



SUPPLEMENTARY INFORMATION

Taxi & General Licensing Committee

Tuesday 9 January 2024

Agenda Item Number	Page	Title	Report Author	Reason for delayed publication
6.	(Pages 3 - 12)	<p>Private Hire and Hackney Carriage Licensing Policy</p> <p>Please note that the proposed Member Amendments to the Draft Policy are highlighted in yellow, or with additional red text.</p>	Licensing Manager	To enable feedback from Members of Taxi & General Licensing Committee to be proposed in the form of a series of draft amendments to the Draft Private Hire and Hackney Carriage Licensing Policy.

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The 1847 Act

The Town Police Clauses Act 1847 and the provisions within.

The 1976 Act

The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within.

WAV

Wheelchair Accessible Vehicle. Certain Hackney Carriage and Private Hire Vehicle Vehicles that are suitable for carrying wheelchair-bound passengers.

Working day

Any day other than a Saturday, a Sunday, Christmas day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom

2. Introduction

- 2.1. This policy has been published and adopted by the Council to inform and assist the discharge of its functions in relation to Hackney Carriage and Private Hire Vehicle licensing under the powers and duties contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and all associated and related legislation. This includes byelaws in relation to Hackney Carriages. The Council is responsible for the licensing of Hackney Carriage and Private Hire Vehicle Vehicles, drivers and operators. **The purpose of this policy is not designed or intended to be punitive to Hackney Carriage and Private Hire Vehicle Vehicles, drivers and operators. The primary objective of this policy is to maintain and improve safety across West Northamptonshire and the provision of the best possible service to the public.**
- 2.2. In common with all other Council documentation, this policy is written in plain English, as far as possible. Where technical terms are used, they will be explained clearly and there is a list of definitions at the beginning. Any reference to external material (legislation, guidance, court decisions etc.) will be clear and should be easily accessible.
- 2.3. This policy has been drawn up with reference to the following sections of the Council's Plan 2020 – 2024:
- Green and Clean
 - Connected Communities
 - Thriving Villages and Towns
 - Economic Development
- 2.4. This policy will be kept under **constant** review and revised as necessary. The Assistant Director – Regulatory Services is authorised to make minor amendments to the policy. In addition, amendments to this policy may be authorised by the Council without consultation.

Hackney Carriage and Private Hire Vehicle Vehicles, and the wider public. The public must have confidence in the safety of Hackney Carriage and Private Hire Vehicle Vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licensees.

- 6.2. Public safety includes safeguarding which also includes prevention of child sexual abuse and exploitation. All licensees will be expected to demonstrate an understanding of public safety and safeguarding and ensure that their actions do not infringe those requirements at any time. Any member of the public, licensee, officer or member who becomes aware of any safeguarding issues, or any other criminal behaviour related to Hackney Carriage and Private Hire Vehicle licensing should inform the Council and be secure in the knowledge that the Council's whistleblowing policy will be used to take all reasonable steps to protect them.

7. Policy objectives and aims

- 7.1 As already stated, the purpose of this policy is not designed or intended to be punitive to Hackney Carriage and Private Hire Vehicle Vehicles, drivers and operators. This policy is intended to enable the Council to provide a robust licensing regime which enables the Hackney Carriage and Private Hire Vehicle trades to provide the best possible service to the public with the overriding aim of maintaining and improving public safety.

8. Objectives

- 8.1. The objectives of this policy are:
- a) the protection of the public
 - b) the maintenance and development of professional and respected Hackney Carriage and Private Hire Vehicle trades
 - c) enabling access to an efficient and effective local transport service
 - d) the protection of our local environment
 - e) to support all Hackney Carriage and Private Hire Vehicle businesses by ensuring a consistent and fair approach.

9. Aims

- 9.1. The Council will aim to achieve these objectives in the following ways:
- a) by ensuring that licensed drivers are fit and proper persons and achieve and maintain the highest standards of professional practice.
 - b) by ensuring that licensed vehicles are safe for passengers, drivers and other road users, and properly insured.
 - c) by ensuring that licensed vehicles comply with all Council standards at all

Penalty Points Scheme

Penalty points system is seen as an open and transparent way of dealing with breaches of policy of legislation issues, ultimately each case will be dealt with on its own merits

We are not proposing any alternative to this proposal

Re: D1 Concerns raised at meetings about the dress code and questions raised about what constitutes "offensive", examples given that this may include clothing bearing swear words, hate speech and offensive/graphic images etc.

Re: V19 The current requirements is 3 "no smoking" signs – this can be amended to the standard legal requirements of one clearly visible sign.

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 2. List of Offences/Breach of Vehicle Licence Conditions
 3. List of Offences/Breach of Driver Code of Conduct
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1. Penalty Points Scheme
 - 1.1. Hackney Carriage and Private Hire Vehicle operators, drivers and vehicles are principally governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Byelaws relating to each of the 3 Hackney Carriage zones (until 31 December 2025, and to the whole council area from 1 January 2026) (in respect of Hackney Carriages) and the policy and conditions set by the Council.
 - 1.2. The primary objective of the penalty points scheme is to improve the levels of compliance and to help improve the standards, safety and protection of the travelling public. **The penalty points scheme is not designed or intended to be punitive to Hackney Carriage and Private Hire Vehicle Vehicles, drivers and operators.**
 - 1.3. The penalty points scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees' behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other action.
 - 1.4. The scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach conditions of licence, and following complaints from the public.

- 1.5. Licensees involved will be asked to attend an interview. Once the investigation is completed, letters will be sent out detailing the outcome and a permanent record will be kept on the person's file. The outcome of the investigation may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution.
- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to a Taxi and General Licensing Sub-Committee, **as per para 18.3 on page 22 of this policy**. At that hearing a Sub-Committee can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution. Drivers must appeal any points issued by Officers to a Sub-Committee within 21 days. Details of the appeal mechanism will be contained in the letter confirming the imposition of points.
- 1.7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed to a Sub-Committee, and it upholds an imposition of points, those points will remain live for 12 months from the date of the Sub-Committee's decision. The 12-month period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
- 1.8. Where a licensee accumulates more than 12 penalty points in any **rolling** 12-month period, **as per para 18.3 on page 22 of this policy** the matter will be referred to a Sub-Committee for it to decide whether the driver remains a fit and proper person. The Sub-Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances. Periods of suspension of a licence by a Sub-Committee will be dependent on the nature of the breaches of the legislation, conditions, behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.

ADDITION – reflecting some later wording on page 60 para 55.

- 1.9. **A maximum of 24 Council penalty points can be accrued on a licence in any rolling three year period. Any licence holder who accrues 24 or more points in any rolling three year period will be referred to a Sub-Committee where their fitness and propriety to retain a licence will be considered.**

3. List of Offences/Breaches of Driver Code of Conduct

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Driver not clean and respectable in their dress	D1	2
Driver not complying with the Driver Dress Code	D2	2
Driver not behaving in a civil and orderly manner	D3	3
Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D4	2
Driver smoking/vaping/similar whilst in the vehicle	D5	4
PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre booking	D6	3
Driver of PH vehicle plying for hire	D7	9
Driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	D8	3

Other motoring offences

- 4.39 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence may not be granted or renewed until at least 5 years have elapsed since the completion of any sentence imposed. As per para 18.3 on page 22 of this policy, such matters will be referred to a Sub-Committee for it to decide whether the driver remains a fit and proper person.
- 4.40 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence may not be granted or renewed until at least 7 years have elapsed since the completion of any sentence imposed. As per para 18.3 on page 22 of this policy, such matters will be referred to a Sub-Committee for it to decide whether the driver remains a fit and proper person.

4.41

Hackney Carriage and Private Hire Vehicle offences

- 4.42 Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire Vehicle activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

- 4.43 Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicle vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Vehicle Operators

- 4.44 A Private Hire Vehicle operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the Private Hire Vehicle (except where they are also licensed as a Private Hire Vehicle driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.45 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.46 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying

DELETED AND ADDED NEW SIMPLE & CONSISENT WORDING

41. As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant (UK national or foreign national) who has lived abroad for any period of more than 6 months from the age of 18 must also provide (at their expense) a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application may be refused.
42. Such matters as per para 18.3 on page 22 of this policy will be referred to a Taxi and General Licensing Sub-Committee for consideration. All circumstances will be fairly considered, inline with section 18 Decision Making and section 19 Equality of treatment and discrimination as stated within pages 22 – 23 of this policy.

Driving Standards

43. In order to establish that an applicant reaches an acceptable driving standard, new applicants will be required to successfully undertake and pass an approved Driver Skills Assessment (current providers are listed on the website www.westnorthants.gov.uk) before a licence will be granted. Applicants must arrange and pay for this test themselves.
44. If there are any doubts about the driving standards of an existing licence holder, they may be required to take a Driver Skills Assessment test at their own expense.

Medical requirements

Current requirement is for medicals to be carried out by GP's with access to full medical history. According to the Licensed Private Hire Car Association (LPCHA) over a 100 local authority allow summary records to be used. Ultimately it is for members to decided on the best approach.

45. Applicants are required to pass a medical examination (at their own expense) and provide a Council issued medical certificate completed by their own GP who must have full access to all of their medical records to meet PSV/HGV Group 2 (vocational licence) medical standards of fitness, as defined and updated by the Driver and Vehicle Licensing Agency.
46. An applicant can also provide a PSV/HGV Group II medical certificate which has been completed by a GP with access to their full medical records within the previous four

SANCTIONS AGAINST BREACHES OF THE CODE OF CONDUCT AND FOR ACQUIRING DRIVING LICENCE POINTS

54. Where a driver acquires 6 or more penalty points on their DVLA licence, or who breaches any legislation, Byelaw or requirement of the Code of Conduct, they may be referred to the Taxi and General Licensing Committee or dealt with by an authorised officer, **where the drivers fitness and propriety to retain a licence will be considered.**

55. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi drivers. A maximum of 24 Council penalty points can be accrued on a licence in any rolling three year period. Any taxi driver who accrues 24 or more points in a rolling three year period may as per para 18.3 on page 22 of this policy the matter will be referred to a Sub-Committee where their fitness and propriety to retain a driver's licence will be considered.

56. When a driver is brought before the Taxi and General Licensing Committee for whatever reason, the Committee will decide each case on its merits, after hearing the facts.

57. The Taxi and General Licensing Committee may also suspend or revoke the driver's licence or impose further penalty points. Suspension or revocation of your licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action. (Section 61(2A) Local Government (Miscellaneous Provisions) Act 1976).

58. It must be understood that a decision to grant you a licence was made on the basis that you were a fit and proper person to drive a Hackney Carriage and Private Hire Vehicle on the particular facts of the case on the day of the decision. That status can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your drivers' licence and therefore your livelihood.

Taxi Drivers Code of Conduct

59. This code of conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi drivers' licence, suspension, revocation or refusal to renew your licence.

60. You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time, that might affect that. The council will consider all your behaviour, and that is not limited to the times when you are driving a Hackney Carriage or Private Hire Vehicle.

and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. This will not apply if an applicant is already licensed as a driver with the Council.

24. The application will then be considered in the light of the Council's Previous Convictions Policy.
25. In addition, the Council will take into account the compliance history in relation to previous Hackney Carriage or Private Hire Vehicle licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.

Certificate of Good Conduct

26. As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide (at their expense) a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application may be refused. Such matters as per para 18.3 on page 22 of this policy will be referred to a Taxi and General Licensing Sub-Committee for consideration.
27. Note - Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

Convictions

28. If you, any partner in a limited liability partnership or conventional partnership, or any director or secretary of a limited company is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

Maintenance of the Licence and Renewals

29. Once the licence has been granted, you (including all partners in any form of partnership and all directors and secretary of a limited company) will be required to provide a Basic Disclosure and Barring Service Certificate annually.
30. A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current Private Hire Vehicle Operator licence, there will be a period of time during which you will be unlicensed and cannot make a provision for the invitation of bookings for a Private Hire Vehicle. If the application is not made before the expiry of the current Private Hire Vehicle Operator licence but is made within

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