

**TAXI AND PRIVATE HIRE VEHICLE LICENSING:  
BEST PRACTICE GUIDANCE**

**March 2010**

## **Appendix D**

### **TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE**

<u>Table of contents</u>	<u>Para Nos</u>
Introduction	1-5
The role of taxis and PHVs	6-7
The role of licensing: policy justification	8-10
Scope of the guidance	11
Consultation at the local level	12
Accessibility	13-25
Vehicles	26-44
Quantity restrictions of taxi licences	45-51
Taxi fares	52-54
Drivers	55-76
PHV operators	77-81
Repeal of the PHV contract exemption	82-83
Enforcement	84-88
Taxi Zones	89-91
Flexible transport services	92-95
Local transport plans	96-97

**Annex A - Useful questions when assessing quantity controls**

**Annex B - Sample notice between taxi/PHV driver and passenger**

**Annex C – Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard**

## **Appendix D**

### **INTRODUCTION**

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

### **THE ROLE OF TAXIS AND PHVs**

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

### **THE ROLE OF LICENSING: POLICY JUSTIFICATION**

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

## **Appendix D**

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

### **SCOPE OF THE GUIDANCE**

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

### **CONSULTATION AT THE LOCAL LEVEL**

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

### **ACCESSIBILITY**

13. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's website at: <http://www.dft.gov.uk/press/speechesstatements/statements/accesstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

## Appendix D

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>
15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.
16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.
17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.
18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points
19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

## **Appendix D**

### **Duties to carry assistance dogs**

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistancedogsinta6154?page=2>

### **Duties under the Part 3 of the DDA**

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at [http://www.equalityhumanrights.com/uploaded\\_files/code\\_of\\_practice\\_provision\\_and\\_use\\_of\\_transport\\_vehicles\\_dda.pdf](http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf). There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

## **Appendix D**

### **VEHICLES**

#### **Specification Of Vehicle Types That May Be Licensed**

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

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

#### **Tinted windows**

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

#### **Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)**

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For

## Appendix D

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at

[www.businesslink.gov.uk/vehicleapprovalschemes](http://www.businesslink.gov.uk/vehicleapprovalschemes)

### Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- Frequency Of Tests. The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- Criteria For Tests. Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs\*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

\*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see  
<http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.



## Appendix D

- Number Of Testing Stations. There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

### Personal security

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website ([www.ico.gov.uk](http://www.ico.gov.uk)). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

## Appendix D

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

### Vehicle Identification

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

### Environmental Considerations

39. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly

## Appendix D

assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

### **Stretched Limousines**

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

## Appendix D

44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

### QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

## Appendix D

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

## TAXI FARES

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

## **Appendix D**

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

## **DRIVERS**

### **Duration Of Licences**

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

### **Acceptance of driving licences from other EU member states**

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

## Appendix D

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

### **Criminal Record Checks**

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity<sup>1</sup> and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at [www.isa.gov.org.uk/default.aspx?page=402](http://www.isa.gov.org.uk/default.aspx?page=402). [*The Department will issue further advice as the new SVG scheme develops.*]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website ([www.crb.gov.uk](http://www.crb.gov.uk)) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

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<sup>1</sup> "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

## **Appendix D**

### **Notifiable Occupations Scheme**

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail [Samuel.Wray@homeoffice.gsi.gov.uk](mailto:Samuel.Wray@homeoffice.gsi.gov.uk).

### **Immigration checks**

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at [www.bia.homeoffice.gov.uk/employingmigrants](http://www.bia.homeoffice.gov.uk/employingmigrants). More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

### **Medical fitness**

67. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:



## **Appendix D**

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

### **Age Limits**

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

### **Driving Proficiency**

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

### **Language proficiency**

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

### **Other training**

72. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

## Appendix D

73. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

*GoSkills*, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: [www.goskills.org](http://www.goskills.org)

e-mail: [info@goskills.org](mailto:info@goskills.org)

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to “change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport”. The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

### **Topographical Knowledge**

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

## **Appendix D**

tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

### **PHV OPERATORS**

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

#### **Criminal Record Checks**

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

#### **Record Keeping**

79. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

#### **Insurance**

80. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

#### **Licence Duration**

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

## **Appendix D**

### **Repeal of the PHV contract exemption**

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

### **ENFORCEMENT**

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - [www.sentencing-guidelines.gov.uk](http://www.sentencing-guidelines.gov.uk).

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

## **Appendix D**

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

### **TAXI ZONES**

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

### **FLEXIBLE TRANSPORT SERVICES**

92. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

## Appendix D

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis – immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a ‘restricted public service vehicle (PSV) operator licence’. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department’s publication ‘Flexible Transport Services’ which can be accessed at:

<http://www.dft.gov.uk/pgr/regional/buses/bol/flexibletransportservices>

## Appendix D

### LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

### TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

#### Useful questions when assessing quantity controls of taxi licences

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

##### Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
  - reduce the availability of taxis;
  - increase waiting times for consumers;
  - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

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

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

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

- When consulting, have you included etc
  - all those working in the market;
  - consumer and passenger (including disabled) groups;
  - groups which represent those passengers with special needs;
  - local interest groups, eg hospitals or visitor attractions;
  - the police;
  - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?



### TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

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

#### **The driver will:**

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

#### **The passenger will:**

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

## **Appendix D**

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

#### **The driver will:**

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

#### **The passenger will:**

- ***Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

### TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

#### Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

# Guidance for operators of stretch limousines



GUIDE

## **Appendix D**

This guide and the application forms for operator licensing and bus registration are available through [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa), as is the publication Notices and Proceedings. The website also provides useful information for transport operators, local authorities, partner organisations, hire companies and the general public. This guide is valid as of March 2011. For latest information please refer to [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa).

### **Disclaimer**

This publication gives general guidance only and should not be regarded as a complete or authoritative statement of the law.

If you wish to check the legal position you should refer to the relevant legislation and, if necessary, seek your own legal advice.

The interpretation of the law remains the sole prerogative of the Courts.

# Contents

<b>Introduction</b> .....	<b>4</b>
<b>1. Vehicle Registration</b> .....	<b>5</b>
<b>2. Vehicle Standards</b> .....	<b>6</b>
Small Limousines .....	6
Large Limousines .....	6
<b>3. Vehicle Licensing</b> .....	<b>7</b>
Small Limousines .....	7
Large Limousines .....	8
<b>4. Other Requirements</b> .....	<b>10</b>
Drivers' Hours and Tachographs .....	10
Speed Limiters .....	10
In-Service testing .....	10
Passenger Seat Belts .....	10
Driver Licensing .....	12
<b>5. Enforcement</b> .....	<b>13</b>
<b>Annex A:</b>	
<b>Requirements for a Small Limousine to be Licensed as a PSV</b> .....	<b>14</b>
<b>Annex B:</b>	
<b>Useful Contacts and Additional Information</b> .....	<b>15</b>

# Introduction

This guide tries to answer basic questions to assist owners and operators of stretched limousines and, to a limited extent, 'novelty vehicles'. It is only intended for general help; it is not a legal document. For details of the law you will need to refer to the relevant legislation or seek independent legal advice.

Historically within the industry there has been some uncertainty of the legal requirements for these types of vehicles and, partly as a result of that, there has been relatively high non-compliance with the rules. However in recent years there have been significant strides made across the sector in moving towards legality – and this guide is intended to further support those efforts.

This is the third published edition of this guide. In addition to a number of minor revisions, following customer feedback the guide has been restructured to try and make it simpler to understand. The guide is now split into five main sections:

1. Vehicle Registration
2. Vehicle Standards
3. Vehicle Licensing
4. Other Requirements
5. Enforcement

Where appropriate each of these is split into explaining the requirements for "small" and "large" limousines. These terms are used throughout this guide and refer to vehicles with 8 or less passenger seats ('small') and more than 8 passenger seats ('large').

Further information on specific aspects of the law can be found in the documents listed in this guide and from the web links provided to Government websites – see Annex 2. If, after considering the additional information, you are still unsure about any aspect of the law you should consider seeking independent legal advice.

# 1. Vehicle Registration

If you buy a brand new vehicle in Great Britain (GB) the dealer will usually arrange for it to be registered for you.

A vehicle imported into GB for use on the public road must be licensed and registered immediately after arrival. Information on the procedures for importing, licensing and registering vehicles purchased outside Great Britain can be found on the website above under 'Registering an Imported vehicle'.

The vast majority of limousines imported into Great Britain are exported from the USA and are already 'converted' to be limousines prior to registration in Great Britain. Legislation governing the construction and use of vehicles is significantly different in America and therefore the vehicles will need modifications (very substantial modifications in the case of larger vehicles) before being compliant with GB requirements. Before purchasing a limousine, you should investigate the matter fully and satisfy yourself that the vehicle can be modified to meet the GB requirements and that you know the cost of these modifications.

It is possible to take a car which is already registered with DVLA and convert it into a limousine, using reputable coachbuilders here or in the USA. Once the vehicle has been converted you are legally required to notify DVLA of the changes, since the identity of the vehicle may be brought into question. It is possible that the passenger capacity, weight limits, or the taxation class of the vehicle would have changed, so the V5C registration document would no longer be valid.

If a vehicle or its chassis has been cut in half and extended, the vehicle would need to be inspected by DVLA and would be assessed as being in one of two categories; either as radically altered from its original specification or, if a kit of new parts has been used in the build, as a kit conversion. The registration number will change because this is not the same vehicle as that described on the vehicle records and it would be misleading to retain the original registration number when the vehicle has undergone such major modifications. A vehicle undergoing major structural alterations is likely to require approval (IVA) in its modified condition.

**IMPORTANT** - you are legally required to notify DVLA of any changes to your vehicle or if any details shown on your registration certificate are incorrect; examples of changes are engine, replacing/modifying chassis and seating capacity.

DVLA has published a guide to the registration of rebuilt, radically altered and kit converted vehicles, in the form of an information leaflet INF 26, which is available from DVLA local offices.

You will be required to show receipts, build plans and photographs of the build if you are applying for kit conversion status. DVLA advises that before modifying a vehicle which has a cherished registration mark, the vehicle keeper may wish to consider securing the mark, which may be lost if the vehicle's identity is changed.

Where a vehicle is converted to a limousine post registration, in addition to ensuring that vehicle registration requirements are met – there will still be a requirement to ensure that vehicle standards are met. This is dealt with in the section 2 of this guide.



## 2. Vehicle Standards

### Small Limousines<sup>1</sup>

Small limousines, that is, those with fewer than 9 passenger seats, will in almost all cases not be type approved to British or European standards and thus will need to prove compliance through the Individual Vehicle Approval Scheme (IVA), formerly known as the Single Vehicle Approval scheme (SVA). The IVA scheme provides a pre-registration inspection for all passenger and goods vehicles that have not been type-approved to British or European standards. The main purpose of this scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads.

Before a vehicle is submitted to VOSA for an IVA inspection, evidence must be provided to demonstrate the modified vehicle's capability to operate at weights higher than the original vehicle's maximum gross weight where this will be exceeded when the vehicle is full of passengers. Key components such as the axles, suspension and brakes may have to be upgraded to take the extra weight of the converted vehicle, compared to the original base vehicle.

### Large Limousines

Large limousines, that is those with 9 or more passenger seats traditionally have required a COIF (Certificate of Initial Fitness) from VOSA in order to be registered and used to carry paying passengers (referred to as "use for hire or reward"). Since April 2009 it has also been possible to apply for Individual Vehicle Approval (IVA) or type approval for such vehicles. From 29 October 2011, COIF will no longer be an acceptable route to registration, except for vehicles built more than 3 months prior to this date (i.e. manufactured prior to 29th July 2011).

There are very few limousine types that are currently compliant with COIF, IVA or type approval requirements. The Department is aware that vehicles not complying with GB, or EC, construction regulations have been registered in the past and has taken steps to prevent this. Operators need to consider, when purchasing a larger limousine, that most of these vehicles will require considerable expense to convert them in order that they can meet COIF or IVA requirements – although there are a number of vehicle models that commercial companies do offer conversion to the required standards.

When considering a vehicle purchase, it is worth noting the difficulties that some vehicles will have in complying with the legal requirements. Most limousines imported from the USA cannot obtain such a certificate because they do not comply with GB, or EC, construction and use regulations. In particular, the regulations require any passenger vehicle carrying more than eight people to have exits big enough to get passengers out quickly in the event of an emergency. Many limousines do not comply with this requirement. In addition, the regulations require European-approved lamps, mirrors, tyres, seat belts and glass, which are not present on American vehicles, and the regulations on turning circle are not met by most stretched American vehicles.

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<sup>1</sup> Small limousines are defined as being those with 8 or fewer passenger seats. Large limousines are defined as those with more than 8 passenger seats. The seating capacity is the number of passengers the vehicle is adapted to carry; Seating capacity can be defined by the number of seating positions - which could be defined by sculpting in the seat and/or seat belts.

## 3. Vehicle Licensing

Stretched limousines are generally used for hire or reward<sup>2</sup>. To do this the correct licence is required by the operator of the vehicle – and the conditions for that licence must be complied with. The type of licence required depends on the capacity of the vehicle and the type of operation undertaken.

If you operate vehicles for hire or reward it is your responsibility to ensure that you are correctly licensed and that you comply with the legislation. Operating a vehicle without the correct licence could lead to prosecution in the Courts. You will also need to ensure that you have the appropriate vehicle and operator insurance for your operation. Operating without a valid PSV operator's licence (where applicable) or vehicle insurance could result in your vehicle being impounded. Other offences could result in prosecution through the Courts, the issue of a Fixed Penalty and Immobilisation of the vehicle. See section 5.

### Small Limousines

Limousines are generally used in a way that means that small limousines fall into the scope of the Private Hire Vehicle Licensing Scheme. A private hire vehicle (PHV) licence is required if the vehicle is hired out, with a driver, as a whole (ie: an exclusive hiring). In England and Wales these licences are administered by the relevant local authority or, in London, Transport for London (TfL), who have discretion as to what vehicles they will license. Where the PHV licensing regime applies, the vehicle, the driver and the operator<sup>3</sup> must all be licensed separately by the authority.

The situation is similar in Scotland, where local authorities act as licensing agents for the Scottish Government who have legislative responsibility. A small limousine must be licensed as a private hire car where it is used for hire by private arrangement.

Vehicles constructed or adapted to seat fewer than 9 passengers, including stretched limousines, are exempt from PHV licensing requirements while being used in connection with a funeral or a wedding, or where used wholly or mainly for the purpose of funerals by a person carrying on the business of an undertaker.

In some circumstances a limousine is used in a way that a small limousine can fall into the scope of the PSV Operator Licensing scheme – where licences are issued by the traffic commissioner. This is only in very limited circumstances, where the vehicle is operated in a prescribed manner that meet the requirements of such a licence – which include the need to charge “separate fares”. This is not the usual way that such vehicles are used. The detailed requirements for a small limousine to be licensed as a PSV are set out in Annexe A.

Each local licensing authority may decide which vehicles are suitable for licensing as PHVs in their area. Accordingly, it is for each licensing authority to decide for its area whether they wish to license stretched limousines as PHVs, taking into account local circumstances. It is important to note that only vehicles constructed or adapted to seat fewer than 9 passengers can be licensed as PHVs. Where a vehicle is licensed and used as a PHV, the operator and any person who drives the vehicle for hire must also hold the appropriate licence issued by the local authority.

The Department for Transport has issued best practice guidance to local licensing authorities in England and Wales (similar guidance has been issued by the Scottish Government to Scottish local authorities)

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<sup>2</sup> Hire or reward is any sort of payment or other reward which gives a person a right to be carried on a vehicle regardless of whether a profit is made or not and regardless of whether that right is exercised. The payment may be made by the person themselves or on their behalf. It may be a direct payment (such as a fare, hire charge or other payment made in respect of the journey) or an indirect payment (such as a membership subscription to a club, payment for a bed in a hotel or payment for concert tickets).

<sup>3</sup> The operator is the person who, in the course of business, makes provision for the invitation or acceptance of bookings for a private hire vehicle.

## Appendix D

on the licensing of taxis and PHVs. This guidance encourages local authorities to consider the licensing of limousines on a case by case basis and not to impose a blanket ban on the type of vehicle.

The licensing process, in England and Wales, allows for would-be licence holders, who are refused a licence on the grounds that a vehicle is unsuitable to be licensed as a PHV, to appeal against the authority's decision in the local magistrate's court. In Scotland an appeal can be made to the sheriff court.

### Large Limousines

For vehicles constructed or adapted to carry more than 8 passengers used to carry passengers for hire or reward, the licence required is a public service vehicle (PSV) operator's licence granted by the traffic commissioner.

There are two main types of licence – a standard and a restricted licence:

- ▶ A standard licence allows you to operate any number of vehicles within your authorisation. For this type of licence you will need to have a transport manager and you (as the operator), or your transport manager will need to demonstrate professional competence – that normally being demonstrated with a Certificate of Professional Competence (CPC).
- ▶ A restricted licence allows you to use only one or two vehicles adapted to carry nine to sixteen passengers provided that:-
  - ▷ the vehicles are not used in the course of a business of carrying passengers; or
  - ▷ your main occupation is not the operation of PSVs adapted to carry more than eight passengers.

For this type of licence you do not need to demonstrate the requirements for professional competence. You do not need a transport manager.

The majority of (but not all) large limousine operations fall into the requirements of a standard licence – because generally the company's purpose is the operation of the vehicles adapted to carry more than eight passengers.

To obtain your licence you will need to be able to show that you are of good repute, you have appropriate financial standing, have appropriate and adequate arrangements for maintaining your vehicles and have systems in place to support compliance with all of the legal requirements.

In order to obtain such a licence you will also need to prove that your vehicle complies with legally required safety standards for this type of vehicle. In order to prove this, your vehicle will need to have evidence of whole vehicle type approval, a Certificate of Initial Fitness (COIF) or an IVA issued by VOSA – see section 2.

If your vehicle is able to comply with the safety standards, guidance on obtaining a PSV licence is available in the booklet PSV 437. The guidance provides details of the type of services that you may provide using such a licence but you will also need to consider the impact of the drivers' hours, tachograph, and driver licensing requirements for PSV vehicles (see section 4).

"Dry hiring" is not an acceptable route to avoiding the operator licensing requirements. "Dry hiring" is the term used to describe the practice whereby a company leases out a limousine without a driver. If the person hiring the vehicle intends to drive it himself (and holds a suitable driver's licence and insurance), then this is a perfectly legitimate arrangement. However, some operators have sought to adopt the practice of offering (or requiring) the hirer to hire a driver from a connected/related company under a separate agreement. VOSA considers that where this practice is adopted in an attempt to circumvent the PSV operator licensing requirements where passengers are being carried for hire or reward, it is illegal.

## Appendix D

This view is backed up by the courts, who have upheld decisions to bring legal action against operators who have used this practice. VOSA will continue to bring such cases to court, and limousine owners who continue to use "dry hiring" in this way could have their vehicles impounded (see section 5).

**IMPORTANT** - Operations which involve hiring a vehicle with driver, or receipt of payment or any other kind of reward in return for the carriage of passengers, will require some form of licence. If the limousine is adapted to carry less than nine passengers then it most likely that it will fall within the PHV, or PHC in Scotland, licensing regime. If the limousine is adapted to carry nine or more passengers then a PSV operator's licence is required.

Failure to adhere to these requirements may result in your vehicle being impounded and, ultimately, destroyed.

## Appendix D

# 4. Other requirements

## Drivers' Hours and Tachographs

The majority of large limousines will come into the scope of EU Drivers' Hours rules because of the way that they are used. Where this is the case the vehicle will require a tachograph. There can be technical difficulties in fitting a tachograph to some types of vehicles because the transmissions of the "base" vehicle (pre-stretch) was not designed to accept a tachograph – and therefore this should be a consideration when making vehicle choices.

For tachograph information please refer to the VOSA Guide "Rules on Drivers' Hours and Tachographs Passenger-carrying vehicles in the UK and Europe" (Revised 2011).

Technical advice on the fitment of tachographs to different vehicle types is available from VOSA licensed Tachograph Calibration Centres. A list of these is available from:  
<http://www.businesslink.gov.uk/bdotg/action/detail?type=RESOURCES&itemId=1082074010>

## Speed Limiters

There are speed limiter regulations in place for passenger vehicles over 8 seats but not over 7500 kg design gross vehicle weight –

- 1) Vehicles first used prior to 1 October 2001 - No requirement
- 2) Vehicles first used on or after 1 October 2001 up to 31 December 2004 - For British domestic use only. These will require a speed limiter set such that the vehicle speed cannot exceed 100 kph (62.14 mph) to be fitted by 1 January 2007 if they have a Euro 3 engine with heavy duty diesel emissions approval under directive 88/77/EC. If they are used for international traffic and have such engines then speed limiters were required from 1 January 2006.

## In-Service Testing

Small limousines will be required to meet the requirements of the Local Authority for being used as a Private Hire Vehicle. Usually this will consist of a Class IV "MOT" at least annually, and may also consist of other bespoke inspections that the Local Authority may stipulate. Class IV MOTs are the same type as most private cars require and therefore are conducted at many MOT garages – however the majority of Class IV MOT garages will not have sufficiently large facilities to test a stretched limousine. Many Local Authorities do have facilities that are able to offer MOT for this type of vehicle, as do VOSA test stations.

For Large limousines that are used for hire and reward (as the majority are) they require a Class VI MOT. These MOTs are only available from VOSA – at its own test stations or authorised test facilities.

## Passenger Seat Belts

Seat belt fitting requirements depend on the age and size of the vehicle, but generally it is recommended that all forward and rearward facing seats are fitted with seat belts and, where appropriate, child restraints.

There is no legal requirement to fit seat belts in sideways-facing seats and there are no seat belts or child restraints approved for sideways facing seats. Therefore, a child who is required to use a child restraint (i.e. all those under 135 cm tall who are also under 12 years old) cannot travel in a sideways-facing seat. Instead they must use a forward or rear-facing seat.

## Appendix D

The following requirements apply for the wearing of seatbelts for small limousines:

	Rear seat	Responsibility
Child up to 3 years old	<p>Correct child restraint must be used.</p> <p>If a restraint is not available in a limousine licensed as a PHV the child may travel unrestrained – but this does not apply if the vehicle is operated as a PSV.</p>	Driver
Child from 3rd birthday up to 135cms in height (approx 4' 5") or 12th birthday, whichever they reach first	<p>Where seat belts are fitted, the correct child restraint should be used.</p> <p>If the correct child restraint is not available in a limousine licensed as a PHV then the adult seat belt should be used.</p> <p>A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear (because of the vehicle age).</p>	Driver
Child over 135cm (approx 4 foot 5 inches) in height, or 12 or 13 years old	Seat belt must be worn if available	Driver
Passengers aged 14 years old and over	Seat belt must be worn if available	Passenger

The driver is generally responsible for ensuring passengers aged under 14 years old use rear seat belts in private hire vehicles. However, in licensed taxis and licensed hire cars in which the rear seats are separated from the driver by a fixed partition, the driver is not responsible for making sure that passengers under 14 years in the rear of such vehicles use the correct child restraint as required by the regulations.

The following requirements apply for wearing seatbelts for large limousines (operated as a PSV):

	Rear seat	Responsibility
Child up to 3 years old	<p>Correct child restraint must be used.</p> <p>If a restraint is not available in a limousine the child may travel unrestrained.</p>	Driver
Child from 3rd birthday up to 14th birthday	<p>Where seat belts are fitted, the correct child restraint should be used.</p> <p>If the correct child restraint is not available then the adult seat belt should be used – however there is legal requirement for the child to use a seat belt.</p>	-
Passengers aged 14 years old and over	Seat belt must be worn if available.	Passenger

All coaches and minibuses carrying a group of 3 or more children on organised trips must be equipped with seat belts.

Where seat belts are required to be used vehicle operators must now notify passengers that seat belt wearing is compulsory. This can be done by an official announcement, or an audio-visual presentation, made by the driver, conductor, courier or group leader when the passenger joins the bus or by a sign

## Appendix D

prominently displayed at each passenger seat equipped with a seat belt. Pictorial symbols must be in the agreed form showing a white figure on a blue background. It is an offence to fail to take reasonable steps to ensure that passengers are so notified.

### Driver Licensing

You will need to ensure that drivers have the correct licence for the **size** of vehicle that you are using and how it is being used.

The driver of a small limousine must hold a full car (category B) driving licence (providing the vehicle does not exceed 3.5 tonnes). Additionally, for small limousines that are licensed as PHVs the driver must be licensed by the same authority that issued the PHV licence.

For a large limousine (used as a PSV) with 16 or less passenger seats then a category D1 or D licence is required, for those with 17 or more passenger seats then a category D licence is required. When using a limousine as a PSV you will need to ensure that a licence is not restricted to vehicles that are not used for hire or reward – which some D1 licences are.

## Appendix D

# 5. Enforcement

VOSA has the power to impound<sup>4</sup> any vehicle constructed or adapted to carry more than 8 passengers which is being, or has been, used to carry passengers for hire or reward without a PSV operator's licence.

VOSA may also prohibit vehicles from further use where serious mechanical defects, overloading and drivers' hours offences are detected.

In addition to VOSA's powers the police have powers to seize a vehicle for other offences, for example, if it does not meet insurance requirements.

VOSA has widely publicised the requirements of the PSV and PHV licensing regimes to raise awareness and enable as many operators as possible to obtain the necessary licence. If you have any doubts as to whether your operations are compliant with the law, you should seek independent legal advice.

**Ultimately, where vehicles are found unable to comply with COIF or IVA requirements, they may be destroyed.**

On the 1st April 2009 the graduated fixed penalty, deposits and immobilisation scheme (GFP/DS) was launched. The Road Safety Act 2006 introduced powers to enable both police constables and VOSA examiners to:

- ▶ Issue fixed penalties in respect of both non-endorsable and endorsable offences;
- ▶ Request immediate financial deposits from non-UK-resident offenders (equivalent to an on-the-spot fine) - either in respect of a fixed penalty or as a form of surety in respect of an offence which is to be prosecuted in court; and,
- ▶ Immobilise vehicles in any case where a driver or vehicle has been prohibited from continuing a journey or in any case where a driver declines to pay the requested deposit. There are various offences covered by the scheme which are all driver related. The scheme includes offences such as failing to have a tachograph installed, failing to produce a driver CPC and failure to comply with Construction and Use Regulations.

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<sup>4</sup> The Public Service Vehicles (Enforcement Powers) Regulations 2009 (S.I. 2009/1964)



**Appendix D**

# Annex A: Requirements for a Small Limousine to be Licensed as a PSV

A PSV operator's licence issued by the traffic commissioner may be required if the vehicle is used for carrying passengers at separate fares in the course of a business of carrying passengers. However, even if the passengers are carried at separate fares, this does not automatically mean that the vehicle is a PSV. There are further conditions that must also be met in order for the vehicle to qualify as a PSV.

- CONDITION 1:** The passengers must have been brought together for the purposes of making the journey by the driver or owner of the vehicle or by some other intermediary who is paid for doing so. In addition the journey must have been advertised to the public, so as to create a genuine opportunity for members of the public to be carried on the particular journey in question, i.e. the journey is not an exclusive hiring for an individual or group, notwithstanding that separate fares are paid. Advertisement at a place of worship, a place of work, a club or other voluntary association for the information of people present at those places, or in periodicals circulated wholly or mainly among such persons, does not count as advertisement to the general public. Finally, in the event that there are multiple destinations, there should be differentiation of fares for the journey based on distance or time of day.
- CONDITION 2:** The making of the agreement for the payment of separate fares must have been initiated by the driver or owner of the vehicle, or by some other intermediary who is paid for doing so – not by the passengers themselves, or any other party. In addition, as in condition 1, the service must be advertised to the public beforehand as being open to passengers to be carried at separate fares

If these conditions cannot be satisfied the vehicle is not a PSV and is probably operating as a PHV.

Limousine operations using vehicles adapted to carry fewer than 9 passengers are likely to fall outside the PSV operator licensing regime and require a PHV licence, as they are unlikely to meet these conditions.

Information on the PSV operator licensing regime is contained in the guidance booklet PSV437 which can be accessed on the VOSA website.

# Annex B: Useful Contacts and Additional Information

## Vehicle Registration

Further information can be obtained from <http://www.direct.gov.uk>, by following the pathway below;

- > **Motoring**
- > **Buying and selling a vehicle**
- > **Registering a vehicle**

Information leaflet INF 26 (on registration of rebuilt, radically altered and kit converted vehicles), which is available from DVLA local offices.

## Vehicle Standards

Further information on IVA is available at <http://www.businesslink.gov.uk/iva>

Further information on type approval is available at <http://www.dft.gov.uk/typeapproval>

Further information on COIF is available at <http://www.businesslink.gov.uk>, by following the pathway below;

- > **Transport and Logistics**
- > **Bus and coach testing**
- > **Certificate of Initial Fitness (COIF) for passenger-carrying vehicles**

Further information on Tacho calibration centres is available at <http://www.businesslink.gov.uk>, by following the pathway below;

- > **Transport and Logistics**
- > **Drivers' hours and tachographs**
- > **Tachographs: the basics**

## Licensing

Information on the local private hire vehicle requirements can be obtained from your local licensing authority (district/borough councils, unitary authorities or TfL).

Contact details for your local authority can be found on <http://www.direct.gov.uk> by following the pathway below;

- > **Directories**
- > **Contacts**
- > **Local Councils**

If you need further information about the operation of small passenger-carrying vehicles in Scotland, please contact the VOSA National Contact Centre on: **0300 123 9000** for a copy of the Licensing of Small Passenger Carrying Vehicles.

Publications on Operator Licensing can be viewed and downloaded from [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa) by following the pathway:

- > **Publications**
- > **Manuals and Guides**
- > **Operator Licence Guides**

Paper copies of VOSA guides are available by contacting the VOSA National Contact Centre on: **0300 123 9000**

## Appendix D

### PSV Operator Licensing

If you have a query about PSV operator licensing contact:-

Central Licensing Office  
Hillcrest House  
386 Harehills Lane  
Leeds  
LS9 6NF

Tel: 0300 124 9000

[Self.Service@vosa.gov.uk](mailto:Self.Service@vosa.gov.uk)

### Other Requirements

Publications on Drivers' Hours and Tachographs can be downloaded from [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa) by following the pathway:

- > Publications
- > Manuals and Guides
- > Drivers' Hours Guides

Details of VOSA approved Tachograph Calibration Centres is available at.....

For more information on speedlimiter requirements please visit:

<http://www.dft.gov.uk/vosa/newsandevents/pressreleases/2006pressreleases/28-12-06speedlimiterlegislation.htm>

Driver licence information is available from <http://www.direct.gov.uk> by following the pathway

- > Motoring
- > Driver Licensing

More information on graduated fixed penalties, deposits and immobilisation schemes can be found on

[www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport)

- > this takes you to the BusinessLink (Transport and Logistics) home page
- > under the Heading 'Drivers' select Fixed Penalties

### Business Information

A wide range of information on transport as a business can be found on:

[www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport)

Department for Transport website address is [www.dft.gov.uk](http://www.dft.gov.uk)

Transport for London website address is [www.tfl.gov.uk](http://www.tfl.gov.uk)

VOSA Contact Centre telephone number is 0300 123 9000

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[www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)

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(normal working hours)

