date of conviction, [‡] from date of return of DVLA driving licence, [†] from date of revocation/refusal

NB Care must be taken not to regard these periods as rigid and they can be varied (i.e. shortened or lengthened) according to the merits of the particular case.

4.8 Topographical skills re-tests

Taxi drivers

Should a previously licensed driver's application for re-licensing be approved and the driver has been unlicensed for 2 years or more, he will normally be required to undertake a topographical knowledge assessment. A Knowledge of London Examiner will carry out such an assessment.

This requirement applies to any driver who has been unlicensed for a period of two years or more, whether by choice or 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 Driver and Operator Policy Manager.

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.

4.9 Medical fitness considerations

4.9.1 Taxi

Drivers are required to continue to satisfy TfL that they are medically fit to hold a driver's licence throughout their career. 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.

Following the initial medical report at application stage, taxi drivers are required to undergo a medical examination at the ages of 50, 56, 62, 65 and annually thereafter. If circumstances dictate, medicals may be required at such other times as may be considered appropriate.

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 4.9.4) and each case must be considered on its merits. Where any doubt arises, further advice should be sought from TPH's own specialist occupational medical advisor who will provide guidance as to any further enquiry/examination.

4.9.2 Private Hire

Drivers are required to continue to satisfy TfL that they are medically fit to hold a driver's licence throughout their career. 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.

Following the initial medical report at application stage, PHV drivers are required to undergo medical examination at age 45 and subsequently on renewal until the age of 65 when these will be required annually. If circumstances dictate medicals may be required at such other times as may be considered appropriate.

In general the same standard of fitness is required as for new applicants and each case must be considered on its merits. Where any doubt arises, further advice should be sought from TPH's own specialist occupational medical advisor who will provide guidance as to any further enquiry/examination.

4.9.3 Diabetes

Following a review of the policy in respect of taxi and PHV drivers with diabetes (see paragraph 3.4.4), with effect from the 2 January 2006, the following criteria have to be met by all licensed drivers with insulin treated diabetes.

Annually the licensee will be required to:

- a) submit to TfL, for examination, their valid DVLA C1 category Group 2 licence;
- or
- b) provide a medical report from a hospital consultant specialising in diabetes confirming:
 - that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,
 - the licensee has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

4.9.4 Visual acuity – 'Grandfather rights'

Drivers who were originally licensed under lower standards are allowed 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 individual remaining continuously licensed since he was 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 should be applied.

Table 4 - 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>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 $\leq +8$ dioptries.
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 $\leq +8$ dioptries. <p>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.

4.9.5 Retirement age

No specific retirement age is applied to drivers and subject to providing satisfactory medical evidence of continued fitness to drive and all other licensing criteria are met they can continue to be licensed.

4.9.6 Medical reports for other professions

Some professions require an in depth medical to be undertaken (e.g. pilot's licence). Medical advice has been sought and confirmation received that the standard of medical fitness required by the Civil Aviation Authority meets that required by TPH and as such TfL has agreed to grant the exemption. To retain the exemption the applicant in question will have to continue to produce a valid, current pilot's licence Joint Aviation Authorities whenever TfL requests a further medical.

4.9.7 Consideration of immediate suspension of licence

Where a licence holder appears to fail to meet the required medical standard he is to be invited to voluntarily surrender his licence pending clarification of his medical condition(s). Failure to do so will necessitate TfL considering formal immediate suspension action on the basis of safety of the travelling public.

The driver will be invited to present further (written) medical evidence on the medical condition(s) or issue. Should he fail to do so his fitness to remain licensed must be reviewed. Where evidence suggests that it would be dangerous to allow a driver to continue driving for even a short period, TfL will suspend the licence forthwith. The driver should be informed that the decision may be reconsidered if and when he provides further medical evidence.

If, having voluntarily surrendered his 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 must be advised that the licence cannot be returned until such time as he can prove that he meets the medical standards.

If it is reported that a driver has collapsed at the wheel whilst driving, immediate steps must be taken to ensure that he does not drive again until medical clearance has been obtained. The driver's licence must be suspended as soon as possible and not restored until satisfactory medical evidence is produced by the driver.

4.9.8 Failure to provide medical evidence

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

4.10 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 must be obtained from that authority including the date of the refusal, suspension or revocation and the reasons for it. Such information can be obtained under the provisions of section 31 the Data Protection Act 1988.

Consideration must 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 travelling public, consideration should be given to suspending or revoking his licence.

4.11 Debts/Bankruptcy

Taxi proprietors and PHV operators may feel that TPH 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 TPH staff are not debt collectors. The prime responsibility for thwarting the activities of persistent debtors must rest with the owners/operators themselves e.g. by them creating and maintaining a list of bad debtors for the information of all 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 disciplinary action.

Taxi drivers who fail to return the vehicle to the proprietor 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 TPH receives notification that a licensed driver has been declared bankrupt there is no need to review their fitness to hold a licence.

If TPH 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 must provide details of the BRU or BRO and consideration must then be given to his continued fitness to hold a licence.

4.12 Appeals against a decision to suspend or revoke a licence

4.12.1 Taxi drivers

Section 17 of the Transport Act, 1985 provides a reconsideration and appeals system relating to the decisions taken by TfL to revoke or suspend taxi driver's licences.

Any taxi driver who is dissatisfied with the decision of TfL to suspend or revoke his taxi driver's licence may, within the prescribed period, (28 days) ask TfL to reconsider its decision by way of a personal hearing. The procedure for personal hearings is summarised at Appendix C. If the applicant is not satisfied with the result of the reconsideration by TfL he may then appeal, within the prescribed period, (28 days) to the appropriate magistrates' court

4.12.2 Private Hire drivers

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

Any PHV driver who is dissatisfied with the decision of TfL to suspend or revoke his licence may, within the prescribed period (21 days) appeal to the appropriate magistrates' court. If the driver is not satisfied with the result he may appeal within the prescribed period (21 days) to the Crown Court.

4.13 Renewals

Following the introduction of the DBS's applicant-only certificate system on 17 June 2013, TPH no longer issue licences to renewing drivers pending receipt of a DBS check.

A licence can only be issued when:

- TPH has received notification from the DBS that the criminal record check has been undertaken; and
- if requested to do so, the driver has submitted his DBS certificate for examination.

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

The following guidelines can continue to be followed for any Disclosures issued before 17 June 2013:

One of the main causes of delay in processing licence applications and renewals is the length of time it takes to receive a certificate from the DBS. To ensure that working drivers are not disadvantaged by a problem beyond TPH's control, licences may be issued prior to receipt of the DBS certificate as long as the following criteria are met:

- *the applicant is currently licensed and has undergone a satisfactory DBS check for TPH for the current licence;*
- *the applicant has submitted a timely renewal application and applied for a DBS check;*
- *the current licence is due to expire within the next ten days;*

- *the applicant has a valid driving licence and photocard and all driving convictions during the period of the current licence have been taken into consideration (see guidelines at sections 4.2.8, 4.2.9, 4.2.10 and 4.2.16);*
- *we have received nothing from police or any other law enforcement agency to suggest that the applicant may no longer be a fit and proper person;*
- *any pending prosecutions have been considered by a Licensing Manager;*
- *the applicant has signed the declaration on the application form stating that they have not received any convictions since being issued with their last licence;*
- *the applicant's previous licence was issued without the need for a warning letter.*

The following paragraph will be inserted in the letter accompanying the issue of the licence:

“If this is a renewal of a previous licence and you have yet to receive your most recent DBS certificate, or have received it only within the last week, it is likely that this licence has been issued without sight of the DBS certificate. You should therefore be aware that your fitness may be subject to review once that DBS certificate has been considered and if it is unsatisfactory could result in this licence being revoked.”

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 should be asked to submit additional evidence as a matter of urgency. The driver must 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.

4.14 Expired DVLA photocards

DVLA photocard are valid for 10 years after which they must be renewed.

However, as it is the photocard that expires not the driving licence, DVLA advise that a driver can continue to drive before a new photocard is issued as long as he:

- has held a Great Britain or Northern Ireland licence issued since 1 January 1976 or another exchangeable licence;
- is not disqualified from driving;
- has not been refused a licence for medical reasons or for failing to comply with medical enquiries;
- would not be refused a licence for medical reasons; and
- keeps to any special conditions which apply to the licence.

As long as the driver meets the criteria above, TfL has no objection to a driver continuing to work as a taxi or PHV driver in London while he awaits the issue of a

new photocard. However, an expired photocard must be renewed before a new taxi or PHV driver's licence can be issued.

4.15 Late renewals

In the event of a driver submitting an application for renewal of his 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.

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 his licence more than three months after the expiry of the preceding licence should not be afforded this privilege. In such cases the driver should 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.

Any taxi driver who has been unlicensed for 2 years or more will be required to undergo a Knowledge of London assessment prior to being re-licensed (see section 4.8).

If late renewal is unavoidable due to a medical condition a more relaxed approach should be made with reference to the London Cab Order 1934 paragraph 25(b).

Any driver who submits a renewal application after the expiry of his licence must be advised that he is no longer licensed and cannot work until a new licence is issued.

4.16 Drivers working after the expiry of their licence

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

Any driver who fails to renew his licence should be advised in writing that his licence has expired and he is no longer permitted to work. The driver should be advised to submit a renewal application immediately. Alternatively, if the driver does not intend to renew he should be instructed to return his badge and expired licence.

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

It would be appropriate to re-license subject to a written warning if the offence was an isolated occurrence, there were genuine reasons for the driver failing to renew his licence, and he had renewed promptly previously. However, if a driver is found to be working:

- a) after having been warned that his licence has expired; or
- b) more than three months after his licence has expired,

consideration should be given to refusing his application.

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

Section 14(10) of the Private Hire Vehicles (London) 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 exemption 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;
- the passenger specifically requests the driver to refrain from wearing the badge for the duration of the individual booking concerned having confirmed to their satisfaction the driver's licensed status and wearing a badge would significantly detract from the service provided.

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

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

4.18 Exemption from having to carry guide and assistance dogs

Sections 168 and 170 of the Equality Act 2010⁸ require taxi and PHV drivers 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.

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

⁸ On 1 October 2010 the duties placed on drivers to carry guide dogs and other 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.

condition. A driver’s General Practitioner should 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.

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

Where an exemption is granted, the Licensing Team will advise the driver accordingly and issue him with an exemption certificate and Notice of Exemption (see Figure 5). 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.

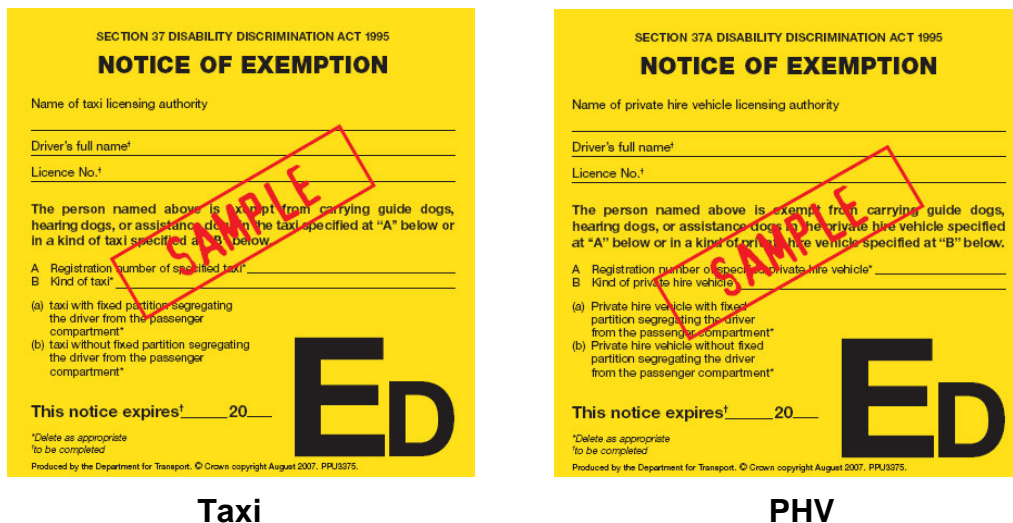


Figure 5 - Carriage of assistance dogs Notices of Exemption

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, therefore any driver whose application is refused must be advised of his rights of appeal. The following DfT publications provide full guidance in respect of considering exemption applications:

- 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

4.19 Exemption from having to assist wheelchair users

Section 165 of the Equality Act 2010 will place a duty on the drivers of taxis and PHVs that have been designated by TfL as wheelchair accessible⁹ to carry a passenger in a wheelchair and to do so without any additional charge. Drivers will also have a duty to assist the passenger get into and out of the vehicle and to give the passenger such mobility assistance as is reasonably required. 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 his wheelchair.

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

Section 165 has yet to come into force but since 1 October 2010 drivers have been able to apply for an exemption in advance of its enactment. 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 (this may require the driver to help the passenger to get out of the wheelchair and into a seat); and
- reverse the entire process.

Where an exemption is granted, the Licensing Team will advise the driver accordingly and issue him with an exemption certificate and Notice of Exemption¹⁰. Once section 165 comes in to force the Notice must then be displayed in the windscreen of the driver's vehicle whenever he is working.

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

⁹ A list of designated vehicles will be published when Section 165 comes into force. It is expected that all licensed taxis will be designated as wheelchair accessible.

¹⁰ Regulations specifying the exact format of the Exemption Notices have yet to be made. DfT will distribute the Exemption Notices shortly before the regulations come into force. Images of the Exemption Notices will be included in this manual in when they become available.

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.

Under section 167 of the Equality Act 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 must be advised of his rights of appeal.

4.20 Refund of licence fees

The PHV driver regulations make specific references as to when licence fees can be refunded. Although there are no similar requirements in taxi regulations, the PHV principles can 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; or
- the holder dies.

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.

4.21 Suburban taxi drivers – Increasing licence areas

4.21.1 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 paragraph 3.6.1). This can be instigated on request to the Knowledge of London Manager.

In the event that a suburban driver who is undergoing Knowledge examinations for another licence area has his licence revoked, the Knowledge process must be terminated forthwith. The driver must be advised in writing that he will not be able to take any further examinations and if he wants to be licensed for the larger area he would have to make a new application (which would need to be considered in line with the guidelines at 4.7).

If a suburban driver's licence is suspended, all Knowledge examinations must also be suspended for the period of the suspension.

As the driver is already licensed there is no need for him 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 his licence.

4.21.2 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.

5. Vehicle Licences - General Regulatory

5.1 Taxi

The power to grant taxi licences is contained within Section 6 of the Metropolitan Public Carriage Act 1869 (as amended) and Paragraph 7 of the 1934 Order (as amended) provides that applicants may be granted a licence if:

- they are a fit and proper person;
- their vehicle conforms with the conditions of fitness and;
- the requirements of paragraph 8 of the 1934 Order as to liability to third parties are met.

5.2 Private Hire Vehicles

The power to grant PHV licences is contained in Section 7(2) of the Private Hire Vehicles (London Act) 1998. TfL shall grant a licence in respect of the vehicle if the authority is satisfied.

- that the vehicle is suitable in type, size and design for use as a private hire vehicle
- is safe, comfortable and in a suitable mechanical condition for that use,
- is not of such design and appearance as would lead any person to believe that the vehicle is a London cab.

The 1998 Act is clear in describing the licensee as the owner. The Act identifies the owner as the registered keeper as defined by the Vehicle Excise and Registration Act 1994. Therefore all licences are issued in the name of the registered keeper.

There is no requirement for the owner of the vehicle to prove he is of good character.

6. Vehicle Licences - New Applicants

6.1 Name on the licence

Taxi and PHV licences will be issued in the name of the vehicle's registered keeper. The registered keeper can be a company or other entity. Where the application is for a taxi licence and the registered keeper is a company or other entity, details of a person who will be responsible for the vehicle will be captured at the point of application.

6.2 Fit and proper person (taxi only)

6.2.1 General

To ensure that an applicant is a 'fit and proper person', TfL has determined that his character is assessed on the basis of the information provided by a standard DBS check. A standard DBS check will contain details of all convictions on record, whether spent or unspent and any cautions, warnings and reprimands.

Applicants for a taxi licence who are already licensed as London taxi drivers or existing proprietors already 'approved' by TPH will not be required to obtain a further DBS check.

TPH will comply with DBS's Code of Practice in regard to use/retention of Disclosure information (See Appendix D)

6.2.2 Consideration of criminal history

Unlike a taxi driver, a taxi proprietor is not an excepted profession under the Rehabilitation of Offenders Act 1974; therefore only unspent convictions should be taken into consideration when determining the fitness of an applicant.

In assessing an application for a taxi proprietor's licence, the guidelines in respect of drivers within section 3.3 should be referred to. However, the relevance of the convictions to the licence applied for must be taken into consideration.

Ultimately, the overriding consideration in reaching a decision will be based on whether the applicant can fulfil his role without posing any likely threat to the general safety of the public.

6.3 Vehicle standards

The defined vehicle standards, documentary requirements and reasons for refusal of licences for taxis and PHVs are detailed in following documents:

- Conditions of Fitness (taxis)
- Taxi Licensing Inspection Manual
- PHV Licensing Inspection Manual

The current versions of these documents can be found on the taxi and private hire pages of the TfL website.

6.4 Appeals

6.4.1 Taxi

Section 17 of the Transport Act 1985 provides for a reconsideration and appeals system relating to the decisions taken by TfL to refuse applicants a taxi licence.

Any applicant for a taxi licence who is dissatisfied with the decision of TfL to refuse to grant him a taxi licence may, within the prescribed period (28 days), ask TfL to reconsider its decision by way of a personal hearing. The procedure for personal hearings is summarised at Appendix C. If the applicant is not satisfied with the result of the reconsideration by TfL, he may then appeal, within the prescribed period (28 days), to the appropriate magistrates' court.

6.4.2 Private Hire

Section 25 of the Private Hire Vehicles (London) Act 1998 provides for an appeals system relating to decisions taken by TfL to refuse applicants a private hire vehicle licence.

Any applicant for a private hire vehicle licence who is dissatisfied with the decision of TfL to refuse to grant him a vehicle licence may, within the prescribed period (21 days) appeal to the appropriate magistrates' court. If the applicant is not satisfied with the result he may appeal to the crown court.

7. Vehicle Licences – Licence Holders

7.1 General

Paragraph 19(1) of the 1934 Order and Sections 16(3) and 22 of the Private Hire Vehicles (London) Act 1998) prescribe the various grounds on which taxi and PHV licences respectively may be suspended or revoked.

The aim is to protect the public interest by ensuring that taxis and PHVs are properly maintained and owners comply with the statutory requirements and general standards expected of them.

7.2 Character considerations

7.2.1 Taxi

Any proprietor who is convicted of a serious offence may have his fitness to hold a taxi licence reviewed. In deciding whether a proprietor remains a fit and proper person, the guidelines at paragraph 6.2.2 should be followed.

If a taxi licensee has his licence revoked he may not necessarily sell the vehicle(s). An owner-driver, for example, may retain ownership of the vehicle but allow another person to be the licensee. However, TPH would need to be assured that the new proprietor was fully aware of their responsibilities and that there was no link in the day-to-day running of a fleet by a revoked proprietor. (A company may appoint another licensee at any time).

7.2.2 PHV

There is no 'fit and proper' requirement for the owners of PHVs and section 16(3) of the 1998 Act suggests that the suspension or revocation of a licence, under that section, can only be for a reason connected to the fitness of the vehicle for use as a PHV.

However, section 16(1) of the 1998 Act allows TfL to suspend or revoke a PHV licence 'for any reasonable cause'. Therefore, in exceptional circumstances, TfL will consider suspending or revoking a PHV licence if the owner of the vehicle is convicted of an offence that seriously jeopardises public safety.

7.3 Breach of conditions (taxi)

The conditions set out in paragraph 14 of the 1934 Order are designed to ensure that an owner maintains his taxis properly and complies with all the requirements of his licence(s). When proprietors neglect their obligations in this respect, action must be taken to remind them of their responsibilities and to apply uniform standards in all cases.

Each case must be dealt with on its merits and, whilst a warning may suffice in many cases, serious breaches or failure to heed an earlier warning may result in revocation or suspension.

Failure to comply with the conditions also affords grounds for refusal of subsequent taxi licence applications. Such action will be considered if it is in the public interest to prevent an irresponsible proprietor from re-entering the trade.

7.4 Breach of conditions (PHV)

A PHV licence can only be suspended or revoked where either the vehicle is no longer fit for use as a PHV or the owner has failed to comply with a condition of the licence.

Each case must be dealt with on its merits and, whilst a warning may suffice in many cases, serious breaches or failure to heed an earlier warning may result in revocation or suspension.

7.5 Appeals

7.5.1 Taxi

Section 17 of the Transport Act, 1985 provides for a reconsideration and appeals system relating to the decisions taken by TfL to revoke or suspend taxi licences.

Any proprietor who is dissatisfied with the decision of TfL to revoke or suspend his taxi licence(s) may, within the prescribed period (28 days), ask TfL to reconsider its decision by way of a personal hearing. The procedure for personal hearings is summarised at Appendix C. If the applicant is not satisfied with the result of the reconsideration by TfL he may then appeal, within the prescribed period (28 days), to the appropriate magistrates' court.

7.5.2 Private Hire

Section 16 of the Private Hire Vehicles (London Act 1998) provides for TfL to revoke or suspend a vehicle licence. Section 17 allows the holder of a PHV licence to appeal to the appropriate magistrates' court within the prescribed period (21 days from the day on which that notice is served on the licence holder or owner). If the applicant is not satisfied with the result he may appeal to the crown court.

7.6 Exemption from having to display licence discs (PHV only)

Section 10(3) of the Private Hire Vehicle (London Act 1998) allows TfL to exempt a vehicle from having to display the vehicle licence discs (see Figure 6 below).

In granting an exemption TfL will need to be satisfied that it is inappropriate for the discs to be displayed. Applicants must make their case in writing detailing the reasons for the exemption and include supporting evidence from customers. .

In coming to a decision the following factors must be taken into consideration:

- whether there are exceptional circumstances;
- the nature of the work to be carried out;

- the security of the passengers.

The decision to refuse to grant an exemption is final and there is no statutory right of appeal.

The exemption is only valid for the duration of the licence applied for, therefore a new exemption application must be made with each annual licence application.



Figure 6 - PHV licence disc

8. Operator Licences – General

8.1 General regulatory

The power to grant a PHV operator's licence is contained in Section 3 of the Private Hire Vehicles (London Act) 1998. TfL shall grant a licence to an applicant if it is satisfied that the applicant is a fit and proper person to hold a London PHV operator's licence.

If TfL is satisfied that an applicant meets the necessary requirements, it may:

- grant a licence for five years in the terms applied for; or
- vary the licence in the terms applied for.

If TfL is not satisfied that an applicant meets the necessary requirements, it may;

- approve the application other than in the terms applied for;
- impose additional conditions;
- refuse the application;
- grant a licence for a period shorter than 5 years.

8.2 Requirement to be licensed

Section 1(1)(a) of the Private Hire Vehicles (London) Act 1998 (as amended)¹¹ defines a private hire vehicle as 'a vehicle constructed or adapted to seat fewer than nine passengers which is made available with a driver for hire for the purpose of carrying passengers, other than a licensed taxi or a public service vehicle'.

As this definition covers a very wide range of services, TPH is frequently approached by potential operators asking whether or not the service they propose to provide requires licensing.

The flowchart at Figure 7 below (which is also available to the public on the TfL website) can be used to make an initial assessment of such enquiries.

Each case must be treated on its own merits and if there is any doubt as to whether or not a service requires licensing, advice should be sought from the Driver and Operator Policy team.

¹¹ s54 of the Road Safety Act 2006 removed the term 'to the public' from the definition of a PHV in s1(1)(a) of the Private Hire Vehicles (London) Act 1998

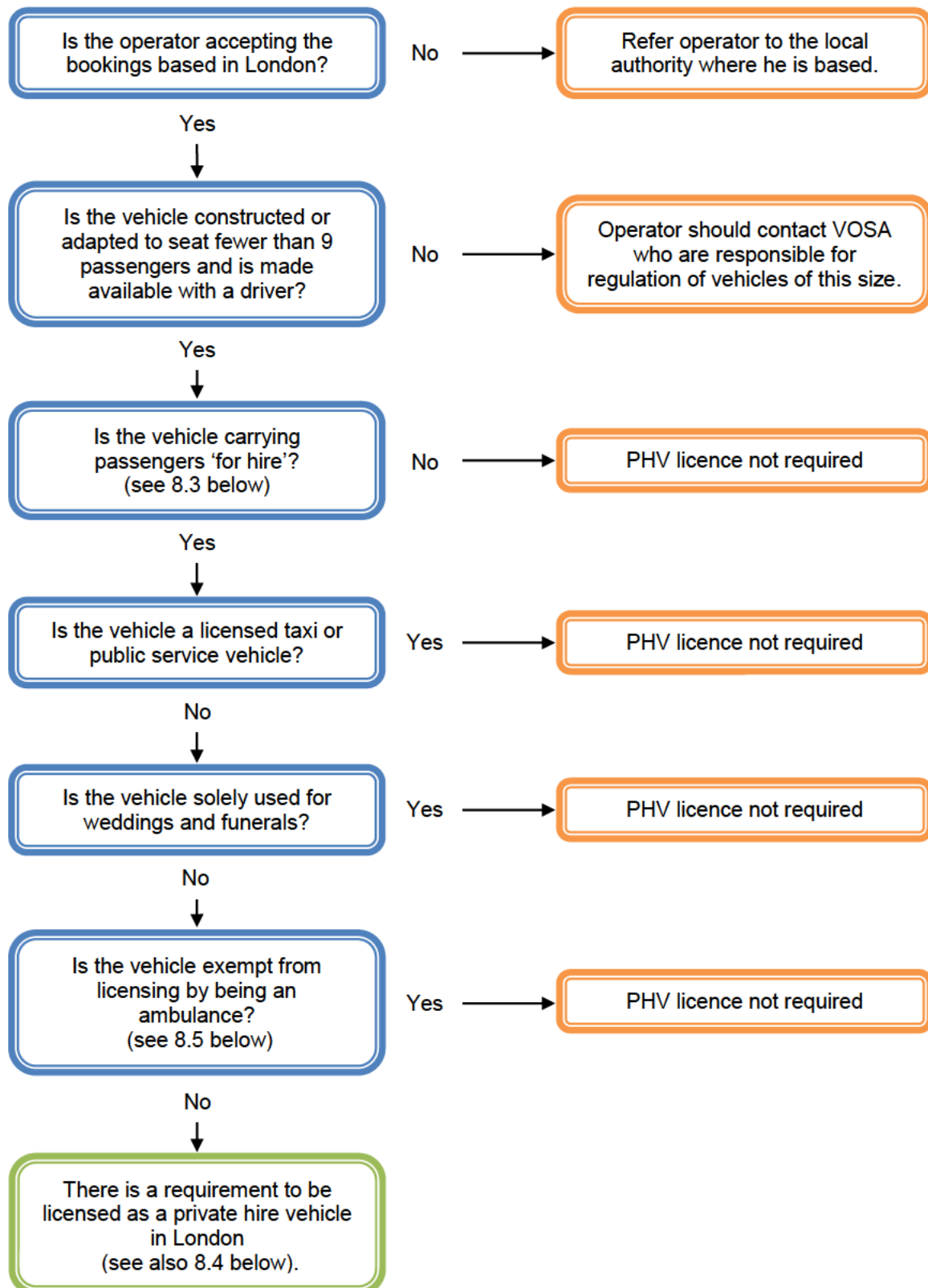


Figure 7 - 'Is licensing required?' flowchart

8.3 'For hire'

The removal of the term 'to the public' from the definition of a PHV has resulted in the key consideration often being whether or not the vehicle is 'for hire'. Therefore, in determining whether there is an element of hire, TfL will take into consideration the issues in Table 5 below.

Table 5 - Determining whether a vehicle is for hire

<u>Question</u>	<u>Consideration</u>
<p>Is there is an element of 'commercial benefit' to the provider of vehicle and driver, or to an arrangement?</p>	<p>TfL takes the position that if there is an element of commercial benefit to an arrangement then the vehicle is likely to be 'for hire' and private hire licensing requirements apply. The fact that a payment may be made for a package of goods or services, of which being driven between two points is only one aspect, should not preclude the journey from being covered by private hire legislation.</p> <p>However, the existence of an element of commercial benefit should not be taken as determinative, and should be assessed in view of all relevant facts and circumstances of any given situation.</p>
<p>What is the nature and purposes of an organisation (including if it is profit making, or non-profit making, and if it is a commercial transport service business), and their role and the services they provide within any arrangements;</p>	<p>A commercial transport service is likely to have the characteristics of a typical private hire operation i.e. transporting passengers for a commercial benefit.</p> <p>However, where an organisation's main purposes are not to provide transport services, there will need to be detailed consideration of</p> <ul style="list-style-type: none"> ▪ the nature of the organisation; ▪ the role and the services it provides within any transport arrangements; ▪ whether carrying passengers is an ancillary part or a main part of the overall service (see paragraphs 19-21 of DfT guidelines referred to at 8.4); ▪ whether it makes any profit in relation to this; ▪ Part 2 of DfT guidelines; ▪ and of the other questions in this table.

Is the vehicle hired exclusively or carrying passengers paying separate fares?	If passengers are paying separate fares it is likely that the vehicle meets the definition of a Public Service Vehicle rather than a PHV.
Are the drivers are being paid for their services and, if so, how they are paid; or if they are volunteers?	This will assist, but will not determine, whether there is any 'hiring' in the context of a commercially operated transport service. See also paragraphs 47-54 of DfT guidelines
Is a payment made by the passenger or on his/her behalf?	If there is no payment by the passenger or on his/her behalf, and the vehicle is not being provided as part of a paid for package of goods or services, then it is unlikely that there is an element of hire.
How will the costs will be met if the service is described as complimentary?	It is important to analyse this information to see if any purportedly complimentary service is actually paid for, or is wrapped up in another payment that is made – which is relevant to the issue of 'commercial benefit' above.
Is there is a contractual obligation to provide the transport services?	This not determinative, but a contractual obligation to provide a vehicle and driver is extremely likely to give rise to 'hire' within the legislation.
Is it is possible to identify both the party it is said to be providing the vehicle and driver 'for hire', and the party to whom the vehicle and driver are said to be 'hired'?	If it is not possible to identify one party providing a vehicle and driver to another and being paid to do so then it is unlikely that there is a service for 'hire'. If there are complex arrangements in place it may be necessary to ask: <ul style="list-style-type: none"> ▪ who provides the vehicles? ▪ who provides the drivers? ▪ who provides the facilities used for making bookings? and ▪ who is responsible for, manages and oversees this process?

8.4 Department for Transport guidance

The change in the definition of a PHV in London, along with the repeal of the contract exemption¹² elsewhere in England and Wales, brought into focus a variety of activities which were not regarded as conventional PHV services but which involved the carriage of passengers in a vehicle with fewer than nine passenger seats.

To provide greater clarity and consistency across the country, the Department for Transport (DfT) has issued guidance on what services it feels should be licensed. The guidance addresses some of the key principles of private hire licensing that should be taken into consideration as well as offering sector specific advice for the following:

- stretched limousines
- chauffeur/executive services
- event management companies
- ambulances (see also paragraph 8.5)
- volunteers
- domiciliary care services
- childminders
- rental car companies/garages
- prison/remand/youth offender transport services

The full DfT guidance can be found on the TPH shared drive or at www.dft.gov.uk.

8.5 Ambulance services

The removal of the term 'to the public' from the definition of a PHV further resulted in some ambulance services falling within the meaning of a PHV. There is no specific exemption in PHV licensing legislation for ambulances.

The term 'ambulance' covers a wide range of vehicles but it is not the intention of TfL to license those vehicles that provide a genuine specialist or emergency service. In its guidance note dated 23 November 2007 on the impact of sections 53 and 54 of the Road Safety Act 2006, the Department for Transport (DfT) provides clarification as to what services should legitimately be distinct from PHV licensing.

In clarification of the DfT's guidance note, TPH's definition of ambulances that will not require a London PHV licence is as follows:

¹² s53 of the Road Safety Act 2006 repealed section 75(1)(b) of the Local Government (Miscellaneous Provision) Act 1976 and had a similar effect to s54.

A vehicle that falls within any of the following categories may be excluded from the PHV licensing process.

1. A vehicle constructed or adapted for the purpose of the conveyance of recumbent persons in accordance with any relevant definition in Vehicle Construction and Use legislation.

Vehicles must have a rear compartment with a permanent means of conveying a person in a recumbent position, together with an attendant seat and the presence of a health professional. The words 'Ambulance' must be clearly signed on the front and sides of each vehicle. The vehicle should also be fitted with a blue warning beacon or a device which resembles a blue warning beacon (Section 16, Road Vehicle Lighting Regulations 1989).

Ambulances in the NHS, private, local authority, military and voluntary sectors that comply with this definition will be classed as emergency vehicles.

2. Specialist vehicles which do not meet the criteria in 1 above (for example 'first response' vehicles) but which are defined as emergency vehicles under section 16 of the Road Vehicle Lighting Regulations 1989 due to the fact that they are fitted with a blue warning beacon or a device which resembles a blue warning beacon.
3. Vehicles which operate as part of a formal, contracted, patient transport service, usually non-emergency and solely for the purpose of the planned transport of patients who have been assessed by a health professional as having a medical need for specialised transport to or from medical appointments. These vehicles must be constructed or adapted and used for no other purpose than the carriage of sick, injured or disabled people to or from medical appointments.

There are three key requirements for this category:

That the vehicle:

- a) is specifically constructed or adapted in some way for the purpose of the carriage of sick, injured or disabled people;
- b) has been booked because the person to be carried has been assessed by a health professional as having a medical need for specialist transport to or from medical appointments; and
- c) is not used for 'social' hirings.

These vehicles will be readily identifiable as used for the carriage of such people by being marked 'Ambulance' on the front and sides of each vehicle. Vehicles may require the presence of a health professional.

In they are in any doubt as to whether or not they should be licensed, organisations that operate ambulance services should be advised to obtain their own legal advice.

8.6 Licensed Public Service Vehicle operators that operate PHVs

There is a provision under the Public Passenger Vehicles Act 1981 which allows certain operators of large Public Service Vehicles (PSVs) (i.e. vehicles which can carry nine or more passengers) to use small vehicles for private hire work under their PSV operator's licence, provided the vehicles represent only a small part of the operator's business of carrying passengers by motor vehicles.

Guidance provided by the Department for Transport suggests that, although the ultimate decision for what constitutes 'a small part' is a matter for the courts, if less than 10% of the fleet of vehicles licensed under a PSV operator's licence are small vehicles the above may apply.

In these instances neither the vehicle(s) nor the operator providing them are required to be licensed by TfL.

8.7 Internet based booking platforms

With ongoing advancements in IT, particularly mobile phone applications, companies have developed, or are in the process of developing, internet based platforms that put potential passengers in touch with licensed operators. TPH is frequently asked whether or not such services require licensing.

To fall within the definition of an operator as prescribed by under the PHV (London) Act 1998, the web based booking platform must be making provision for the invitation or acceptance of private hire bookings.

If an online booking facility is simply facilitating a booking by automatically linking potential clients directly to licensed private hire operators then an operator's licence will not be required. Such third party websites are only providing the front line IT aspects and the bookings are made directly with the licensed operators.

However, if the internet based booking platform proposes to take bookings online for private hire journeys and pass these bookings to licensed private hire operators then an operator's licence may be required, and the entity once licensed, must comply with all the conditions under which the licence has been issued.

9. Operator Licences – New Applicants

9.1 Who is the licensee?

The Private Hire Vehicles (London) Act 1998 empowers TfL to grant a PHV operator's licence to any individual, registered company or any unregistered business/firm or partnership considered fit and proper.

- Where the applicant is an individual the licence, if granted, will be issued in the name of that individual;
- Where the applicant is a registered company (or other body corporate) the licence, if granted will be issued in the name of that body;
- Where the applicant is an unregistered firm (two or more people trading in partnership) the licence, if granted will be issued in a name nominated by the firm in its application.

A PHV operator's licence does not entitle an individual (e.g. a single person operator) to drive a private hire vehicle. To act as a PHV driver the individual must obtain a PHV driver's licence. The regulations governing suitability to be a driver are quite distinct from those governing suitability to be an operator. It is quite feasible for an applicant to be granted a PHV operator's licence but refused a driver's licence.

9.2 Applications

An applicant must complete and submit an application form (PHV/101).

In addition, every person named in the application form must complete a personal declaration form (PHV/103).

In accordance with the regulations, applications and declarations must be signed in person. Applications cannot be made by proxy.

It is intended that originals of certificates connected with an application will be checked upon inspection of an operator's premises. The originals of certificates should not be submitted upon application.

Any request for a licence for a period of less than five years must be escalated for consideration.

9.3 Declarations

The applicant for a licence or renewal or variation of a licence will be required to make a declaration that the information given on the form, and material provided, is true. If the declaration proves false or the material misleading, the licence, renewal or variation can be refused on the grounds that the person is not 'fit and proper'. Additionally, false information could lead to the suspension or revocation of any licence granted and to formal legal proceedings being initiated against the applicant.

9.4 Fit and proper person

In order for an individual to be licensed as a PHV operator, TfL will need to be satisfied that the individual applicant is 'fit and proper'.

In order for a company to be considered 'fit and proper', TfL will need to be satisfied that the individuals who make up that company i.e. the company secretary and the board of directors are themselves 'fit and proper'.

In order for an unregistered firm or partnership to be considered 'fit and proper', TfL will need to be satisfied that the individuals who make up that firm or partnership, i.e. the partners, are themselves 'fit and proper'.

To ensure that an applicant is a 'fit and proper person', TfL has established a number of criteria, or administrative rules, that the applicant will need to meet. Listed below are the administrative rules that TfL will follow in reaching decisions on applications for operator licences.

9.5 Administrative rules

Criteria for assessing operator licence applications:

- **Convictions:** subject to the Rehabilitation of Offenders Act 1974. applicants must declare any convictions;
- **Business repute:** applicants must declare whether they ever been made bankrupt and if so whether they have had a discharge from bankruptcy suspended for failing to co-operate with the Official Receiver. Applicants must also declare whether they have ever had a disqualification order under the Company Directors Disqualification Act 1986 made against them, thereby disqualifying them from being a director, or taking part in the management, of a limited company;
- **Right of abode and to work:** if required, applicants must supply evidence of their right to work and reside in the United Kingdom (this will be according to the list of specified documents as listed in the Home Office publication 'Asylum and Immigration Act 1996 -Section 8 Prevention of Illegal Working - Guidance for employers');
- **Previous applications:** if anyone named on an application has previously been refused an operator's licence or held an operator's licence which was suspended or revoked elsewhere in the country, he will be expected to provide details of the refusal, suspension or revocation upon application.
- **Radio circuit:** if required, applicants must provide evidence that they have an appropriate radio licence and that the radio system used is in accordance with that licence;
- **Insurance:** if required, applicants must provide evidence that they are complying with any insurance requirements with regard to their employees or the premises or the public where the operating centre has public access;

- **Health and Safety:** if required, applicants must be able to show that they are complying with any requirements applicable to their premises, their staff or the public, e.g. environmental health, fire safety;
- **Accounts:** if required, applicants must provide evidence that they comply with the requirements for audited or certified accounts; and, if applicable, provide evidence that the business is VAT registered or awaiting VAT registration.

9.6 Assessing an application

In assessing PHV operator licence applications, to ensure that discretion is exercised in a consistent and reasonable manner, TPH staff should adhere to the guidelines in the following paragraphs.

These guidelines are not exhaustive or definitive; each application must be considered on its particular merits.

The guidelines are to be used in conjunction with the 'PHV Operator Licensing Application Checklist' form, the 'Record of Person and Premises Checks' form and any other relevant documentation such as declaration forms when assessing each operator licence application.

9.7 Consideration of criminal history

A PHV operator is not an excepted profession under the Rehabilitation of Offenders Act 1974; therefore only unspent convictions should be taken into consideration when determining the fitness of an applicant.

In assessing an application for an operator's licence, the guidelines in respect of drivers within section 3.3 should be referred to. However, the relevance of the convictions to the licence applied for must be taken into consideration.

In making a recommendation as to whether an operator application should be refused or approved based on declared convictions the number of convictions per person and the total number of convictions recorded against the individuals that make up the operator also needs to be taken into account in the overall evaluation.

Ultimately, the overriding consideration in reaching a decision will be based on if the operator (namely the individuals which make up the organisation) can fulfil their roles and run the centre without posing any likely threat to the general safety of the public.

If a situation arises where an operator licence application from a registered company is likely to be refused solely on the declared convictions of one individual within the organisation, the application may still proceed if the applicant decides to withdraw the name of that individual. It would not be possible for applications from individuals or partnerships to be handled in this way.

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. Some discretion can be afforded if an offence disclosed is

isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

9.8 Business repute

In order to be considered 'fit and proper', individuals who make up the organisation will be expected to demonstrate that they have complied with other legal requirements connected with running a business and are of good business repute.

The following factors need to be considered collectively when assessing whether the applicant is of good business repute.

9.8.1 Bankruptcy

- An applicant who is the subject of a Bankruptcy Restriction Order (BRO) or Bankruptcy Restriction Undertaking (BRU) indicates that the conduct of the bankrupt has been dishonest or blameworthy in some other way. If a BRO or BRU has been made, the application should be referred for refusal.
- The fact that an individual has been declared bankrupt is not sufficient in itself to refuse an application.

9.8.2 Company directorship

If an individual has been disqualified from being a company director, or from taking part in the management of a limited company, they can still set up as an operator in partnership or individually. However each application needs to be assessed on its own merits and the following points need to be taken into account:

- The length of the disqualification from being a company director and the reasons and/or circumstances surrounding the disqualification.
- The length of time since the disqualification and any subsequent period where they have demonstrated good business repute or been able to maintain a stable financial position.
- The number of partners who have been disqualified: If both of the partners (or the majority of partners) have been disqualified then the application needs to be assessed carefully and may be refused if the partners are directly involved in the day to day running of the business.
- If only one of the partners has been disqualified and they are not involved in the day to day running of the business then the application should be allowed to proceed.

9.9 Right to live and work in the UK

For each personal declaration it first needs to be ascertained if the individual needs to have the right to live and work in the UK in order to fulfil their role within the business. For instance a director, partner or company secretary does not necessarily

need the right to live and work in the UK, as long as they are legally fulfilling their business role within the organisation.

- If the person is directly involved in the day to day running of the operating centre (i.e. an individual applicant and company representative) then they must have the right to live and work in the UK;
- If the individual has declared a UK home address and is involved in running the business then they must have the right to live and work in the UK;
- Licences granted to single applicants whose leave to remain in the UK is time-limited must only be valid for the period for which they are entitled to work in the UK. In order for the licence to be extended (up to the maximum five years) individuals must produce further evidence to prove that they have the right to work in the UK. In the event that an operator does not have his licence extended, he will, on request, be given a refund of a pro-rata proportion of the grant of licence fee.

Applications where the individual's business role requires them to have the right to live and work in the UK, but they do not possess this right, should be refused.

See section 3.7 and Appendix F for further guidance on establishing whether an individual has the right to work in the UK.

9.10 Other PHV applications

If an individual has ever been involved with a PHV operator licence that has been subject to refusal, suspension or revocation it does not preclude them from having a further operator licence application considered.

In the first instance TPH should establish:

- the date of the refusal, suspension or revocation;
- the reason for the refusal, suspension or revocation;

If further investigation is necessary before a licensing decision can be made, the applicant should be asked to provide the following information:

- the role and responsibilities the person had within the business at the time;
- details of the provisions made to ensure that the new business will be run in compliance with the Private Hire Vehicles (London) Act 1998; and
- permission to approach any other licensing authority that has refused an operator's licence application or revoked or suspended an operator's licence.

If an individual's previous history whilst holding an operator's licence is such that there is a doubt that they can fulfil their roles in the business and run their operating centre without posing any likely threat to the general safety of the public, then the application may be refused.

9.11 Pre-licensing inspections

Once the applicant's good character, business repute and right to live and work in the UK have been established, and any previous PHV operator licence applications have been considered, the application will be referred to a Support Manager who will authorise the application proceeding to the pre-licensing inspection stage.

All proposed operating centres will be inspected by TPH Compliance Officers. As part of the inspection the applicant will be required to provide evidence that they comply with the remaining administrative rules i.e. insurance, radio licences (see below).

The Compliance Officer will also verify that the applicant has in place:

- a system of record keeping that complies with regulations;
- a system for handling complaints that complies with regulations; and
- a system for handling customers' property lost or found in vehicles.

9.12 Insurance

9.12.1 Employer's liability insurance

Under the terms of the Employers' Liability (Compulsory Insurance) Act 1969, Employers' Liability Insurance (ELI) is a legal requirement for most employers.

Employers' liability cover enables businesses to meet the costs of compensation and legal fees for employees who are injured or made ill at work through the fault of the employer.

By law, an employer must have ELI and be insured for at least £5 million (most insurers automatically provide cover of at least £10 million).

Whilst TPH will check to ensure that PHV operators have the necessary insurance, the Health and Safety Executive is responsible for enforcing the law on ELI.

9.12.2 Public liability insurance

For any operating centre specified that is accessible to the public, the PHV operator must have an insurance policy against public liability risks which provides a minimum indemnity of £5 million in respect of any one event.

9.13 Radio Licences

Any PHV operator that communicates with its drivers by radio will be required to hold an appropriate licence issued by Ofcom (Office of Communications).

Licensed PHV operators cannot use CB radio apparatus in connection with a private hire booking at any operating centre or in any private hire vehicle available for carrying out bookings accepted at any such operating centre.

9.14 Pre-licensing inspection results

On completion of the inspection the Compliance Officer will submit an inspection report to the Licensing Team.

- If **all** operating centres do not pass their licensing inspection then the application must be refused on the grounds that it failed to comply with the necessary requirements of the regulations.
- If **not all, but one or more** operating centres do not pass their licensing inspection then the application may be ‘approved, but not as applied for’, with the failed operating centre(s) excluded on grant of the licence.
- If **all** operating centres pass their licensing inspection then the application may be ‘approved’ in the terms applied for.
- If **any** of the proposed operating centres have been specified in another licence or application that has been refused or revoked, then TfL may wish to take into account the reasons for that decision. If the decision was based upon public safety reasons that still exist then the application may be refused.

9.15 Considering an application - Summary

When considering an application for a licence, the overriding consideration in reaching a decision will be based on whether the applicant can fulfil his role without posing any likely threat to the general safety of the public.

If an applicant is not considered ‘fit and proper’ the application must be refused.

As each case must be treated on its own merits, some discretion can be afforded. An application from an applicant who is considered ‘fit and proper’, but only after consideration of a declared criminal history for example, could be allowed to proceed subject to an appropriate warning rather than referring it for refusal.

Alternatively, if TfL is not completely satisfied as to the applicant’s fitness, it can grant a licence subject to conditions or for a period of less than five years. In the event that it is appropriate that a licence can be issued but subject to a condition or for a shorter period, the case must be escalated for approval.

9.16 Trading names

An operator is required to notify TPH of all names that they advertise to members of the public.

Any trading names that contain the words ‘taxi’, ‘taxis’, ‘cab’ or ‘cabs’, or any word so closely resembling any of those words as to be likely to be mistaken for it, are not acceptable as their use may be seen to be in contravention of Section 31 of the PHV (London) Act 1998. The words minicab(s), mini-cab(s), or mini cab(s) are acceptable.

There is no reason why TfL should not license operators who have trading names in a language other than English or contain non-English words. However, any such names should be translated into English to ensure that they do not contain any of the words prohibited by Section 31 of the PHV (London) Act 1998.

It is quite common for different businesses to use the same trading name and it is the responsibility of each operator to ensure that the use of any particular trading name is not breaching any intellectual property rights protected by the Copyright Designs and Patents Act 1998 and Trademarks Act 1994. Should a dispute over trading names arise, then operators should be advised to seek their own independent legal advice.

TPH reserves the right not to grant licence if the proposed trading name is offensive, breaches any of the intellectual property rights held by TfL or contravenes Section 31 of the PHV (London) Act 1998.

Should there be a doubt as to whether a particular trading name should be permitted, advice should be sought from a manager.

9.17 Appeals

Section 3(7) of the Private Hire Vehicles (London) Act 1998 provides an avenue of appeal against a decision by TfL. Applicants for a PHV operator's licence may appeal against:

- a decision not to grant a licence
- a decision not to specify an address proposed in the application as an operating centre or
- any condition (other than a prescribed condition) to which the licence is subject

Appeals against TfL's decision must be lodged with a magistrates' court no later than 21 days from the date the applicant is notified of the refusal. A subsequent right of appeal to crown court is also available.

9.18 Outstanding Costs

Following an unsuccessful appeal against a decision by TfL to refuse, suspend or revoke a licence, it is likely that the operator/applicant will be ordered by the court to pay TfL's costs.

As part of any fresh application to be licensed an operator/applicant is required to declare any outstanding licensing debt. TfL cannot refuse an application on the grounds of outstanding costs but is within its rights to treat the application as incomplete and decline to process it, if there is an outstanding debt to TfL.

Therefore, in the event that the operator/applicant submits a further application to be licensed before all outstanding costs have been paid, the application should not be processed. Furthermore, all monies accompanying that application will be kept and off-set against the outstanding debt.

Only when the debt is fully discharged **and** the application fee is provided in full will the application be processed.

10. Operator Licences - Licence Holders

10.1 General

Once licensed, individuals who make up the organisation holding the licence will be expected to demonstrate that they remain 'fit and proper' to hold the licence and that they continue to comply with other legal requirements connected with running a business.

The overriding consideration in determining an operator's continued fitness to hold the licence will be based on whether he can continue to fulfil his role and run his operating centre(s) without posing any likely threat to the general safety of the public.

Consideration to revoke a licence should never be considered lightly. However, the licensing system is designed to protect the public and it would be wrong to avoid this course of action where it is clearly appropriate.

Any reference in this section to 'a person associated with the licence' refers to an individual who has completed a PHV/103 Personal Declaration.

10.2 Suspensions and Revocations

If TfL determines that a licensed operator is no longer fit to be licensed, it can either suspend or revoke the licence.

If TfL cannot be satisfied that the operator is providing or in a position to provide a safe service, then the licence may be suspended or revoked with immediate effect in the interest of the safety of the travelling public. Examples of this may include operators who have been convicted of a serious criminal offence or have demonstrated they are using un-licensed drivers and vehicles, or vehicles with no insurance.

In practice the suspension of an operator's licence is rarely practicable as once the licence is suspended and the operator is no longer able to lawfully accept bookings, their licensed private hire drivers and customers move on to a different licensed operator. In reality the operator, whilst still holding an operator's licence (albeit a currently suspended one) no longer has a 'business' to operate, and by the time a suspension is completed the operator has effectively lost his business.

Therefore, as a period of suspension for an operator (however short) has the same impact as a revocation the option to revoke is likely to be taken in all cases.

10.3 New convictions

Any person associated with the licence is required to inform TPH within 14 days should they be convicted of any offence.

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

- the seriousness of the offence(s);

- whether conviction was incurred in the course of the role as an operator;
- any previous criminal history;
- any earlier warnings; and
- promptness of advising TPH

When considering what action to take, TfL may consider:

- revocation;
- suspension
- written warning;
- no further action

In assessing an operator's continued fitness to hold a licence the guidelines in respect of drivers within paragraph 4.2 should be referred to. However, the relevance of the conviction(s) to an operator's licence must be taken into consideration.

In serious cases resulting in imprisonment, the revocation of the licence could follow. However, where an offence is less serious; mitigating circumstances are introduced; or the offence appears out of character a written warning could be considered appropriate.

To summarise, incurring a criminal conviction (whilst licensed) would not automatically result in the revocation a licence, but the overriding consideration is the protection of the public and any decision will be based on whether the operator (i.e. the individuals which make up the organisation) can fulfil their roles and run the centre without posing any likely threat to the general safety of the public.

10.3.1 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 operators who have been convicted for touting, and operators that use touts or encourage the practice of touting.

Should a licensed operator, or an individual associated with an operator's licence get convicted for touting then revocation of the licence should follow.

The fitness of an operator to remain licensed may also come under scrutiny if any of their drivers or other employees are convicted or cautioned of touting and they were found to be acting under the operator's instructions at the time.

10.4 Business Repute

10.4.1 Bankruptcy

There is nothing in law to prevent a bankrupt from being self employed and running their own business, therefore if TPH receives notification that an individual holding a licence has been declared bankrupt there is no need to review their fitness to hold a licence.

If TPH receives notification that the holder of a licence 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 licensee must provide details of the BRU or BRO to allow consideration of his continued fitness to hold a licence.

A bankrupt person cannot be a director of a limited liability company. Therefore, in the event that the sole director of a licensed operator that is a limited liability company is made bankrupt, the company would be left without a director. In these circumstances, the fitness of the operator would need to be reviewed.

10.4.2 Disqualification from running a limited company

Any person associated with an operator's licence and who is subsequently disqualified from being a company director, or from taking part in the management of a limited company will need to have his fitness to hold a licence re-assessed. This is regardless of whether the disqualification arose from a conviction or a County Court Judgement.

Factors to take into account when considering the information will be:

- the length of the disqualification;
- the reasons for/circumstances surrounding it; and
- the person's role within the business.

Upon receipt of this information their continued fitness to hold the licence should be reviewed, regardless of their role within the business and whether the licence is held by an individual, partnership, or a limited company.

10.4.3 Liquidated and Dissolved Companies

Having established with Companies House that a company holding an operator's licence has been liquidated or dissolved, a letter should be sent to the nominated representative of the company seeking the return of the licence as the company is no longer able to trade (in the event that a liquidated company is allowed to continue to trade the nominated representative must provide a letter from the Insolvency Practitioner confirming this).

If the licence of a dissolved company is not surrendered to TPH the licence should be formally revoked.

If a new application is submitted by the former directors of the dissolved/liquidated company, it should be processed without delay. The fact that an individual has been associated with a company that has gone into liquidation or been dissolved will be taken into account when considering their new application although it should not necessarily preclude them from being granted a new operator's licence.

Factors that may be taken into consideration when considering the new application are whether the individuals concerned informed TPH of the liquidation or dissolution within the required time and whether they returned the licence when asked to do so.

If an individual has failed to notify TPH and/or return their licence, they should be sent an appropriately worded warning letter, but the new application should still be allowed to proceed. Where appropriate, the warning letter should inform the recipient that the licence of the dissolved/liquidated company may be revoked unless it is returned to TPH.

If the directors of the dissolved company can demonstrate that they are seeking the restoration of the company to the register, any licensing action should be delayed pending the result of the restoration application. Nevertheless, the company cannot trade while seeking restoration and the licence must still be surrendered.

If the company is restored to the Companies House register, the licence may be returned to the operator after it has passed a licensing inspection.

10.5 Change of/acquisition of new operating centre

If an operator wishes to change the address of an operating centre or add an operating centre to his licence he must submit a PHV/106 variation application form. Arrangements will be made for the new operating centre to be inspected before the licence is changed. A licence will not be varied to add reference to a new centre until that centre has been approved by a Compliance Officer following an inspection. The operator must **not** begin trading from the new address until it has been included on his licence.

If an operator is found to be trading from an operating centre not specified in his licence he should be reported for prosecution, told to cease trading from that premises and submit a variation application immediately. In most cases this should not preclude the variation application being considered favourably. However, if an operator is found trading from a nightclub or other late night venue (see section 10.15) that is not specified as an operating centre in his licence any subsequent application to vary the licence to include that centre should be refused.

If TfL becomes aware that an operator has started trading from a centre not on his licence on more than one occasion, consideration should be given to revoking his licence.

If, having been told to cease trading, an operator continues to trade from the unlicensed premises and fails to submit a variation application within 14 days of the visit from a Compliance Officer, consideration should be given to revoking the licence.

10.6 Removal of an operating centre

As all centres specified on an operator's licence will be subject to regular compliance inspections, it is vital that an operator keeps his licence up to date by arranging for any premises that he has stopped operating private hire vehicles from, to be removed from his licence. This is done by submitting a PHV/106 licence variation application together with the appropriate fee.

Upon receipt of the new varied licence the operator should be asked to return all copies of the previous version of the licence to TPH.

If we establish that an operator has failed to notify us that he has ceased trading from an address specified on their licence (yet is still operating from other specified addresses) we should invite the operator to submit a variation application. If no variation is received within 14 days of the form being sent, TfL may take action by way of an imposed variation to the licence.

If the operator has previously had a centre removed from his licence for failing to notify us that he is no longer operating from that premises, then consideration should be given to the revocation of the licence.

10.7 Someone other than the licensee trading at an operating centre

If someone other than the entity specified on the operator's licence is operating from an operating centre, a check should be made as to whether the entity trading from there already holds a PHV (London) Operator's Licence at another address.

If the operator does hold a licence at another address, but requires this address to be added to their licence they should be provided with a new PHV/106 variation application form and the guidance at section 10.6 should be followed.

If they do not hold a licence the operator should be reported for trading illegally.

The operator who is licensed for the premises should be referred to TfL for the revocation of the licence on the grounds that the holder has moved from their operating centre address without notifying TPH.

10.8 Operators whose whereabouts are unknown

10.8.1 Small operators

If it is established that a 'small' licensed operator has moved from the address specified on his licence and no other address can be found for them, TPH driver and vehicle records should be checked to see whether TPH has already been notified of the change of address of that individual (most small operators are also licensed drivers and/or vehicle licensees and may have already informed TPH in one of those capacities).

If there is a record of a change of address, the operator should be invited to complete form PHV/106 (see paragraph 10.5)

If no other address can be established then for consideration should be given to revoking the licence on the grounds that TfL cannot be sure that the operator is complying with the Act and associated regulations or is in a position to provide, a safe service to the public.

10.8.2 Standard operators

If it is established that a ‘standard’ licensed operator has moved from their operating centre address without notifying TPH and no further details of his whereabouts are known, consideration should be given to revoking the licence.

10.9 Small operators becoming standard operators

An applicant for a London PHV Operator’s licence may elect to be a ‘small’ or ‘standard’ operator. A ‘small’ operator can have no more than two private hire vehicles available to him for carrying out bookings accepted by him at all of the operating centres specified in his licence.

The holder of a ‘small’ operator’s licence must apply for and obtain a ‘standard’ licence before he can legally have more than two private hire vehicles available to him for carrying out private hire bookings.

Once the ‘standard’ licence has been granted the regulations allow TPH to issue a refund for a proportion of the fee paid for the grant of the ‘small’ operator licence. In accordance with the regulations, such a refund will only be remitted upon receipt of a written request from the operator, accompanied by the return of the ‘small’ operator licence.

If the holder of a ‘small’ operator’s licence fails a licensing inspection on the grounds that he is operating more than two vehicles, he is in breach of a condition of his licence. At this point consideration should be given to revoking their licence.

However if the operator makes a fresh application within 7 days of the failure notice the new application should be allowed to proceed with a warning and the file will not need to be referred.

10.10 Change of entity

PHV (London) Operator licences are not transferable from one person (legal entity) to another. Any operator that wishes, for example, to change from being an individual to a limited company must submit a new application for a licence under this new entity. In this instance the operator must continue to trade as an individual until they have obtained an operator’s licence as a limited company.

Should an operator change entity but fail to obtain a new licence and surrender the now redundant licence, consideration should be given to revoking the redundant licence on the grounds that the entity to which the licence was issued is no longer operating PHVs and the licence has not been surrendered. Operators found to be trading under an invalid licence may face prosecution and the revocation of that operator licence.

10.11 Changes to partnerships etc.

Unincorporated bodies/partnerships are governed by the provisions of the Partnership Act 1890, unless there is a written partnership agreement that sets out different terms.

The legal identity of a partnership reflects the identity of the partners, thus if this changes to any degree (e.g. by any one person leaving, or alternatively one person joining, the partnership) it becomes a new legal entity. For this reason, any change in the identity of partners would render the licence granted to the original partnership redundant. The only exception to this is where the original partners in the firm took the trouble to have a written pre-partnership agreement which provides that if one of the partners leaves, the partnership continues. In these circumstances, the licence would be allowed to continue as long as any new partner is deemed fit to hold such a licence having completed and submitted a personal declaration form.

Following a change in the personnel of a partnership which has no pre-partnership agreement, providing that the partnership may continue in such circumstances, the individuals concerned must apply for and be granted a new operator's licence before the new partnership can commence operating PHVs legally. If they do not, having already been advised in writing to do so, consideration should be given as to the revocation of the licence, on the grounds that the partnership to which the licence has been issued no longer exists.

10.12 Death of a licensed operator

If an operator who holds a licence as an individual dies during the life of the licence, TfL can allow another person carrying on the business of the operator to be treated as if he were the operator for a period of up to 6 months.

This means that subject to submitting a copy of the deceased person's death certificate and a satisfactory PHV/103 Personal Declaration form, the new person may act as the operator for a maximum period of six months from the date stated on TfL's direction. Shortly after the new person has been allowed to take over the licence, a compliance inspection should be undertaken to ensure that they are meeting the regulatory requirements. Should the new individual wish to carry on the business beyond the six month limit they will need to have applied for, and obtained, another operator's licence. Upon the expiry or withdrawal of the direction, both the direction and the licence specified on it, will need to be returned to TPH within 7 days.

10.13 Temporarily cessation of trading

TfL will consider putting an operator's licence 'on hold' providing that the licence is returned to TPH for safe-keeping, the holder notifies us of his intentions towards his licence in writing, and agrees to comply with the following conditions:

- a) confirm in writing that they undertake not to accept private hire bookings whilst the licence is on hold;

- b) confirm the address where their private hire operator records will be kept and made available for any inspection required; and
- c) confirm in writing that they will continue to comply with any conditions of the licence, or any other obligations imposed on them by or under the Private Hire Vehicles (London) Act 1998, that are still be applicable to them during the period that the licence is on hold (while the licence is 'on hold' the operator is required to comply with these conditions for the entire period they are not trading).

Only requests to put the whole licence on hold will be considered. It is not permissible to put individual operating centres on hold.

Allowing operators to put their licences on hold is primarily aimed at sole operators who are temporarily unable to trade e.g. sickness, prolonged absence from the UK. Licences should not be put on hold purely for commercial reasons e.g. trade is slack and the operator wishes to follow some other pursuit; or the operator is failing to meet regulatory licensing requirements. However, where there are exceptional circumstances e.g. an operator is forced to leave their premises, the licence may be put on hold until such time as the operator is able to resume trading. Such action should always be treated as temporary and regular checks should be made with the operator to establish when they intend to resume trading.

When the licensee is ready to resume trading he should ask for the return of his licence and once he has resumed trading, a compliance inspection should be undertaken at the earliest opportunity. If the licensee resumes trading without first informing TPH and having his licence restored, he would be trading illegally and risks prosecution.

Should the licensee wish to resume trading from a different address to that specified on the licence, they must first submit a PHV/106 in order to obtain a variation to the licence. As part of that process, a licensing inspection will need to be carried out at the new address, prior to the return of the licence.

In the event that the licence expires while it is on hold, the operator will need to submit a new application. The practice of putting a licence on hold does not extend the life of the licence.

10.14 Compliance visits

TfL has a duty to check that all licensed operators are complying with regulations and meeting the conditions and obligations of their licences. For the most part, this duty is discharged by way of compliance inspections carried out by TPH Compliance Officers.

Guidelines for assessing and grading compliance inspections are published separately in the TPH document 'Licensing and Compliance Procedures Manual'.

In the event that a compliance inspection fails to meet the required standard, the Compliance Officer will issue a notice which identifies the reasons.

Any operator who fails to meet the required standard could face the revocation of his licence or removal of one or more operating centres from the licence.

If it is felt that the findings of the compliance inspection are so serious that a risk is posed to the safety of the travelling public then consideration should be given to revoking the licence. Examples of this may include an operator having failed to demonstrate that he is using licensed drivers and vehicles, and vehicles without valid hire and reward insurance policies.

In instances where more minor failings are identified a written warning would be more appropriate.

10.15 'Satellite' operating centres

To facilitate the provision of safe travel for those attending nightclubs and other late night venues, operators have been allowed to run operating centres from such venues and to have the premises added to their licence. The taxi and PHV trades refer to such centres as 'satellite centres'.

The criteria for such operating centres are currently being reviewed. Pending the outcome of the review, from 1 June 2010 until further notice, TPH will not process any new applications for operating centres within such venues. However if the applicant provides mitigating circumstances that warrants the application being given further consideration or a TPH officer believes that an application warrants further consideration (e.g. because representations from the police indicate it is favourable on safety grounds), the application should be escalated for a decision.

When accepting bookings at existing operating centres in late night venues, operators must comply with the same requirements as any other PHV operating centre. However, experience has shown that some operators regularly fail to comply with regulations and other conditions of licensing.

If any licensed operator or person working on behalf of an operator is observed accepting bookings away from the operating centre e.g. on the street, TfL will consider removing that operating centre from the licence. In the interest of public safety the decision will have immediate effect

Repeated breaches of licensing regulations could lead to the revocation of the operator's whole licence.

10.16 Refund of licence fees

The operator regulations only allow refunds in specific circumstances.

In order to qualify for a refund an operator must meet all of the following conditions:

- a) he has ceased trading at all the centres on his licence;
- b) he has transferred some or all of his business to another operator; and

- c) the operator taking on the business must be licensed to trade from the premises before the date of the transfer.

The only other circumstances when a refund can be granted are when a small operator becomes a standard operator (see paragraph 10.10).

The size of any refund will be based on the number of full years remaining on the licence.

Refunds cannot be granted when an operator ceases trading due to ill health or simply chooses to retire during the life of his licence.

10.17 Complaints

10.17.1 Complaints handling

Responsibility for handling and investigating complaints regarding taxi and PHV services sits with the Congestion Charging and Traffic Enforcement (CC&TE) Correspondence Unit.

Responsibility for reviewing a licensee's fitness in the light of complaints and any consequent suspension or revocation action remains with TPH.

Complaints about PHV operators that TfL is able to pursue are those that relate to breaches of licensing regulations.

Complaints about the service provided by PHV drivers working for the operator must not be confused with complaints about the operator. In all such instances the complainant must be advised to report the complaint to the operator in the first instance.

Full details of types of complaints and the processes used to investigate them are set out in the document 'Taxi and Private Hire Complaints Processes and Guidelines'.

10.17.2 Reviewing an operator's complaints record

The loss of a licence removes the operator's ability to work and can also put innocent drivers out of work, therefore revocation could be seen as disproportionate in respect of a single lapse in meeting the licensing regulations. However, TPH does monitor operators' behaviour and if an operator attracts a number of complaints then his fitness to remain licensed is reviewed.

At the conclusion of a complaint investigation, the licensee's complaints history should be examined. The following actions may result:

- a) No further action
There is no pattern or history of complaints.
- b) Warning letter

A pattern or history of complaints has been identified, but not serious enough to warrant revocation at this stage.

c) Revocation

Where a pattern of complaints has been identified and where warning(s) have already been issued.

10.18 Use of the term ‘taxi’ etc. in advertisements

10.18.1 General

Section 31 of the PHV (London) Act 1998 prohibits a licensed PHV operator from using the terms ‘taxi’, ‘taxis’, ‘cab’ or ‘cabs’ or any word so closely resembling any of those words as to be likely to be mistaken for it, in any advertisement that invites bookings at a particular address or using a particular telephone number registered to that address.

In the event that a licensed PHV operator uses one of these terms in its advertising, he should be written to advising that he is breaching the Act. If the operator fails to heed the advice he should be warned that continued breaching of the Act could result in his licence being revoked.

If the operator fails to heed the warning, consideration should be given to revoking the licence.

10.18.2 Internet Search Engines

An internet search using the term ‘taxi’, ‘taxis’, ‘cab’ or ‘cabs’ will frequently identify a mixture of taxi **and** PHV providers.

Although PHV operators cannot use these terms in their own websites that advertise their services, an internet search engine responding to a generic description of a search word cannot be relied upon as evidence of a breach of section 31 of the PHV Act. Therefore in the event that it is alleged that a PHV operator is committing an offence because their website has been identified by a search engine using the term ‘taxi’ ‘taxis’, ‘cab’ or ‘cabs’ etc., or is referred to in the listings using these words, TPH will not take any action.

10.19 Use of TfL branding

Licensed PHV operators can use TfL private hire branding on their stationery or advertising to help promote their services and show that they are licensed.

When using the branding, operators must comply with strict design standards and guidelines, which helps TfL maintain a high standard of its designs and protects the integrity of its branding. Operators who want to use the TfL branding must send a request to tph.research@tfl.gov.uk. They will then be issued with the design standards and guidelines, and advised that any use of TfL private hire branding that does not comply with the standards and guidelines will have to be removed or destroyed with immediate effect.

In the event that an operator fails to comply with the terms and conditions of using TfL branding, TPH will request him to comply with the branding guidelines. If the operator persistently fails to respond to such requests he should be warned that continued failure to comply with the design standards and guidelines could result in his licence being revoked.

If the operator fails to heed the warning, consideration should be given to revoking the licence.

Appendices

Appendix A The Rehabilitation of Offenders Act, 1974

1. The Rehabilitation of Offenders Act, 1974, enables criminal convictions to become 'spent', or forgotten, after a 'rehabilitation period'.

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 driver's licence or when involved in criminal or civil proceedings.

2. 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.
3. This power should not be used lightly and blanket inclusion of all 'spent' convictions in the consideration process is not appropriate. The decision to take into account any 'spent' convictions must be supported by a justifiable reason and that reason must be put forward to TfL, or to Magistrates at The City of Westminster Magistrates' Court.
4. Should particular 'spent' convictions play a part in the consideration process the applicant will need to be advised of this, should the application be refused, in the letter of notification.
5. 'Spent' offences which would be appropriate to be considered by TfL, or courts, in an application for a licence will include:
 - all types of sexual/indecency offences;
 - convictions for aggravated assault;
 - offences involving drugs (either supply or personal use);
 - offences of dishonesty which show a degree of sophistication of execution, premeditation or are carried out over a lengthy period;
 - a number of serious road traffic offences;
 - more than one drink/drive offence.

The protection and safety of the fare paying passenger and the public at large should be the overriding consideration in determining whether a 'spent' conviction(s) should be considered.

6. The length of the rehabilitation period depends on the penalty imposed - not the offence committed. For a custodial sentence, the length of time actually served is irrelevant: the rehabilitation period is determined by the original sentence given.

Sentences of more than 2½ years can never become 'spent'.

Other sentences become 'spent' after fixed periods from the date of conviction:

a sentence of imprisonment or preventative detention over 2½ years (and equivalents for young offenders)	convictions can never be spent
a sentence of imprisonment between 6 months and 2½ years	10 years*
a sentence of imprisonment of 6 months or less	7 years*
a fine or community service order	5 years*
a conditional discharge, bind over, probation, supervision or care order	1 year from date of conviction or the date when the order expires whichever is the longer
an attendance centre order	1 year after the order expires
an absolute discharge	6 months
a hospital order	5 years or 2 years after the order expires

Notes:

- i) All figures marked * above, are halved for individuals convicted when under the age of 17 years.
- ii) The rehabilitation periods relate to the sentence imposed by the court, even if it is a suspended sentence, not the time spent in prison.
- iii) For the purpose of calculating the date a conviction becomes 'spent' the start is from the date of conviction.
- iv) If a further conviction is accrued before an earlier one is 'spent', the earlier conviction remains 'live' until the latest conviction is 'spent'.

Rehabilitation Periods for Young Offenders

In addition to sentences quoted above, the following may apply:

- a sentence to a borstal (abolished in 1983) 7 years
- a sentence to a detention centre (abolished in 1988) 3 years

Appendix B 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.

Code		Disqualification	Penalty Points
Accident Offences			
AC10	Failing to stop after an accident	Discretionary	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	Discretionary	5-10
AC30	Undefined accident offences	Discretionary	4-9
Disqualified Driver			
BA10	Driving whilst disqualified by order of court	Discretionary	6
BA30	Attempting to drive while disqualified by order of court	Discretionary	6
Careless Driving			
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
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*
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis	Obligatory	3-11*

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			
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	Using a mobile phone while driving a vehicle	-	3
Dangerous Driving			
DD40	Dangerous Driving	Obligatory	3-11*
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 or Drugs			
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 failing to supply a specimen for drug analysis	Obligatory	3-11*
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
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	Discretionary	10
DR70	Failing to provide specimen for breath test	-	4
DR80	Driving or attempting to drive when unfit through drugs	Obligatory	3-11
DR90	In charge of a vehicle when unfit through drugs	Discretionary	10
Insurance Offences			
IN10	Using a vehicle uninsured against third party risks	Discretionary	6-8
Licence Offences			
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 ground	-	3-6
Miscellaneous Offences			
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		As appropriate
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.	-	3
Motorway Offences			
MW10	Contravention of Special Roads Regulations (excluding speed limits)	-	3
Pedestrian Crossings			
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			
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			
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
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			
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.	Obligatory	
Theft or Unauthorised Taking			
UT50	Aggravated taking of a vehicle	Obligatory	3-11*

* if exceptionally not disqualified

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

Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for **11 years from date of conviction** if the offence is:

- drinking/drugs and driving (shown on the licence as **DR10, DR20, DR30** and **DR80**).
- causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as **CD40, CD50** and **CD60**).
- causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as **CD70**)

or **4 years from date of conviction** if the offence is as listed below:

- reckless/dangerous driving (shown on the licence as **DD40, DD60** and **DD80**),
- offences resulting in disqualification.
- disqualified from holding a full licence until a driving test has been passed.

or **4 years from the date of offence** in all other cases.

Source: www.gov.uk

Appendix C Taxi 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 license 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)

As the Licensing Authority, TfL, may appoint a representative for the purpose of chairing and conducting personal hearings. It is for TfL's representative personally to compile a summary of the proceedings and make recommendations to TfL as to action which may be appropriate in each case.

It is customary, but at the discretion of TfL's representative, for an officer from TfL to be present at personal hearings. His function is to advise the LA's representative on technical aspects, e.g. the regulations, practices and procedures relating to taxis and taxi drivers and the procedures followed by TfL.

All hearings are tape recorded and recordings are retained for 12 months. Their purpose is to assist the representative in compiling his summary and for possible future use at Divisional Court.

Appellants may be accompanied by a legal or other representative, relative or friend (usually only one or two). Where a number of other people wish to speak on behalf of the appellant it is preferable, subject to TfL's representative's agreement, for them to do so at the end of the hearing having remained outside of the hearing itself. 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.

The following convention for the conduct of the hearing by the representative has been agreed by TfL and has stood the test of time and a judicial review:

1. Introduce those present
2. Explain the procedure by stating:
 - who the Licensing Authority is and that, by law, who makes the decision in each case;
 - TfL's representative is conducting the hearing and reporting the substance of it by means of a comprehensive summary of the proceedings together with recommendations;
 - TfL will reconsider its decision in the light of the report of the hearing and its representative's recommendation;

- the outcome of TfL's reconsideration will be notified to the appellant in writing within 28 days;
 - if dissatisfied with the decision, the appellant may apply to court within 28 days for an independent appeal hearing.
3. Confirm identity of appellant and the reason for the hearing, i.e. to appeal against the refusal, suspension or revocation of a licence.
 4. State ground for TfL's decision:

Convictions - for each conviction, confirm the date, offence of which convicted and penalty imposed (and briefly summarise the nature of the offence if known).

Complaints - for each complaint considered in reaching the original decision, read out the letter of complaint (with personal details removed) and any other relevant material e.g. written reports/driver's written response. [Appellants will have already been supplied beforehand with copies of the complaint(s) and the drivers response to the complaint(s), as well as a career chronology.]
 5. Give the appellant the opportunity to speak, to:
 - comment on each conviction/complaint; expand upon the background of each;
 - add such information as he may wish to have taken into consideration;
 - otherwise to speak on their own behalf.
 6. Accept written representations such as financial summaries, character references, certificates relating to academic and vocational qualifications and training courses, etc. as may be offered (and photocopy as appropriate for attachment to the personal file).
 7. Summarise what has been said during the hearing and what will be included in the written submission, for the appellant's agreement.

No indication of the possible outcome of the hearing can be given at the time since the decision is one which only TfL is able to make.

Following the hearing the appellant's file is to be minuted by TfL's representative stating:

- when the hearing was held;
- who was present;
- the purpose of the hearing;
- the facts stated at the hearing as forming the basis on which TfL had made its decision;

- a summary of the proceedings (i.e. the appellant's representations);
- an assessment of the matters disclosed; and recommendations as to appropriate action.

Case Consideration

In considering appeals the approach is to look at each case on its merits. While account may be taken of policy, and guidelines such as BMA/MCAP/DVLA, the particular facts and circumstances, including those behind the conviction and misdemeanours, will be part of the final assessment.

Medical

TfL is guided, but not bound, by the requirements for Group 2 (vocational) drivers. However, only in exceptional cases would such requirements not be adhered to and then only if such action were supported by a very positive medical report from a consultant.

Rehabilitation of Offenders Act, 1974

TfL may take account of the generality of 'spent' convictions. Therefore, a large number of 'spent' convictions indicating a proclivity to criminal behaviour or a pattern of such convictions, e.g. for sexual or violent offences, may indicate unsuitability to be licensed (Appendix A).

Regina v Maidstone Crown Court, Ex parte Olson

"It was for the appellant for a taxi licence to establish on the balance of probabilities that he was a fit and proper person. In seeking to rebut the applicant's contention that he was such a person, a local authority was required to satisfy only the civil standard of proof even if the substance of what it sought to prove was a criminal offence.

"The local authority was entitled to go behind the applicant's acquittal on appeal of a charge of indecently assaulting a passenger

"Their Lordships did not think local authorities should refuse licences only if they were sure that an applicant alleged to have committed a criminal offence had indeed done so.

"The balance of public interest to see that those who drove taxis were fit and proper persons to do so did not argue for a criminal standard of proof.

"The local authority was entitled to go behind the applicant's acquittal for the different purpose of seeking to rebut his contention that he was a fit and proper person to hold a taxi drivers licence."

Appendix D Disclosure and Barring Service Code of Practice

At the time of publication this Code had not been updated to reflect the creation of the DBS

Introduction

This Code is established under section 122 of Part V Police Act 1997 and determines the obligations which govern initial and ongoing registration of Registered Bodies with the Criminal Records Bureau (CRB).

The Code applies to all Registered Bodies and Umbrella Bodies, hereon referred to as Registered Bodies, and their clients. The Code also applies to applications for, and handling of, both Standard and Enhanced Disclosures.

The obligations within this Code are determined by Part V Police Act 1997 and in particular the Police Act 1997 (Criminal Records) (Registration) Regulations 2006. These provisions determine the legal requirements upon persons seeking to register and maintain their registration with the CRB as Registered Bodies. They address the way in which the CRB will ensure that:

- Organisations are assessed as suitable to receive sensitive Disclosure information;
- Organisations do not breach the spirit and requirements of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 by submitting ineligible Disclosure applications;
- Registered Bodies correctly verify the identity of Disclosure applicants to ensure the integrity of all Disclosures issued by the CRB;
- Sensitive and personal data contained within the Disclosure is correctly managed and used by Registered Bodies;
- The efficiency of the Disclosure Service is maintained by the timely payment of fees and the accuracy of Disclosure application data;
- Registered Bodies treat their applicants fairly when considering sensitive Disclosure information;
- Registered Bodies who fail to comply with the obligations within this Code may be suspended or de-registered in order to maintain the overall integrity of the Disclosure service.

The CRB takes seriously its statutory duties relevant to the rehabilitation of offenders, data protection and human rights legislation. It will therefore seek to ensure strict compliance with the Code through the full range of CRB assurance management processes.

This Code applies to all Disclosure information that is information contained within the Disclosure including information provided under the Independent Safeguarding

Authority (ISA) scheme when introduced as well as information provided under separate cover.

Registration

Registered Bodies must:

1. Provide sufficient information to the CRB to allow registration to proceed. This includes information on the organisation's status, the suitability of proposed countersignatories and the purposes for which registration is requested;
2. Demonstrate that they are likely to countersign and submit applications for relevant positions and employment;
3. Demonstrate that they are likely to submit the minimum annual number of Disclosure applications determined by the CRB;
4. Provide up-to-date information to the CRB as required in respect of the registration information and countersignatories;
5. Provide information on their organisation and nominated Lead and countersignatories as and when required by the CRB to determine suitability for initial and ongoing registration with the CRB;
6. Give access to CRB officials to official premises, data and documentation as and when reasonably required by the CRB to determine suitability for ongoing registration;
7. Submit Registration and Disclosure applications in the prescribed format;
8. Ensure that Disclosure applications are completed accurately and that all mandatory data fields are completed in full;
9. Ensure that any electronic application system complies with CRB specifications as stipulated.

Identity Verification

Registered Bodies must:

1. Accurately and comprehensively verify the identity of the applicant prior to the submission of a Disclosure application;
2. Ensure that any person undertaking identity verification checks on their behalf is suitable and trained accordingly.

Management and Use of Disclosure Information

Registered Bodies must:

1. Have a written policy on the secure handling of Disclosure information which, in the case of Umbrella Bodies, should be made available to their clients;

2. Store Disclosure information securely;
3. Retain Disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where CRB agreement is secured;
4. Ensure that no reproductions of the Disclosure or its content are made, including photocopies or scanned images, unless with the prior agreement of the CRB or as a result of a stipulated requirement relating to the e-channel service;
5. Only share Disclosure information with relevant persons in the course of their specific duties relevant to recruitment and vetting processes;
6. Dispose of Disclosure information in a secure manner;
7. Ensure that Additional Information, including information as to its existence, is not revealed to the Disclosure applicant and is disposed of in the appropriate manner and at the appropriate time;
8. Ensure that they comply with CRB guidance on the portability of Disclosures and their contents.

Suitability Policy

Registered Bodies must:

1. Have a written policy on the suitability of ex-offenders that is available upon request to potential applicants and which, in the case of Umbrella Bodies, should be made available to their clients;
2. Ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure;
3. Notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision;
4. Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment;
5. Provide a copy of the CRB Code of Practice to the applicant upon request.

Payment and Fees

Registered Bodies must:

1. Pay the prescribed registration fee before registration may proceed;
2. Pay countersignatory fees within the prescribed period;
3. Pay all subsequent Disclosure fees within the prescribed period;

4. Pay all fees related to Disclosure applications submitted after any decision by the CRB to suspend registration or de-register the organisation;
5. Publish all fees associated with Disclosure applications in relevant documentation;
6. Notify the CRB in writing of any change to the fees associated with Disclosure applications.

Eligibility

Registered Bodies must:

1. Use all reasonable endeavours to ensure that they only submit Disclosure applications in accordance with the Disclosure eligibility criteria for relevant positions or employment;
2. Correctly apply the CRB definition of a volunteer to assert eligibility for free-of-charge Disclosures.

Assurance and Compliance

Registered Bodies and their clients must co-operate in full with the CRB Registration Management team enquiries, audits and investigations in seeking to:

1. Determine eligibility for initial registration with the Disclosure service in accordance with the prescribed processes and criteria;
2. Ensure ongoing compliance of Registered Bodies with the obligations under this Code by undertaking assurance audits on a regular basis in accordance with the prescribed processes and criteria;
3. Implement the suspension or de-registration of a Registered Body where non-compliance is established in accordance with the prescribed de-registration processes and criteria.

Offences

Registered Bodies must note that it is an offence to:

1. Disclose information contained within a Disclosure to any person who is not a member, officer or employee of the Registered Body or, in the case of Umbrella Bodies, their client unless a relevant legal exception applies;
2. Disclose information to any member, officer or employee where it is not related to that employee's duties;
3. Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain a Disclosure.

Persons guilty of such offences are liable to deregistration, imprisonment or a fine unless a relevant exception applies as outlined in CRB Guidance.

Guidance

Each of the obligations of this Code is supplemented by detailed Guidance available on the CRB website at www.crb.gov.uk

This Guidance will be updated on a continual basis to ensure that it reflects the reality of CRB operations and the needs of Registered Bodies.

Significant changes to the Guidance will be notified to Registered Bodies as required.

(Revised April 2009)

Source: www.gov.uk/dbs

Appendix E Sex Offenders Register

What is the Sex Offenders Register?

The Sex Offenders Register 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. There are around 29,000 people on the register in the UK.

How long do offenders remain on the register?

It depends on the sentence:

Sentence	Period on the Sex Offenders Register
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 Evidence to support the right to work in the UK

List A

Documents which establish ongoing entitlement to work in the UK

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, Border and Immigration Agency or UK Border Agency to a national of a European Economic Area country or Switzerland.
4. A permanent residence card issued by the Home Office, Border and Immigration Agency or UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.
5. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.
6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination 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 full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents, **when produced in combination 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 full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents **when produced in combination 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 birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
11. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
12. A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
13. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination 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 which indicate restricted entitlement to work in the UK

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
2. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
3. A work permit or other approval to take employment issued by the Home Office, Border and Immigration Agency or UK Border Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer confirming the same.
4. A certificate of application issued by the Home Office, Border and Immigration Agency or UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.

5. A residence card or document issued by the Home Office, Border and Immigration Agency or UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.
6. An Application Registration Card issued by the Home Office, Border and Immigration Agency or UK Border Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, **when produced in combination 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 letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

Source: www.ukba.homeoffice.gov.uk

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	-

Appendix H Filtering rules for criminal record check certificates

For those 18 or over at the time of the offence:

An adult conviction will be removed from a DBS criminal record certificate if:

- 11 years have elapsed since the date of conviction; **and**
- it is the person's only offence; **and**
- it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the list of offences relevant to safeguarding. The list of offences that will never be filtered is available on the DBS website at www.dbs.gov.uk.

If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

- The same rules apply as for adult convictions, except that the elapsed time period is 5½ years
- The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

Source: www.gov.uk/dbs