



## **Taxi & General Licensing Committee**

**3 October 2023**

### **Private Hire and Hackney Carriage Licensing Policy 2023**

This report is public

<b>Committee Meeting Date:</b>	Tuesday 3 October 2023
<b>Policy Document:</b>	Private Hire and Hackney Carriage Licensing Policy 2023
<b>Directorate:</b>	Place
<b>List of Appendices:</b>	a) Hackney Carriage and Private Hire Policy Draft b) All consultation responses c) Summary of the responses d) Equality Impact Assessment e) Proposed Discreet Plate Wording

### **1. Purpose**

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1.1. The purpose of this report is to seek approval of the new West Northamptonshire Council Private Hire Vehicle and Hackney Carriage Licensing Policy post consultation considering responses received during the consultation process.

### **2. Recommendations**

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Members are recommended to :

- 2.1 Approve a final draft of the West Northamptonshire Council Private Vehicle Hire and Hackney Carriage Licensing Policy and associated appendices (**Appendix A**) after considering responses received during the consultation process.
- 2.2 Delegate authority to the Assistant Director - Regulatory Services in consultation with the chair of the Taxi and General Licensing Committee to make minor and consequential amendments to the Policy once made and if required by law.

### **3.1. Report Background**

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- 3.1.1 We want those using taxis in West Northamptonshire to have a safe, reliable and pleasant experience.
- 3.1.2 Taxis regularly transport passengers who may be vulnerable, for example when the passenger is under the influence of drink or drugs or is travelling alone. There is a need to promote the highest safeguarding standards to protect both passengers and drivers. It is also important that drivers have the confidence to alert the authorities about the concerns that they may have about the safety of vulnerable passengers.
- 3.1.3 This report refers to a new Policy which improves and strengthens our current policies. With a new Licensing Team in place it provides an opportunity to publish a new policy which builds on the best practice identified from each of the old sovereign Councils.
- 3.1.4 The policy incorporates some of the recommendations contained within the "Statutory Taxi and Private Hire Standards" document published by the Department for Transport in July 2020 and the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades. The policy was written with the assistance of James Button, Solicitor and President of the Institute of Licensing.

## **3.2 Report Details**

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- 3.2.1 This new Policy will replace the current and still in force Northampton Borough, Daventry District and South Northamptonshire District Council policies and includes a number of updates and improvements with a clear policy statement. One unified policy is required to ensure consistency of approach and standards across West Northamptonshire.
- 3.2.2 This policy document sets out the driver, vehicle and operator standards and the way the Council will undertake our responsibilities for hackney carriage and private hire licensing. The policy sets out a clear approach to these matters for officers, members of the trade and the public.
- 3.2.3 The significant areas this policy focuses on are:
- improved driver standards,
  - strengthening the "fit and proper person" test
  - adopting the nationally recognised IOL convictions policy
  - mandatory safeguarding training
  - spoken English testing
  - driving standards training
- 3.2.4 The focus of this policy is to increase standards and therefore increase public safety. The policy will apply to all current licence holders and all new applicants.
- 3.2.5 We undertook pre-engagement with the taxi trade between the 28<sup>th</sup> of November and the 19<sup>th</sup> of December of 2022. This resulted in some minor amendments being made around tinted windows, rear seat width, minimum brake horse power and when exactly a full service history would be required.

- 3.2.6 The policy was then subject to an initial 8 week public consultation that was extended by a further 4 weeks after a request from representatives of the taxi trade. The consultation ran from the 30<sup>th</sup> of January 2023 until the 23<sup>rd</sup> of April 2023. A list of consultees can be found at section 5 of this report.
- 3.2.7 A number of meetings also took place with the taxi trade throughout the duration of the consultation process and any key points raised are summarised in the table attached as **Appendix C**.
- 3.2.8 We received a total 305 responses to the consultation, 209 of which were from licence holders within the taxi trade. Of the 305 responses 103 were considered to be complete, 202 responses were left without comment. All responses can be found at **Appendix B**.

The responses are summarised in the table attached as **Appendix C** with recommendations as to how proceed on each point raised.

### **3.3 Choices (Options)**

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- 3.3.1 It is recommended that the Committee approve the policy and appendices after considering the consultation responses for adoption by West Northamptonshire Council. Different elements may be adopted at different times with licence holders given a period to comply with the requirements but all new applicants will be expected to comply with the requirements of this policy.
- 3.3.2 Reason For Recommendation: Each of the sovereign authorities currently has their own Taxi and Private Hire policies and standards in place, which have different requirements for licensed vehicles, drivers and operators. One unified policy is required to ensure consistent standards and decision making across the authority.
- 3.3.4 Alternative Options Considered: To maintain the status quo or operate without a policy. There are no specific statutory time scales imposed on the Council to align taxi and private hire licensing policies however, failure to approve the policy would result in the Council continuing to operate under the three sovereign policies, resulting in the continuation of differing standards for licensed drivers, vehicles and operators and the Council would not have one single unified policy which promotes consistent decision making.

## **4. Implications (including financial implications)**

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### **4.1. Policy**

- 4.1.1 This would introduce a new West Northants wide policy.

### **4.2. Legal**

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4.2.1. The introduction of this policy ensures that all decisions made under it are legally compliant and ensures that, when correctly applied, any decision may be defended robustly if challenged.

4.2.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney Carriage or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) these services.

4.2.3 The relevant legislation provides that any driver of operator applicant or licence holder must satisfy the LA that they are a fit and proper person to hold a licence. They must also complete any checks considered to be necessary to make this assessment, including the Disclosure and Barring Service check, DVLA check and the National Anti-Fraud Network database for refusals and revocations of Hackney Carriage and Private Hire licences.

4.2.4 Once all necessary tests and checks have been completed, a decision will be taken on whether to grant a licence using the fit and proper test, either by a sub-committee or an officer under the Scheme of Delegation. Each case will be judged on its own merits.

4.2.5 If a licence holder falls short of the fit and proper standard at any time, a driver or operator licence may be revoked or not renewed.

4.2.6 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision and so this policy and accompanying information provides that support.

4.2.7 There is a risk of decisions made by the LA, in relation to the Hackney Carriage and Private Hire licensing process, being subject to challenge through appeal to a Magistrates' Courts if no adopted policy is in place.

**Legal implications added and report checked and approved by James Chadwick, Principal Lawyer, james.chadwick@westnorthants.gov.uk**

### **4.3. Finance**

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4.3 There are no financial implications arising directly from this report.

**Comments checked by Robbie McRobbie, Senior Finance Business Partner, Robbie.mcrobbie@westnorthants.gov.uk**

### **5. Resources and Risk**

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5.1. For risk see legal comments. There are no resource implications involved with the introduction of this new policy.

### **6. Equality**

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6.1. An Equality Impact Assessment was carried out post consultation and is available as **Appendix D**.

## **7. Consultees (Internal and External)**

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7.1. A consultation process was carried out for 12 weeks and the below bodies were contacted.

- All licence holders
- The Hackney Carriage Association
- Northants Police
- Northants Police and Crime Commissioner
- Chamber of Commerce
- Home to Schools Transport
- Highways
- Community Safety and Engagement
- All Councillors
- All Parish and Town Councils
- All neighbouring local authorities

The policy was also advertised in the local press and via the Councils social media channels. The policy was available to the public on the West Northants Council website.

## **8. Background Papers**

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8.1. None

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