

# Taxi and Private Hire Vehicle Policy

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



<b>Sensitivity</b>	TfL Unclassified
<b>Version Control</b>	
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Summary of amendments	References in parenthesis are to the equivalent paragraph in the TPH Staff Manual v12.1
	Throughout      References to TPH replaced with TfL; gender neutral terms adopted
	1.4 (1.4)          Addition of definition of Authorised Officer
	1.5                  New paragraph re policy review
	3.1 (6.1)          Inclusion of reference to ‘proprietors’; all subsequent references to proprietor replaced with ‘taxi owner’
	3.2                  Inclusion of policy on false or misleading information
	3.3.1 (6.2)        Updated with reference to basic DBS checks
	4.2.1 (7.2)        Additional guidance on licence revocations
	4.2.2 (7.2)        Revised policy on licence revocations
	4.5                  New guidance on list of wheelchair accessible vehicles
	4.6                  New paragraph re national taxi and PHV database
	5                    New section re emissions standards and age limits
	6                    New section re exemptions (includes that previously at (7.6))
	6.1 (7.6)          Revised criteria for disc exemptions
	Appendix A        New
	Appendix B (C)   Updated
	Appendix C        New

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## 1. Introduction

### 1.1 Taxi and PHV licensing in London

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

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

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

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

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

### 1.2 The Licensing Authority

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

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

Grounds for refusal, suspension and revocation of taxi and private hire vehicle licences are set out in paragraphs 7 and 19 of the London Cab Order 1934 (taxis) and sections 7, 16 and 17 of the PHV Act (private hire vehicles).

Only TfL or a delegated officer has the power to refuse an application or revoke or suspend<sup>1</sup> a licence. Appeals against decisions made by TfL or a delegated officer in relation to a taxi or private hire vehicle licence may be made under section 17 of the Transport Act 1985 and sections 7(7) and 17(4) of the PHV Act respectively.

### 1.3 Levels of decision-making authority

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

### 1.4 Terminology

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

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

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

‘We’ or ‘us’ in this document means TfL.

‘You’ and ‘your’ in this document means an applicant for a London taxi or PHV licence or the holder of a London taxi or PHV licence.

### 1.5 Policy review

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

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

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<sup>1</sup> NB Under section 9(2) of the PHV Act a police constable or Authorised Officer has the power to suspend a private hire vehicle licence

## 2. Vehicle Licences - General Regulatory

### 2.1 Taxis

The power to grant taxi licences is contained within section 6 of the Metropolitan Public Carriage Act 1869 (as amended) and Paragraph 7 of the London Cab Order 1934 (as amended). A licence shall be granted a licence if:

- The applicant is a fit and proper person;
- The vehicle conforms with the Conditions of Fitness; and
- The requirements of paragraph 8 of the London Cab Order 1934 as to liability to third parties are met.

Licences are granted subject to a number of conditions which are prescribed in paragraph 14 of the London Cab Order 1934.

Unless suspended or revoked, licences remain in force for one year.

### 2.2 PHVs

The power to grant PHV licences is contained in section 7(2) of the PHV Act. TfL shall grant a licence in respect of the vehicle if it is satisfied that the vehicle:

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

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

Licences are granted subject to a number of conditions which are prescribed, plus any other discretionary conditions placed on individual licences as TfL may think fit. The prescribed conditions are in the Private Hire Vehicles (London PHV Licences) Regulations 2004.

Licences are granted for one year or for such shorter period as TfL may consider appropriate in the circumstances of the case.

### 3. Vehicle Licences - Applicants

#### 3.1 Name on the licence

Taxi and PHV licences will be issued in the name of the vehicle's owner (registered keeper). The registered keeper can be an individual, a company or other entity. Where the registered keeper is a company or other entity, details of a person who will be responsible for the vehicle (taxis) or where the vehicle will be kept (PHVs) will be captured at the point of application.

Taxi owners, particularly fleet owners, are commonly known as 'proprietors' but the term 'taxi owner' or 'licensee' is used in the following paragraphs.

#### 3.2 False or misleading information

Applicants who are found to have misled TfL or provided false or misleading information as part of the application process will normally have their applications refused and consideration may also be given to prosecuting under article 15 of the London Cab Order 1934 or section 28 of the PHV Act, as appropriate. If such information does not come to TfL's notice until after a licence has been issued, the licence will be revoked.

#### 3.3 Fit and proper person (taxi only)

##### 3.3.1 General

Paragraph 7 of the London Cab Order 1934 requires an applicant for a taxi licence to be a 'fit and proper person'. To ensure that the applicant is fit and proper, TfL has determined that their character is assessed on the basis of the information provided by a basic Disclosure and Barring Service (DBS) check. A basic DBS check will only contain details of convictions and conditional cautions considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974. Where the registered keeper is not an individual, the person responsible for the vehicle will be required to be 'fit and proper'.

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

Applicants for a taxi licence who are already licensed as a London taxi or PHV driver will not be required to obtain a further criminal record check.

**Legislation does not include a similar requirement for applicants for PHV licences.**

##### 3.3.2 Consideration of criminal history

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

In assessing an application from a vehicle owner who wishes to hold a taxi licence, the guidelines in respect of drivers within section 3 of the Taxi and PHV Driver Policy should be referred to. However, the relevance of the convictions to holding a vehicle licence will be taken into consideration.



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

### 3.4 Vehicle standards

The defined vehicle standards, age limits (see also section 1), documentary requirements and reasons for refusal of licences for taxis and PHVs are detailed in following documents:

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

These documents are supported by additional guidelines and policies relating to specific technical requirements for licensed vehicles.

The current versions of all these documents can be found on the [TfL website](#).

### 3.5 Inspection failures, re-tests and appeals

#### 3.5.1 Inspection failures

In the event that a vehicle fails a licensing inspection, the following options are available:

- Informal appeal
- Re-test
- Personal hearing (taxis only)
- Appeal to magistrates' court

Each of these options are explained in greater detail below.

#### 3.5.2 Informal appeal

Following an inspection failure, the owner (or their representative) can request the vehicle inspection site Team Leader to re-consider the decision. This option will result in one of two outcomes:

- If the vehicle inspection site Team Leader accepts the representation, the original decision will be reversed, and the vehicle will be licensed; or
- Should the vehicle inspection site Team Leader uphold the original decision, the vehicle owner can either book a re-test or exercise their statutory right of appeal.

### 3.5.3 Re-tests

Following an inspection failure, one re-test is allowed as part of the application. Re-tests must be undertaken within 28 days (taxis) or 21 days (PHVs) of the date of the failed inspection.

Should the vehicle be presented for the re-test with a serious defect which renders it unroadworthy and/or if there are other regulatory infringements, the vehicle will fail the re-test even though the original defect had been rectified.

### 3.5.4 Appeals - Taxis

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

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

### 3.5.5 Appeals - PHVs

Section 7(7) of the PHV Act provides applicants with a right of appeal against decisions taken by TfL to refuse to grant PHV licences.

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

## 4. Vehicle Licences – Licence Holders

### 4.1 General

Paragraph 19(1) of the London Cab Order 1934 and section 16(3) of the PHV Act prescribe the grounds on which taxi and PHV licences respectively may be suspended or revoked.

The aim is to protect public safety by ensuring that taxis and PHVs are properly maintained and owners comply with the statutory requirements, TfL's defined vehicle standards, and general standards expected of them.

### 4.2 Character considerations

#### 4.2.1 Taxis

Any taxi licensee who is convicted of a serious offence may have their fitness to hold a taxi licence reviewed. In deciding whether a taxi licensee remains a fit and proper person, the guidelines at paragraph 3.3.2 will be followed.

As a company may appoint another licensee in the event that the responsible person is no longer fit and proper, TfL would need to be assured that the new licensee was fully aware of their responsibilities and that there was no link in the day-to-day running of a fleet by a revoked licensee.

If the licensee is also a licensed taxi driver, separate consideration will be given to their suitability to hold a taxi driver's licence in line with TfL's Taxi and PHV Driver Policy. In the event that their taxi driver's licence is revoked or suspended, consideration will be given to revoking or suspending their vehicle licence(s), depending on individual circumstances.

#### 4.2.2 PHVs

Section 16(1) of the PHV Act allows TfL to suspend or revoke a PHV licence 'for any reasonable cause', including, but not limited to, reasons connected to the fitness of the vehicle for use as a PHV or failure by the owner to comply with any licence conditions or obligations imposed on them by the Act.

Therefore, where a licensed driver has their PHV driver's licence revoked or suspended on the grounds of public safety, and that driver is the owner of one or more licensed vehicles, consideration will be given to revoking or suspending their vehicle licence(s), depending on individual circumstances.

A PHV licence is likely to be revoked if the vehicle has been used by an unlicensed driver to tout or illegally ply for hire, and if the vehicle owner is a licensed driver, consideration will be given to suspending or revoking that driver's licence.

### 4.3 Breach of conditions

Taxi licences are granted subject to the conditions set out in paragraph 14 of the London Cab Order 1934.

PHV licences are granted subject to a number of conditions which are prescribed, plus any other discretionary conditions placed on individual licences as TfL may think fit. The prescribed conditions are in Schedule 2 of the Private Hire Vehicles (London PHV Licences) Regulations 2004.

Paragraph 19 of the London Cab Order 1934 (taxis) and section 16(3) of the PHV Act allow TfL to suspend or revoke taxi and PHV licences respectively where the owner has failed to comply with a condition of the licence.

When licensees breach conditions, action will be taken to remind them of their responsibilities. Each case will be dealt with on its merits and while a warning may suffice in many cases, serious breaches or failure to heed an earlier warning may result in suspension or revocation.

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

## 4.4 Appeals

### 4.4.1 Taxis

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

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

### 4.4.2 PHVs

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

## 4.5 Equality Act 2010 – Designated vehicles

Under section 167 of the Equality Act 2010, TfL maintains lists of taxis and PHVs it has designated as wheelchair accessible. The drivers of these vehicles have duties under the Equality Act to assist wheelchair passengers (see also Section 4 of the TfL Taxi and PHV Driver Policy).

As it is mandatory for all London taxis to be wheelchair accessible, all taxis licensed by TfL are automatically placed on the list, which is available on request.

Any PHV that:

- Enables the user of a DfT “reference wheelchair<sup>2</sup> to enter, leave and travel in the passenger compartment in safety and reasonable comfort while seated in their wheelchair”<sup>3</sup>; and
- Has the appropriate certification to satisfy TfL that any conversion or adaption has been carried out properly and the vehicle meets the requirements of UK legislation,

will also be designated by TfL and placed on the list.

The decision to designate a PHV is made at the point of licensing. The list of designated PHVs is published on the [TfL website](#).

Section 172 of the Equality Act allows any person who is aggrieved by the decision to include a vehicle on a list maintained under section 167 to appeal to a magistrates' court. Therefore, if you disagree with the decision that your vehicle is wheelchair accessible, you may appeal the decision, but you must do so within 28 days of the vehicle first being designated by us as being wheelchair accessible.

At the point of licensing, the owners (or their representatives) of taxis and PHVs that are designated under section 167 will be issued a notice notifying them of the designation and informing them of the right to appeal.

#### 4.6 National taxi and PHV database

TfL has a duty to provide information to the Secretary of State in accordance with the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019 and associated [Statutory Guidance](#).

To meet this duty TfL will, on at least a weekly basis, upload details in respect of every currently licensed taxi and PHV to the ‘Taxi and PHV Centralised Database’ maintained by the Department for Environment, Food and Rural Affairs (Defra). The information on the database may be used by local authorities to operate and enforce Clean Air Zones.

The details provided are:

- The vehicle registration mark;
- The date the licence is valid from;
- The date the licence is due to expire;
- Whether the vehicle is a taxi or a PHV;
- The TfL plate (taxi) or licence (PHV) number; and
- Whether the vehicle is a designated wheelchair accessible vehicle.

In providing this data, TfL will comply with all relevant data protection legislation.

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<sup>2</sup> As defined in Schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#)

<sup>3</sup> [Access for wheelchair users to taxis and PHVs – Statutory Guidance](#)

## 5. Vehicle Emissions Standards and Age Limits

The Mayor's Transport Strategy is clear that London's transport network must contribute to meeting legal air quality levels as soon as possible and the achievement of a zero-carbon city by 2050, thereby protecting the health of Londoners and demonstrating a commitment to tackling climate change.

Taxis and PHVs play an important role in delivering passenger transport services in London and it is important that emissions standards set by TfL ensure that taxis and PHVs contribute toward improving air quality in London. To meet this aim, TfL has introduced maximum age limits on taxis and PHVs.

### 5.1 Taxis

#### 5.1.1 Emissions standards and maximum age limits

In order to be licensed the vehicle must meet the following criteria:

- Since 1 January 2018 all new taxis presented for licensing for the first time must be zero emissions capable (ZEC)
- Vehicles already licensed by TfL must be less than 12 years old<sup>4</sup> at time of re-licensing

No taxi will be licensed to operate over its relevant age limit. This applies to all licensed taxis. A taxi will not be relicensed if the new licence would expire **after** the date on which it reaches the maximum age limit. The practice of re-licensing a vehicle in its final year for a further whole year is no longer permitted. Section 6(4) of the Metropolitan Public Carriage Act 1869 does not give TfL any discretion to issue licences which are shorter or longer than 12 months.

Since 1 November 2020 we have been reducing the maximum age for Euro 3, 4 and 5 taxis to 12 years. The maximum age limit is being reduced by one year, in November of each year, until 2022, as shown in the table below:

Year	Maximum taxi age limit
2019	15
2020	14
2021	13
2022	12

The age limit for ZEC taxis, Euro 6 vehicles and taxis converted to run on liquid petroleum gas (LPG) will remain at 15 years throughout this period.

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<sup>4</sup> Taxi ages are calculated from the date of the vehicle's first registration with the DVLA under the Vehicle and Excise Registration Act 1994.

### 5.1.2 Exemptions

On **1 November 2019** the limited number of exemptions to the taxi age limits were removed. This includes:

- Alternative fuel conversion exemptions (such as LPG);
- Historic and classic vehicles exemptions; and
- Hardship/personal circumstances exemptions.

All exemptions granted to specific taxi vehicles or taxi drivers prior to 1 November 2019 have been retained.

TfL has the general discretion to grant exemptions in exceptional circumstances, where we consider it reasonable to do so. This includes vehicle owners' personal circumstances and vehicles adapted for use by disabled drivers. All applications for an exemption will be assessed on a case by case basis.

### 5.1.3 Liquid Petroleum Gas conversions

Newly converted LPG taxis will have a 15 year age limit.

LPG-converted taxis with an alternative fuel conversion age limit exemption granted before 1 November 2019 can retain their maximum operating age of 20 years.

## 5.2 PHVs

### 5.2.1 Emissions standards and age limits

Licensing requirements are being introduced in phases. This phased approach will ensure that by 1 January 2023, all vehicles granted a PHV licence for the first time will be ZEC, regardless of age.

**From 1 January 2020:**

- All new (less than 18 months old) PHVs must be zero emission capable when licensed for the first time
- PHVs over 18 months old must have a Euro 6 petrol or diesel engine when licensed for the first time
- Vehicles already licensed by TfL must be no older than 10 years<sup>5</sup> at time of re-licensing (there are a limited number of exemptions – see 5.2.2 below)

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<sup>5</sup> PHV ages are calculated from the date of the vehicle's first registration with the DVLA under the Vehicle and Excise Registration Act 1994.

### From 1 January 2023

- All PHVs (of any age) will need to be zero emission capable when licensed for the first time
- Vehicles already licensed by TfL must be no older than 10 years at time of re-licensing

#### 5.2.2 Exemptions

The Private Hire Vehicles (London PHV Licences) Regulations 2004 (as amended) give TfL a general discretion to grant exemptions to prescribed licensing requirements where we consider it is reasonable following a request by an applicant. Therefore, although the maximum PHV age limit is 10 years, a limited number of pre-defined exemptions to this rule have been available to certain categories of vehicle.

The exemption categories are:

- Alternative fuel conversions;
- Historic, classic and niche vehicles;
- Vehicles used for specialist needs transport;
- Wheelchair accessible vehicles; and
- Vehicles used by Blue Badge Driver Guides.

In addition, other exemptions will be considered by TfL on a case by case basis under its general discretion to grant exemptions to vehicles from normal licensing requirements. These include the following:

- Disabled drivers: where substantial adaptations have been made to accommodate their needs; and
- Specialist adaptations to PHVs: e.g. adaptations required to vehicles used for music touring or other specialist uses.

The exemptions will normally allow a vehicle to be licensed for up to an additional five years, extending the maximum age limit to 15 years. Further annual exemptions for historic/niche vehicles will be considered and granted on a case by case basis.

Details of the criteria that need to be met to be granted an exemption are set out in [Appendix C](#).

Applicants must make their case in writing detailing the reasons for the exemption and include supporting evidence where required. Exemption applications must be made using form [PHV/301](#).



## 6. Other Exemptions

### 6.1 Exemption from having to display licence discs (PHV only)

Displaying the licence discs on a PHV is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed the vehicle has undergone checks to ensure their safety. It also allows passengers to check that the vehicle provided matches that detailed in the booking confirmation provided by the operator. However, we recognise that in exceptional circumstances the display of the discs may cause a safety concern.



Figure 1 - PHV licence disc

Section 10(3) of the PHV Act allows TfL to exempt a vehicle from having to display the front vehicle licence disc. The requirement to display the rear licence disc does not apply to any vehicle granted an exemption under section 10(3) of the PHV Act<sup>6</sup>. There is no power to exempt a vehicle from displaying the rear disc only.

In granting an exemption TfL will need to be satisfied that the service being provided makes it a safety concern for the discs to be displayed. Applicants must make their case in writing detailing the reasons for the exemption and include supporting evidence from customers and/or the operator(s) they work for or intend to work for. Exemption applications must be made using form [PHV/302](#).

An exemption will only be granted where there is a genuine operational or safety reason, and where we are certain that the safety of the public will not be compromised as a result.

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

<sup>6</sup> Paragraph 11, Schedule 2 of the Private Hire Vehicles (London PHV Licences) Regulations 2004

- Whether there are exceptional circumstances that cause the passenger and/or driver to experience safety or security concerns that they would not have if discs were not attached to the vehicle; and
- The nature of the work to be carried out.

We will only grant an exemption where we are satisfied that the vehicle will be used exclusively for the purpose specified in the application. Exempted vehicles found to be providing a service other than that specified in the application may have their exemption removed.

We will also consider an exemption where the design of the vehicle prevents the front disc being displayed e.g. the windscreen is too small to accommodate the disc without impacting on the driver's vision.

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

The exemption is only valid for the duration of the licence applied for and a new exemption application must be made with each annual licence application. Moreover, each further application for an exemption will be treated on its own merits and no guarantee can be given that a further exemption will be granted.

Applications for exemptions from displaying licence discs may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles are not be allowed.

All vehicles granted an exemption from displaying the licence discs will continue to be included in the TfL online [licence checker](#).

## 6.2 Exemption from the right-hand drive requirements (PHV only)

Schedule 1 of the Private Hire Vehicles (London PHV Licences) Regulations 2004 specifies that all PHVs must be right hand drive vehicles. However, Regulation 3(2) of those Regulations allows TfL to exempt a vehicle from any of the licensing requirements specified in Schedule 1 where, having regard for exceptional circumstances, we consider it reasonable to do so.

While we will not normally consider licensing vehicles that are not right-hand drive, particularly those that have been imported, we will consider an exemption from the right-hand drive requirement where evidence of exceptional circumstances can be provided. In order to be granted an exemption the vehicle owner must prove that the right-hand drive requirement cannot be met due to the services offered and type of vehicle being used. The following will be considered:

- Details of the vehicle and why the owner has chosen to license it as a PHV;
- Details of the business and the service offered; and
- Details as to why other, right-hand drive vehicles are not available or could not provide the same service.

Exemption applications must be made using form [PHV/302](#).

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

# Appendices

## Appendix A - Disclosure and Barring Service information

Information included	Type of check			
	Basic DBS check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) information <sup>4</sup>	No	No	No	Yes

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

## Appendix B - Taxi Hearing Procedure

*"Where the Licensing Authority has refused to grant, or has suspended or revoked a licence, the applicant for, or (as the case may be) holder of the licence .... require the, authority to reconsider his decision .... [and].... the person calling for the decision to be reconsidered shall be entitled to be heard either in person or by his representative." (Section 17 of the Transport Act, 1985)*

TfL has a legal obligation to arrange a reconsideration hearing in person affording an aggrieved taxi applicant/licence holder the opportunity to present their case. The hearing is conducted by an officer within TfL who is independent from licensing decision makers. The officer conducting the hearing has no decision-making powers nor will make any recommendations. The final decision rests with a delegated officer after considering the report and representations made by or on behalf of the applicant/licensee.

Hearings may be held either in person or virtually. The applicant/licensee will be given the opportunity to choose the format of their hearing.

### The hearing process

The officer conducting the hearing will be familiar with all relevant regulations, as well as policies and procedures relating to taxi drivers and vehicle owners that are followed by TfL.

Appellants may be accompanied by a legal or other representative, relative or friend. TfL must be advised in advance and the conduct of the hearing is managed by the officer conducting the hearing who has a discretion on who is allowed to speak other than the appellant and any conditions or requirements necessary.

The hearing is primarily an opportunity for the appellant to speak for himself and personally to bring to attention matters which he feels TfL should take into consideration in reviewing its decision. It is not conducive to an effective hearing for too many people to be present but it can be helpful for a partner or friend to be present throughout and speak on behalf of the appellant. Even when represented the appellant should be encouraged to speak for himself.

Following the hearing TfL will:

- Reconsider its decision in the light of the report of the hearing; and
- Notify the appellant in writing of the outcome of TfL's reconsideration within 28 days from the date of the hearing.

No indication of the possible outcome of the appeal will be given at the time of the hearing.

## Appendix C - PHV age limit exemption criteria

### Alternative fuel conversions

The main criteria regarding alternative fuel conversions are:

- Acceptable fuels for the exemption are liquid petroleum gas (LPG), compressed natural gas (CNG) and biomethane;
- All conversions to vehicles must be approved by TfL and completed before the vehicle reaches the 10 year maximum age limit;
- Only vehicles converted from diesel to one of the three alternative fuels will be eligible – petrol conversions will not be eligible;
- Evidence will need to be submitted for all PHVs converted that the vehicle meets the Euro 5 emissions standard.

### Historic (classic) and niche vehicles

Applications for historic (classic)<sup>7</sup> and niche vehicles and will be considered on a case by case basis.

All applications must provide the following:

- details of the vehicle and why it should be deemed a niche vehicle (if applicable);
- details of the business and the service offered and why the vehicle needs to be licensed as a PHV;
- why other vehicles could not be used to provide the same service; and
- details of any modifications that have been carried out to the vehicle (if applicable).

### Vehicles used for specialist needs transport

It would be expected that to qualify for an exemption from the age limit regulations, vehicles would have undergone significant modifications to be able to carry out this type of service.

Applications for exemptions should clearly set out:

- a business case showing why these types of vehicle are required;
- what service the vehicles are used for;
- details of all adaptations or modifications to the vehicles which enable them to fulfil the service and any additional vehicle certifications regarding the testing of the adaptations and/or modifications from Authorities such as VOSA or the VCA

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<sup>7</sup> Historic (classic) vehicles are defined by the DVLA as those manufactured/built before 1 January 1981

- why other vehicles could not be used to provide the same service; and
- supporting information such as a copy of a contract with a local authority, education authority or NHS trust to supply the type of services as described in the application.

### **Wheelchair accessible vehicles**

PHVs that have been manufactured and type approved as wheelchair accessible vehicles or vehicles which have been adapted or modified to carry passengers who use wheelchairs will be considered for exemption.

Wheelchair accessible means a vehicle which has been permanently adapted or modified to enable a passenger using a wheelchair to enter, exit and travel safely and securely while remaining in their wheelchair for the entire journey.

Appropriate vehicle certification will be required verifying that the vehicle is type approved as a wheelchair accessible vehicle or, if adapted or modified, has been inspected and certified by an appropriate Authority (e.g. DVSA or the VCA).

### **Vehicles used by Blue Badge Driver Guides**

Licensed PHV drivers who are registered with the Institute of Tourist Guiding as a Blue Badge Tourist Guide and are qualified to guide in London may be eligible for an exemption from the PHV age-based limits.

To apply for an exemption, licensed PHV drivers must:

- hold a valid Institute of Tourist Guiding membership card showing that they are qualified to guide in London and that they are a registered Blue Badge Guide;
- be the registered keeper of the vehicle for which the exemption is requested; and

Once granted an exemption, the vehicle can only be used for private hire purposes by the licensed driver who made the application.

An exemption will be granted for a maximum of two vehicles for each driver and a separate application for each vehicle must be submitted.

### **Disabled Drivers**

Disabled drivers who have had substantial adaptations made to their vehicle may be eligible for an exemption and for their vehicle to be licensed for an additional five years.

To apply for this exemption drivers must submit evidence clearly showing what adaptations are required and why - this will normally be information from their GP or medical specialist and supported by a [Driving Mobility](#) assessment. Drivers will also need to submit evidence to show that all adaptations have been made by an approved company.

All adaptations must be approved by the TfL Taxi and Private Hire Vehicle Policy Team before the vehicle can be licensed and granted an exemption to the age limit.

Vehicles that do not meet the current age limits cannot be adapted/modified and then seek exemption to be licensed.

Adaptations must be a significant modification requiring installation by an approved, specialist company. Exemption from the age limit would not be appropriate if the adaptation could be easily removed from the driver's vehicle to another vehicle without utilising a specialist company.

Any exemption in this category is valid solely for the specific vehicle which can only be operated exclusively by the specific disabled driver to whom the vehicle adaptation relates.

## Contact

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