



Policy and Resources Committee – 4th September 2017

Taxi Policy Review and Fares Increase

Purpose of report

This report is to consider both changes to East Northamptonshire Council Taxi Policy, and to permit an increase to the current Taxi Fares rate for those vehicles licenced by this authority.

Attachments

Appendix 1: Taxi Licensing Policy 2017, plus Appendices A to J

Appendix 2: LGSS Internal Audit Report into Taxi Fares in East Northamptonshire, 2017-18

Appendix 3: Equalities Impact Assessment

1.0 Background

- 1.1 East Northamptonshire Council (ENC) is responsible for the licensing and enforcement of the Hackney Carriage and Private Hire trade (the taxi trade) within its district. As part of this obligation, the authority shall produce and adopt a dedicated policy setting out the reasonable terms and conditions expected to be adhered to by those working within the trade.
- 1.2 The Taxi Licensing Policy (the policy) allows ENC to meet its statutory obligation by considering the legal framework surrounding the taxi trade and to ensure the safety of the public and other users of the sector.
- 1.3 It is recognised that the taxi trade plays a critical role in the movement of people in and around the district; it is the role of this authority to ensure that the trade is able to develop and meet the increasing standards expected of it. By approving the Taxi Fares Strategy identified in this report, ENC will allow the trade to meet this Authority's expectations, and to continue to serve the community. The audit report (Appendix 2) shows the impact of the proposed fares increase either as a single increase, or spread over a longer period of time.
- 1.4 Recent developments associated with employment in the UK, and the licensed taxi trade in particular, have highlighted a number of areas in the current policy that need to be updated. In addition, a request to increase the taxi fares pricing policy has led to the development of this new policy and pricing structure.

2.0 Taxi Licensing Policy 2017

- 2.1 Due to the impact of recent changes in the laws affecting taxi licensing and revisions of legal opinion, the Taxi Licensing Policy and associated appendices have been amended to ensure that ENC has a policy which is legally compliant and fit for purpose.

- 2.2 Changes have been made to the policy and some of the appendices, with the amendments ranging from minor to significant; the amendments are highlighted in red to assist with identifying them in each of the documents where the changes have been made. Only those appendices where significant changes have been made are included in this report, but those not included are still accessible via Democratic Services if requested, although in summary;
- Taxi Licensing Policy – significant changes, included for consideration
 - Appendix A – no changes, not included,
 - Appendix B – significant changes, included for consideration
 - Appendix C – minor changes to the scope of inspecting officers, Council Exemption Certificates (regarding carriage of assistance dogs), and compliance with the Highway Code, but not included
 - Appendix D – significant changes, included for consideration
 - Appendix E – significant changes, included for consideration
 - Appendix F – minor change clarifies scope and requirement of appendix, but not included
 - Appendix G – minor changes referring to limited times ENC able to accept payment and reference to appendix J, but not included.
 - Appendix H – minor change reminding licence-holder that they are responsible to remember to renew their licence, but not included
 - Appendix I – minor change reminding licence-holder that they are responsible to remember to renew their licence, but not included
 - Appendix J – new appendix, included for consideration
- 2.2 The policy continues to cover all aspects and considerations necessary for anyone wishing to be a taxi or private hire driver or operator licensed by ENC. It also sets out the standards of behaviour and vehicle conditions expected of all those associated with the local taxi and private hire vehicle trade.
- 2.3 The revised policy and appendices are set out in Appendix 1 of this report, and it is recommended that the amendments be accepted.
- 2.4 Subject to the decision of this Committee, the new Taxi Licensing Policy will be put for consultation to those who may be affected by the changes. Specifically this will include the taxi trade, the neighbouring Licensing Authorities, the Licensing Responsible Authorities, and the public.

3.0 Taxi Fares Structure

- 3.1 The current Taxi Fares Strategy was adopted in 2011, and has not been reviewed since. As a result, ENC's Taxi trade has requested an increase in the current fares structure to accommodate the increases in the costs associated with operating the trade. The request, in the form of a petition signed by most of the licensed drivers, is to increase both parts of the fare component.
- 3.2 The Taxi Fares Strategy adopted by ENC, consists of two separate components; the initial charge and the Charging Unit which is a specified amount for a fixed distance. At present, the permitted initial charge is £2.50 for the first half mile or part thereof, and a charging unit of 10 pence for every 1/14.5 miles (approximately 121.38 yards).
- 3.3 The proposed increase is to raise the initial charge to £2.80 for the first half mile or part thereof, and a reduction in the length of the charging unit, although maintaining the price of each charging unit at 10 pence per unit. The proposed new length is to reduce this to 1/15.5 miles (approximately 113.55 yards).

- 3.4 The proposed increase requested for the permitted initial charge (£2.50 to £2.80) equates to approximately 12%. The proposed increase in cost for the requested reduction of the length of the charging unit (1/14.5 of a mile (approximately 121.38 yards) to 1/15.5 of a mile (approximately 113.55 yards)), equates to approximately 7%. The combined increase requested will vary depending upon the length of the fare, but equates to approximately 10%.
- 3.5 An internal LGSS audit report (Appendix 2) has also been produced showing a comparative analysis of ENC's taxi fares, showing both the current fare and the impact of the increase. The report also compares ENC's fare rate against those of neighbouring authorities, again showing our existing and requested rates. The audit shows that the current ENC's taxi fares tend to rank our prices within the cheapest three, or at most, the cheaper half of the rates compared. Should the increases of both the components be adopted, ENC's rates will rank in the top half of those compared. A number of local licensing authorities are also undertaking or considering reviewing their taxi fares so this distribution may alter.
- 3.6 The request is for the increase of both components to occur at the same time. The options available are;
- a) To reject the request and leave the pricing arrangements as they are,
 - b) To accept the request and increase both components of the fare by the amounts proposed at the same time,
 - c) To agree to the increases proposed, but in two stages. To initially allow the increase in the initial charge from £2.50 to £2.80, to take effect as soon after the final decision has been made, and the decrease in the length of the charging unit to occur 6 months after the increase of the initial charge.
- 3.7 Given that no increases of taxi fares have occurred over the last 6 years, and the UK Consumer Price Index has increased by approximately 17% over the same time, it is reasonable to permit the requested increase. However, due to the size of the overall increase, it is also reasonable to stage the increase as proposed at 3.6 (c) above.
- 3.8 Subject to the decision of this Committee, this proposed increase in the taxi fare structure will be put for consultation to those who may be affected by this increase. Specifically this will include the taxi trade, the neighbouring Licensing Authorities, the Licensing Responsible Authorities, specifically the Police, Northamptonshire Fire and Rescue Services, ENC's Environmental Health and Planning Services, Northamptonshire County Council Children Services and Trading Standard Services, the Director of Public Health, the Home Office Immigration Service, and the public.
- 3.9 The overall taxi pricing strategy includes other ancillary charges, such as waiting time or the soiling charge; there has been no request to change any of these.

4.0 Equality and Diversity Implications

- 4.1 An equality impact assessment (EIA) has been completed and is attached at Appendix 3. There are a number of positive implications identified in the EIA arising both from changes in the law and a more focussed consideration of the punitive measures ENC will apply for breaches of the licence conditions.
- 4.2 Legal changes have imposed the need for more stringent checks to be made on individuals to ensure they have the right to work in the UK, and this indirectly reduces the opportunity for fraud through impersonation. Revisions of the conditions highlight the requirement of licence-holders to treat everyone equitably, unless there is a pre-

stated reason where this is not possible, and a revision of the penalty points makes it less attractive to breach the licence conditions. This combination potentially increases the equality of the services provided by the taxi trade.

5.0 Legal Implications

5.1 East Northamptonshire Council is the licensing authority for its district, and it is required to have licensing policies which are legally compliant and fit for purpose. The proposed Taxi Licensing Policy allows ENC to meet this obligation.

5.2 This Authority is also legally required to determine and implement a taxi fares pricing structure. This structure should be appropriate to permit a taxi trade to exist in the area whilst being reasonable for those who may wish to use the taxi trade.

6.0 Risk Management

6.1 If this Authority failed to ensure that its Taxi Licensing Policy was legally compliant or fit for purpose, it would pose significant risks to ENC. The revised policy allows ENC to both meet its obligation to comply with the law, and ensure that all those involved in the taxi and private hire trade are as safe as is reasonably practicable, thus ensuring that only fit and proper persons are licensed by ENC.

6.2 By failing to permit a reasonable taxi fare structure, ENC would run the risk of licensing a non-viable local taxi trade. If the permitted fares were too low, the taxi trade would deteriorate and possibly cease, with the associated negative impact on the local community who depend on taxis. In this void, taxis from outside of ENC would be sought, and as these would be licensed by other authorities, this authority would have little or no regulatory control over them. If the permitted fares were too high, this would encourage passengers to seek alternative transport, which may lead to the demise of the trade licensed by this authority; again having a deleterious impact on our communities.

6.3 The provisions set out in the proposed Taxi Licensing Policy and the Taxi Fares Strategy mitigate seek to mitigate these risks.

7.0 Resource and Financial Implications

7.1 After an initial implementation phase, neither the proposed Taxi Licensing Policy nor the Taxi Fares Strategy are expected to have a significant impact on the resources required to effectively manage or regulate the Taxi and Private Hire Vehicle sectors of ENC.

7.2 As with any resource implications, after an initial period of responding to the consultation and a period of acceptance by those affected by the changes, it is not expected that there will be any significant financial implications arising from the changes promoted by this report.

8.0 Constitutional Implications

8.1 The requirement of ENC to provide both the Taxi Licensing Policy and a Taxi Fares Strategy has been in place for many years. As such, the revisions introduced into these will have no new constitutional implications.

9.0 Customer Service Implications

- 9.1 After an initial implementation phase, it is expected that neither the proposed Taxi Licensing Policy nor the Taxi Fares Strategy will have any additional impact on the Customer Services provided by ENC.
- 9.2 The changes to the Taxi Licensing Policy are unlikely to have any direct impact on the public and other taxi users. Whilst the changes to the policy gives ENC's licensing services greater control over the trade, as the changes are unlikely to significantly affect those already complying, the service users are unlikely to notice the impact.
- 9.3 The changes to the permitted fares are likely to have an impact on the users of the taxi trade. However, given that there has not been an increase since 2011, it is not unreasonable to consider the increase given the increase in costs the trade has faced. By proposing the increase be phased, reduces the impact, and makes the change easier to accommodate. By allowing those who use the taxi trade the opportunity to respond to the consultation, will also allow ENC to better gauge the impact, and this will be considered following the consultation phase.

10.0 Corporate Outcomes

- 10.1 This policy and taxi fares increase supports the objectives of the Council's corporate outcomes. Specifically;
- The changes to the policy allows the council's licensing services to better regulate the taxi trade, and so contribute to the aim of allowing for Regeneration and Economic Development, by developing a more compliant taxi trade.
 - Equally, by permitting the phased increase in the taxi fares, will allow the businesses to invest in trade, and so improve the services provided to the community. This too contributes to Regeneration and Economic Development.

11.0 Recommendation

- 11.1 The Committee is recommended to;
- a) Accept the revisions presented in the Taxi Licensing Policy and agree for it to be submitted for consultation to those identified; and
 - b) To accept the preferred staged increase in the Taxi Fares strategy and agree for this too to be submitted for consultation to those identified.

Legal	Power: The Town Police Clauses Act, 1847 The Local Government (Miscellaneous Provisions) Act, 1976				
	Other considerations: none				
Background Papers: Those listed as appendices					
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Date: 16 August 2017					
CFO		MO		CX	



East
Northamptonshire
Council

Taxi Licensing Policy



2017

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0.2		Licensing Committee Review
0.3		Comments from Licensing Committee
0.4		Comments from Policy and Resources Committee
0.5		Consultation comments from the trade and legal services
1.0		Final amendments and approval from Chair of Policy and Resources

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Consultees

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)
Environmental Services	Taxi trade
Licensing Committee Members	Police
	District and Borough Councils of Northamptonshire

Distribution List

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e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)

Links to other documents

Document	Link

Additional Comments to note

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Appendices:

- A Criminal Records Policy
- B Hackney Carriage/Private Hire Drivers Licence Conditions
- C Hackney Carriage/Private Hire Vehicle Licence Conditions
- D Operators Licence Conditions
- E Penalty Point Scheme
- F Discreet Plate Policy
- G Hackney Carriage/Private Hire Drivers Application Procedure
- H Hackney Carriage/Private Hire Vehicle Application Procedure
- I Operators Licence Application Procedure
- J Documentation supporting the Right to Work in the UK**

1.0 Introduction

- 1.1 East Northamptonshire Council (the Council) is responsible for the licensing and enforcement of Private Hire and Hackney Carriage trades within the district. As the Licensing Authority, our key objective is ensuring public safety and the protection of our residents and visitors.
- 1.2 This policy and the appendices detail how the licensing of drivers, vehicles and operators will be undertaken by the Council. The policy, once approved, has immediate effect and will be applied to existing licences and all new applications received after the policy is adopted by the Council.
- 1.3 In developing this policy the council has had regard to the following:
- The Town Police Clauses Act, 1847
 - The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
 - The Local Government (Miscellaneous Provisions) Act, 1976 (as amended)
 - Crime and Disorder Act, 1998
 - The Licensing Act, 2003
 - The Health Act, 2006
 - The Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2010
 - Taxi and Private Hire Vehicle Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
 - Disclosure Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders, 2013
 - Guidance on the Rehabilitation of Offenders Act, 1974 – March 2014
 - The Regulators Code, 2014
 - The Immigration Act, 2016
 - The Policing and Crime Act, 2017
 - Guidance issued under section 182 of the Licensing Act, 2003 (April 2017)
 - Road Traffic Acts (various)
 - Transport Acts (various) Jay Report into Child Sexual Exploitation (CSE) in Rotherham
 - Other relevant legislation

2.0 Scope

- 2.1 This policy sets out the process for applying for a private hire or hackney carriage related licence, the requirements to hold a licence, the conditions to be adhered to and the grounds and process by which a licence may be reviewed.

3.0 Policy Outcomes

3.1 The outcomes to be delivered by this policy are:

Taxi Licensing Policy outcomes	Links to corporate outcomes
<ul style="list-style-type: none">• To ensure the safety of the public travelling and using taxis and private hire vehicles in our district.• To ensure that all of the applicants are consistently and proportionately reviewed upon application and renewal.• To ensure that appropriate and consistent enforcement measures are used when required.	<ul style="list-style-type: none">• Regeneration and economic development

4.0 Background

4.1 The Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976, (LGMPA) as amended provides the legislative framework for the licensing of Hackney Carriages and Private Hire Vehicles.

4.2 This policy applies to the following:

4.2.1 **Hackney Carriages:** A vehicle available to transport members of the public that has no more than 8 seats for passengers, which is licensed to ply for hire. A Hackney carriage may also stand at designated taxi ranks and/or be hailed in the street by members of the public without the need to pre-book journeys, although they may also undertake pre-booked journeys.

4.2.3 **Private Hire vehicles:** These are vehicles licensed to carry no more than 8 passengers but must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.

4.2.4 **Private Hire Operators:** are required to take and record bookings for private hire vehicles. Bookings must be recorded and retained, with the records be made available for inspection by the police or Licensing Officers.

4.2.5 **Hackney Carriage and Private Hire Drivers:** are licensed individuals who have undertaken and passed certain specified tests and checks. Only a licensed driver can drive a licensed vehicle.

4.3 Delegations

- 4.3.1 The Council's Constitution details to whom authority has been given to make decisions and undertake enforcement action. For the purposes of this policy, the Council's Licensing Committee has authority to make decisions relating to taxi licensing matters at the application stage and at review following complaints or enforcement action. The Taxi Licensing Panel sits on behalf of the full Licensing Committee with the authority to consider an application or licence which may be brought in front of them requiring a specific determination, should there be any specific matters of importance, for example, when previous criminal convictions have been disclosed. This panel is made up of three members from the Licensing Committee who have received the necessary training.
- 4.3.2 The Taxi Licensing Panel, will treat each case on its own merits and will have due regard to this policy and its appendices. The appeal mechanism against a decision of the Panel will be provided to the applicant/licence holder within the decision notice.

4.4 Hackney Carriage and Private Hire Drivers Licence

- 4.4.1 This licence allows a person to drive a licensed vehicle, whether it is a hackney carriage or a private hire vehicle. The licence is issued for a period of three years. Applications and fees for this licence are for the full three year period only. The decision to issue a drivers licence for less than three years shall be as defined in this policy or by the determination of the Taxi Licensing Panel.
- 4.4.2 All drivers must satisfy the licensing authority (East Northamptonshire Council) that they are a fit and proper person to hold a Hackney Carriage and Private Hire Drivers Licence (HCPHD). Once the licence has been granted the licence holder must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licensed driver will be monitored and assessed throughout the licence period. Where the licence holder breaks any licence conditions, receives substantiated complaints or practices proven criminal behaviour and the matters are brought to the attention of the authority, their licence may be taken to the Taxi Licensing Panel for consideration.
- 4.4.3 All applicants for a HCPHD licence must act with honesty and integrity and ensure all information that is provided is correct and up to date. Throughout the application process the applicant must provide and disclose all necessary information in a timely manner. This includes information relating to previous convictions, warnings, cautions and any current or pending criminal investigations being undertaken. Failure to do so will have a negative impact on the assessment of the application and may result in the licence being refused, or if already granted, being recalled to the Taxi Licensing Panel for determination.

4.4.4 The process for applying for a HCPHD licence is provided in Appendix G. It is essential that all applicants review this process prior to application and renewal to ensure that they are providing the information requested within the required timescales. Failure to do so may result in the application being refused.

4.5 Fit and Proper Person Test

4.5.1 Section 51 and 59 of the LGMPA require that all applicants and licence holders are and remain fit and proper to hold a licence. There is no legal definition of what constitutes a fit and proper person for the purposes of taxi licensing. However, members of the Taxi Licensing Panel and Licensing Enforcement Officers must be satisfied that based on the information provided to them, the applicant or licence holder is suitable to hold, or continue to hold a licence and that in holding the licence, the public will be safe with that individual.

4.5.2 When assessing applications it is generally accepted that a suitable test to consider whether an individual is a fit and proper person is by effectively asking the following question:

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

4.5.3 If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who are making the decision, be they members of the Taxi Licensing Panel or Licensing Enforcement Officers, then further consideration should be given as to whether a licence should be granted to or renewed for that person. If an officer has concerns due to reasons other than those stated within the policy, then the application shall be referred to the Taxi Licensing Panel for their consideration.

4.5.4 If there is any doubt as to the suitability of the applicant or licence holder, the Licensing Authority will undertake those checks it deems necessary, and apply any process necessary to ensure that licences are not issued or held by unsuitable persons. It is important to note that applications and any issues with current licence holders are dealt with on a case by case basis, with no pre-disposition, and as such it is not possible to detail an exhaustive list of all checks or requirements that may be asked of the applicant or licence holder in order to satisfy these criteria.

4.5.5 The council will take into consideration the following factors when determining if an individual is a fit and proper person;

- Criminality – assessed through Disclosure Barring Service checks,
- Length of time the Department of Vehicle Licensing Authority (DVLA) approved driving licence has been held, must have been for at least 12 months prior to the application,
- The number of endorsed driving licence penalty points,
- Their right to work in the United Kingdom,
- The medical fitness of the individual – assessed through medical forms and any additional medical tests that may be deemed necessary,
- Their standard of driving, and driving ability,
- Their general conduct and standards of behaviour,
- Their ability to pass suitable and appropriate tests deemed by Licensing Authority to be necessary for the safety of the public,
- The conduct of the applicant in making their application; it will be assessed as to whether they been honest and acted with integrity throughout the application process,
- Their previous licensing history of existing or former licence holders – within this or other licensing authorities,
- Their knowledge and understanding of requirements of a licensed driver,
- Any other matters deem relevant by the Licensing Authority.

4.5.6 In addition the Council will consider any further information provided by any agencies, or other appropriate persons that may have a bearing on the fit and proper assessment of the individual.

4.5.7 The Council may, at any time throughout the duration of the licence, access the records of the applicant held by the DVLA to ensure the driving of the applicant or licence holder meets the requirements of this policy. Drivers licence conditions (Appendix B) require all licensed drivers to notify the licensing authority within 7 working days of any DVLA penalty points issued. Failure to do so will result in the licence holder receiving penalty points issued by the Council, under the Penalty Point Scheme (See Appendix E).

4.5.8 Applicants and licence holders must have the right to work in the UK. Evidence of this will be required at the time of application and any time restrictions on the length of time an applicant can work in the UK must not be less than the licence term of three years. If the right to work is for less than three years the licence shall only be issued for the reduced time period. **If the time period is subsequently increased, either before or after the expiry of the issued licence, a new application will have to be made.**

- 4.5.9 In submitting an application to the council for a drivers licence, the applicant will be required to sign certain disclosures relating to the application form and their personal information. Details contained within the application may be shared with other agencies including but not limited to the Police, Immigration Services and HM Customs and Excise. In addition, declarations must be signed that allow for the applicant's DVLA record to be reviewed at any time throughout the duration of the licence, along side their Disclosure and Barring Services (DBS) record through the online update service.
- 4.5.10 An individual will not be considered to be a fit and proper person to hold a licence if there is any evidence that they have been dishonest in making their application or it can be shown that an applicant or an existing licence holder has misled, or attempted to mislead, the council (officers or elected members of the licensing committee) during any part of the application process or with the administration of the licence throughout its duration.
- 4.5.11 When determining whether an applicant is a fit and proper person to hold a HCPHD Licence, a Taxi Licensing Panel will work on the principle of "balance of probabilities". This is a lower evidential test than the 'beyond all reasonable doubt' requirement for criminal convictions. The Taxi Licensing Panel will review all of the evidence before them and decide which version on balance is most probably true.

5.0 Disclosure and Barring Service

5.1 General

- 5.1.1 A criminal record check for any potential driver is essential and is an important safety measure in ensuring they are a fit and proper person (as detailed in section 4.5 above) and to protect public safety. All drivers will be required to undergo an Enhanced Disclosure through the DBS. This will list information on all live and spent convictions, police cautions and other information that may be relevant. Details of the DBS application process can be found within Appendix G as part of the driver's application process.
- 5.1.2 Hackney Carriage and Private Hire Drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. As such all drivers will be asked to disclose on their application form any conviction or cautions no matter how old. The DBS certificate will highlight all relevant convictions and cautions and where these have not been disclosed on the application form by the applicant, the integrity and honesty of the applicant will be questioned, and this may put at risk the acceptance of the application by the Council. All licence holders must notify the council of any convictions or cautions received during their licence period as stated in the licence conditions. Failure to do so may result in suspension or revocation of the licence.

- 5.1.3 All applicants for the grant or renewal of their HCPHD licence shall be responsible for the costs of obtaining a DBS certificate and shall be signed up to the DBS Online Update Service (DBSOUS), which is a condition of the licence. The subscription costs for this are the responsibility of the applicant or licence holder, and permission must be given to the Council to undertake checks of their DBS status should the council consider it necessary and appropriate to do so. This update service will be used to monitor the criminal record of the licensed drivers and can also be used at the time of licence renewal. If no changes have been recorded on the DBS certificate a full DBS check will not be required. **Failure to give the Council permission to access the DBSOUS will render the application incomplete, and will result in no licence being issued, see section 5.1.4 below.**
- 5.1.4 In order to sign up to the DBSOUS the applicant, on receipt of their completed Enhanced DBS Certificate, must register for the service within 19 days of the DBS certificate issued date. Upon requesting to renew the licence, the driver will need to provide the council with their original certificate in order for the update service to be checked.
- 5.1.5 Only DBS Certificates which have been applied for through the Council or printed off from the DBSOUS within the last 4 weeks will be accepted. However, DBS certificates from other local authorities will be accepted providing they are no older than 4 weeks and have been processed in relation to an alternative child and adult workforce employment position, which is specified on the certificate and meets the requirement of this Council in relation to an application for a HCPHD licence.
- 5.1.6 A licence will not be issued without a current Enhanced DBS Disclosure Certificate.

5.2 Applicants with residency periods outside of the UK

- 5.2.1 Where an applicant has spent six months or more continuously outside the UK in the last five years, evidence of a criminal record check from the country or countries visited covering the duration overseas will be required. Where such checks are not available as they are outside of the EU, a certificate of good conduct is required to be authenticated by the relevant embassy.

5.3 Right to work in the UK

- 5.3.1 All applicants must provide evidence of their right to work in the UK. This is required for the first application and all subsequent renewals.

5.3.2 Below is a list of evidence that can be provided to prove the applicant has a right to work in the UK, this list is not exhaustive and other documents may be accepted, however this must be discussed with the licensing authority in advance of the application being submitted. Any issues with the documentation provided may result in a delay in issuing the licence or renewal of an existing licence.

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),
- A passport or other authorised travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the UK Visas and Immigration Agency to the applicant which indicates that the person named in the document can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the UK Visas and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment. **The work permit may be restrictive and must allow for the driving of a Hackney Carriage or Private Hire Vehicle in order to support this application.**
- **Failure to provide any of the above or any other suitable proof of the right to work in the UK will prevent the issuing of a HCPHD licence.**

5.3.3 Where an applicant is subject to immigration controls, the application will be referred to the Taxi Licensing Panel to determine the period for which the licence shall be issued if it is less than the required 3 year term, **except in circumstances where the permission to work in the UK is stated as being time limited and less than 3 years on the permitting documents; in such circumstances, the licence will be issued for the duration of the permission to work.**

5.4 Convictions and Cautions

5.4.1 Where convictions and cautions have been declared by the applicant or disclosed on the DBS Certificate, the Council must ensure that they are satisfied that the applicant is a fit and proper person to hold a licence. Therefore any convictions and cautions specified within the application process will require the application to be determined by the Taxi Licensing Panel. The Criminal Records Policy which provides guidance to the Taxi Licensing Panel can be found in Appendix A.

5.4.2 Where convictions and cautions have been imposed on a current licensed driver, or they are under a live investigation by the Police, the licence will be called in for review by the Taxi Licensing Panel in order to determine whether they remain a fit and proper person to hold the licence.

6.0 The Knowledge Test

6.1.1 All applicants are required to pass the Council's knowledge test. This requirement will apply to all drivers, both as part of the initial application and at the renewal of their existing licence, including those who may have been awarded their licence before the Knowledge Test was introduced. The purpose of the test is to ensure that the applicant has sufficient knowledge in the following areas:

- Numeracy
- Geographical
- Communications
- Road Safety

6.1.2 In addition to the Knowledge Test all applicants will be required to view the in house training video on Child Sex Exploitation (CSE), and then sit and pass an additional separate test relating to this training. The CSE training and the Knowledge Tests will be administered at the same time.

6.1.3 The CSE training is mandatory for all drivers and operators regardless of whether they are new or renewing their application. This is to ensure they are receiving the most up to date information at the time of their application.

6.1.4 Existing drivers who have not previously undertaken the Knowledge Test will be required to do so at first renewal only.

6.1.5 Both the CSE Test and the Knowledge Test must be passed in order for the application for licence or renewal to be accepted for consideration. If the tests have not been passed the licence will not be issued.

6.1.6 If applicants fail three consecutive CSE or Knowledge Tests they will be required to wait at least 12 months (from the date of the last test) before being permitted to take further tests. All applicants must pay the resit fee prior to the appointed test date. Cancellation of the test with less than 24 hours notice will not result in a refund.

6.1.7 Applicants failing three consecutive CSE or Knowledge Tests will not be allowed to make a new application for a licence within 12 months of failing the third test.

7.0 Medical Fitness Assessments

7.1.1 It is essential the licensed drivers are in good health and meet the requirements of Group 2 Standards of Medical Fitness as stated by the DVLA. Licensed drivers are expected to carry passengers' luggage, to also drive on the road for longer periods than most car drivers and may have to assist disabled passengers. Due to this, we therefore must be satisfied that the applicant or licence holder is fit enough to undertake these tasks and that any pre-existing medical condition is disclosed and sufficiently under control to the satisfaction of a General Practitioner and the Council.

- 7.1.2 Applicants shall submit to the Council the supplied medical form completed by their own General Practitioner or another doctor who has full access to the applicant's medical records at the time of the application is made. A medical examination form will be required as part of the first application, then from the age of 45 an assessment will be required every 5 years until they reach 65 when an annual medical fitness assessment is then required. Where an applicant has applied for their licence at the age of 64 and turns 65 within the first year they will not be required to complete another medical assessment on the date of their birthday but on the anniversary of the previous medical. Where certain conditions are noted by the GP, additional medical assessments or an alternative frequency may be required. Any costs incurred as part of these assessments will be paid by the applicant.
- 7.1.3 All licence holders must advise the licensing authority if any of their pre-existing medical conditions have deteriorated or their health has changed in any way that may affect their fitness to drive.
- 7.1.4 Where the licensing authority is in any doubt as to the medical fitness of the applicant, further medical examinations may be required to be undertaken, any costs relating to these additional assessments shall be paid for by the applicant.
- 7.1.5 No medical fitness assessment form will be accepted where the person completing the form does not have access to the applicant's patient records. Should any doubt remain as to the medical fitness of the applicant, the application shall be referred to the Taxi Licensing Panel for consideration. The Panel will review all of the medical evidence, and any other information they deem appropriate in order to make the final decision.
- 7.1.6 All licensed drivers are under a legal duty to carry guide, hearing and any other assistance dogs in their vehicles without any additional charge to the passenger. Drivers may only refuse to do so where they have a medical exemption. A medical exemption may be granted by the licensing authority where the driver has provided detailed medical evidence that shows they have a medical condition which will be aggravated by exposure to dogs. If the application is successful the driver will be issued with an exemption certificate and a notice of exemption. The notice must be displayed in the vehicle by fixing it in a prominent position on the front dashboard facing outwards so that a prospective passenger could see it without boarding the vehicle.
- 7.1.7 When hired to carry a guide dog, the owner should be asked where they would prefer their dog to be.
- 7.1.8 Most assistance dogs are trained to lie in the front passenger foot well between the feet of their owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. The licenced driver should let a visually impaired person know that this applies. Assistance dogs are trained not to move away from the foot well, and will not harm the driver in any way.

7.1.9 If the front foot well is not large enough to accommodate the dog, the assistance dog owner should be advised to travel in the rear of the vehicle with their dog in the foot well behind the front passenger seat. If necessary, the seat should be pushed forward to make room for the dog.

7.2 Duration of licence

A HCPHD licence shall be issued for a period of three years. Any decision to reduce this term, other than where the applicant's right to work in the UK, or their DVLA licence expires within the three year period, will be determined by the Taxi Licensing Panel.

8.0 Licence Conditions on Grant of Licence

Conditions are attached at the time of the issue of the drivers licence. These conditions are available to view in Appendix B and are sent out upon request for an application packs. Applicants and licence holders must be aware of these conditions and adhere to them at all times throughout the duration of their licence. Failure to do so may result in penalty points being issued or the review of the licence by the Taxi Licensing Panel.

8.1 Hackney Carriage and Private Hire Vehicle Licences

8.1.2 The procedure for applying for a Hackney Carriage Vehicle (HCV) or Private Hire Vehicle (PHV) Licence is detailed in Appendix H.

8.1.3 In order for an application to be considered the applicant must submit the following to the licensing authority:

- The completed HCV or PHV licence application form;
- Application Fee;
- The original of the Vehicle Registration Document (Log Book / V5C) certificate of registration for the vehicle. The new keeper's supplement section of the V5C document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant; documentary evidence of this will be required. Licences will not be renewed unless the full V5C document is made available to the Council at the time of application);
- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for Hackney (Public Hire) or Private Hire (Hire and Reward);
- Confirmation from a Council appointed garage that the vehicle has passed the Council vehicle test and examination requirements.

8.1.4 In addition to the above:

- Incomplete application forms, incorrect fees or supporting documentation that does not conform will mean that the application is incomplete and will result in the application being rejected. Only when a complete application has been provided will the licence be assessed;
- Any additional costs incurred by the applicant to facilitate this will be incurred by the applicant.

8.2 Grant and Renewal of Vehicle Licences

8.2.1 All vehicles must attend and pass the Council's vehicle check at an appointed test garage; a blank test sheet is available in Appendix C for information. All vehicles should be and remain safe for passengers, and therefore vehicles are to be presented to the garage in such a condition that they pass.

8.2.2 The Council test is separate to an MOT and is a checklist that allows for a simple pass or fail. There are no advisory warnings. Any vehicle that fails will either have their plates removed by the garage at the time of the failure and / or will not be issued a licence until the vehicle has been re-tested and passed.

8.2.3 Vehicle licences are for a period of 1 year and will be subject to testing throughout that period. The applicant will be advised of the location of the vehicle testing centre they should use; this point is non negotiable. Any vehicle that fails the Council test will be required to re-submit for retesting at the appointed garage at the applicant's own expense.

8.3 Insurance

8.3.1 All insurance documents for the vehicle to be licensed must be provided with all the other relevant information as part of the application. In order to satisfy the Council that appropriate insurance is in place for the vehicle the following is required:

- A valid certificate of insurance or cover note. This must confirm that insurance is in place for each driver that is expected to drive the vehicle and specify that it is covered for its use as a HCV or PHV;
- A HCV requires insurance to cover public hire;
- A PHV requires insurance to cover private hire and hire and reward;
- A cover note will be accepted and the licence issued on the understanding that a certificate of insurance will be presented as soon as possible;
- **Failure to provide any of the appropriate documentation will render the application as void**

8.3.2 All dates quoted on the insurance documents will be recorded on the Council database at the time of application. Periodical follow-up assessments will be undertaken to ensure the vehicle is and remains appropriately insured. Where a subsequent new insurance certificate for the vehicle has not been submitted to the Council, it will be deemed to have no insurance and the plate removed until such time as an appropriate insurance document is provided; penalty points will be issued to the licence holder as a result of having no insurance at the time of the assessment.

8.4 Vehicle Specifications

The Council has set down a number of specifications required of each vehicle to be licensed. In order to apply for a vehicle to be a licensed taxi, it must comply with the specifications at the time of application.

The specifications for a HCV or PHV are detailed in Appendix C.

8.5 Licensed Vehicle Conditions

Conditions are imposed on all licences requested for a HCV or PHV, and the Council is empowered to impose any additional conditions that it considers reasonably necessary in the granting of a licence. The conditions will be attached to the licence upon issue and are detailed in Appendix C. All applicants will be expected to have read and understood these conditions; any breach in the conditions will result in penalty points being issued or the licence considered for review by the Licensing Panel.

8.6 Identification of vehicles as a Hackney Carriage or Private Hire Vehicle

All vehicles must clearly indicate to the public that they are licensed vehicles. HCV must be clearly distinguishable from a PCV. No signs, stickers or insignia shall be added to the vehicle that does not conform to the Council's requirements. The conditions for the vehicles are detailed as follows:

- The position and location of the licence plates;
- The position of permanent door signs;
- Required wording for the door signs;
- Requirements to display certain specified notices in the vehicles.

8.7 Fire extinguishers

It is a condition of the licence that all vehicles are to be equipped with a fire extinguisher that meets the requirements set out in the conditions.

8.8 Tyres

It is essential that the tyres on all licensed vehicles are in good condition as they are the only point of contact the vehicle has with the road. All vehicles must conform to the following requirements:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre $\frac{3}{4}$ of the tread and around the entire circumference of the tyre;
- Tyres fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must;
 - Be compatible with the types of tyres fitted to the other wheels on the vehicle,
 - Not have any lump, bulge or tear caused by separation or partial failure of the structure,
 - Not have any cuts or tears in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
 - Not have any part of the ply or cord exposed;
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure;
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement;
- The fitting of part worn tyres to licensed vehicles is not permitted;
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

8.9 Accidents

- 8.9.1 If, at any time, a licensed vehicle is involved in any kind of accident, regardless of how minor, the driver must inform the council of the accident within 72 hours of the accident; this can be done by telephone or email. An accident report form (provided in Appendix C) shall then be completed and submitted to the council within 7 days of the accident.

- 8.9.2 Following submission of the accident report form the council will review and determine whether, by nature of the accident, or the stated damage caused, whether the vehicle must be inspected by the nominated garage to ensure the safety of the vehicle. The cost of this test by the garage will be at the owner's expense. The owner will arrange the test appointment with the nominated garage. Failure to arrange a test of the vehicle may result in the vehicle being suspended until such time as it has been examined at one of the authorised test centres.
- 8.9.3 If the vehicle is damaged to such an extent that it cannot be driven, then the vehicle owner must inform the council without delay. Photographic evidence of the damage should be provided to the council and advice will be given as to how a replacement vehicle may be applied for. Failure to notify the council may result in penalty points being issued.
- 8.9.4 If a HCV or PHV needs extensive repairs carried out on the vehicle due to mechanical failure/body work and is off the road for more than 4 weeks the owner should apply for a SORN (copy of which should be supplied), notify ENC and return the plate until vehicle has been restored to working order at which point the plate can then be returned. This does not apply to accident claim vehicles, as insurers temporarily replace vehicles until repairs have been carried out.

8.10 Meters

All hackney carriages must be fitted with an approved meter. This forms part of the vehicle test.

8.11 Advertisements (Private Hire vehicles only)

Limited advertising is allowed on PHV subject to the approval of the Council. Advertisements must be in accordance with the requirement set out in Appendix C.

9.0 Executive Hire – Discreet Plates

- 9.1.1 Any vehicle proposed to be used for Executive Hire must be licensed as a Private Hire Vehicle. Vehicles used for this purpose must meet the requirements for PHV. A separate application for a discreet plate must be made and approved by the Council. A discreet plate means that the vehicle does not need to display the same number of signs that a standard PHV is required to do. However, these vehicles must display signage disc issued by this Council, which states the details of the vehicle, the licence issue date and the number of persons allowed to be carried in the licenced vehicle. This disc must be displayed in the front window of the vehicle.
- 9.1.2 Drivers of executive vehicles must complete the licensing application process in the same way as any other licensed driver.

9.1.3 Vehicles with discreet plates must never be used for day to day private hire work.

9.1.4 Applicants wishing to apply for a discreet plate must satisfy the Council that it meets the requirements set out in the Discreet Plate Policy in Appendix F.

9.2 Additional provisions for Hackney Carriage vehicles only

9.2.1 Limitation on numbers

9.2.2 There is no limit on the number of new hackney carriage vehicles that can be applied for however they must conform to the wheelchair specification requirements appropriate at the time of the application, and any other requirement before the application will be accepted.

9.2.3 At the time of the original adoption of the Taxi Licensing Policy, 36 hackney carriage plates, already awarded to specified vehicles were granted “pre-existing grandfather rights”. These rights granted the plate-holder certain exemptions from the requirements of the policy, but were adopted only to allow the owners of those persons additional time to allow them to meet the requirements of the policy. This provision was never intended to create a permanent exemption of the vehicles associated with these 36 grandfather rights plates from the requirements of the policy. This policy sets out the process by which the grandfather rights plates will be phased out.

9.2.4 The existing grandfather rights plates will be phased out;

- From the 1st April 2019, when the existing vehicle associated with the plate needs to be replaced, it shall be replaced with a vehicle fully qualifying with the Taxi Policy in place at that time; there will no longer be any exemptions permitted.
- From the 1st April 2019, upon the receipt of a request to transfer the plate to another person, that transfer shall include the loss of the grandfather rights, meaning that the vehicle(s) to which the plate will refer will have to meet all of the requirements of the policy in place at the time of the application to transfer and that no exemptions will be permitted.
- Plate with grandfather rights where the use of the plate falls into abeyance or it is not used for a period of more than 3 months, will lose the grandfather rights provisions when the plate is next transferred to another vehicle or person irrespective of when this may occur; the grandfather rights provisions will no longer be transferred. Where the Council is made aware of a good reason for the lack of use, it may consider not terminating the grandfather rights in that instance.
- Plates with grandfather rights handed back to the Council will be reissued but without the benefits of grandfather rights. Such plates will become available on a first-come first-served basis as if they were new applications.

9.2.5 Hackney carriage Wheelchair accessibility requirements: -

- Wheelchair spaces requirements: 1130mm length, 690mm width, 1290mm height (min);
- Acceptable intrusions into the wheelchair space: - One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings;
- Wheelchair user safety provisions: - Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system. **There should be a separate restraint system for each wheelchair, and they should be able to be used independently of each other.**
- The vehicle must have type approval certification i.e. EU whole type approval certificate or UK low volume type approval certificate.

9.2.6 Boarding lifts and ramps

- Dimensions: - Single piece ramp – width 700mm (min), length 1600mm (max)
- Ramp gradients: - Side entry: Kerb (125mm): 14 degs. (max) Ground: 19 degs (max)
- Slip resistant surfaces: - All surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.
- Colour contrasting edge marks: - A band contrasting with the remainder of the boarding ramp surface, 45mm to 55mm in width around and abutting the edge of the ramp or lift surface.
- Control and fail safe mechanisms or power operated equipment: - Power operated equipment shall only be capable of operation from a control adjacent to the ramp.
- Load sensors and re-cycling mechanisms for power operated equipment: - A device to stop the movement of the boarding ramp where that motion is likely to cause injury.
- Manual override provisions for power operated equipment: - A provision to repeatedly operate the equipment in the event of power failure shall be provided.
- Manual/portable ramp: - Such ramps must have a designated stowage location which can store the equipment such that it does not present a risk of injury to anyone carried in the vehicle.

9.2.7 Entrances and exits

- Number and position: - A minimum of 1 located on the nearside of the vehicle,
- Minimum doorway width: - 740mm
- Minimum doorway height: - 1230mm

9.3 Taxi ranks

9.3.1 At the time of writing this policy, there are three taxi ranks within East Northamptonshire, these are:

- College Street, Rushden on the south side between the point situated at 16.15m and 44.2 m respectively, in a westerly direction from the line of the curb on its junction with the west side of Alfred Street for 5 vehicles with any overflow at
- Alfred Street, Rushden additional hackney carriage stand west side of Alfred Street from a point 7.32m south of its junction with College Street for a distance of 27.43m in a southerly direction for 6 vehicles
- John Street, Rushden east side from a point 10.06m north of its junction with Church Street for a distance of 11.89m in a northerly direction for 2 vehicles

9.3.2 Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank. Where private hire drivers are found to be using the taxi rank penalty points may be issued.

10.0 Operators

10.1 General

10.1.1 The Operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the Operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. The failure of an Operator to ensure that appropriate checks are carried out, may call into question the Operator's fitness and propriety. In addition, the failure of the Operator to take appropriate action in relation to drivers that persistently breach licence conditions, may also be detrimental to the continued fitness and propriety of themselves as an Operator, and as such, may call into question their suitability to hold an operator's licence.

10.1.2 The Operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public who would visit the premises, except on such occasions as the licence is presented to the Licensing Authority for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.

10.1.3 A separate licence will be issued in respect of each approved secondary booking office, if any, and if requested.

10.2 Requirement for a licence

- 10.2.1 A licensed PHV can only be despatched to a customer by a licensed Private Hire Operator. The licence requires the operator to ensure all its drivers are licensed by the local authority along with their vehicles.
- 10.2.2 A Private Hire Operator may use licensed drivers from outside the district in order to sub contract work to them if they are unable to fulfil the job from their own licensed drivers, licenced by ENC.
- 10.2.3 The original Operator who accepts the booking and subsequently passes it on to a different licenced Operator will retain liability for the satisfactory completion of the journey. Accurate records of any sub contracting must be kept by the original Operator who takes the booking and be available for inspection on request.
- 10.2.4 Applications for an Operators licence must be made on the Council's application form, with the appropriate fee and the applicant must undergo a Basic Disclosure Barring Service check if they are not already a licensed driver within this licensing authority. The Council will then decide whether the applicant is a fit and proper person to hold an Operator licence. This Council will grant a Private Hire Operator licences for a period of 5 years. A licence will only be granted for less than 5 years in exceptional circumstances and this decision shall be made by the Taxi Licensing Panel.

10.3 Fitness and propriety

- 10.3.1 Applications will only be granted where the Council is satisfied that the applicant is a fit and proper person to hold a licence. In order to determine the applicant's fitness the consideration will included but not limited to the following factors:
- Criminal record (including convictions, cautions, warnings and reprimands);
 - Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
 - Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by ENC);
 - Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc.);
 - The applicants' right to work in the UK.
- 10.3.2 In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.
- 10.3.3 If an application is received from a person that is not a driver licensed by this Council, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the Council's CSE Training and pass the appropriate tests (as required by licensed drivers).

10.4 Insurance

Every Operator with a public waiting area shall put in place and provide evidence of public liability insurance for the business that is to be licensed, to the value of at least £5 million. Where the Operators directly employ licensed taxi drivers, employer's liability insurance should also be in place. Evidence of these insurances should be provided as part of the application.

10.5 Conditions

10.5.1 The licensing authority has the power to impose conditions on the operators licence and will do so upon issue. A copy of the Operator's Model Conditions is provided in Appendix D.

10.5.2 However, wherever necessary additional conditions are deemed appropriate by the licensing authority, they may be added to a licence. Failure of the Operator to adhere to any conditions of the licence will lead to enforcement action which may include the issuing of penalty points, review of the licence or prosecution.

10.6 Use of an Operator name following revocation of licence

10.6.1 Where an Operator licence has been revoked by the Taxi Licensing Panel, the name (or a similar name) of a Private Hire company associated with that licence cannot be used by another Operator until at least 6 months has passed from the date the licence was revoked, or the date in which the appeal processes have been concluded (whichever is the later).

10.7 Operator responsibility

10.7.1 The licensed Operator is responsible for all persons and vehicles that are employed, contracted or otherwise used in the course of their business. Therefore, the Operator shall undertake appropriate checks to ensure that they are satisfied that they are only using suitable licensed drivers and vehicles. The Operators should ensure that the drivers and vehicles remain compliant with the terms of their licences and ensure necessary checks are undertaken to ascertain this.

10.7.2 Should an Operator fail to undertake the necessary checks the fitness and propriety of the Operator may be called into question. Repeated failures by the Operator to take appropriate action in relation to drivers that persistently breach the licence conditions may also call into question the Operator's fitness and propriety. This may include the following examples:

- Licensed drivers or vehicle proprietors (either individually or collectively) breaching licence conditions whilst working for or under the Operator,
- Vehicles being operated in an unsuitable condition,
- Failure of the Operator to address concerns relating to their drivers with regards to inappropriate behaviour towards Council staff, contractors, passengers or any criminal activity including any child or adult safeguarding concern.

10.7.3 The Council expects licensed Operators to work with the Licensing Authority and support our aim of improving safety and safeguarding issues. Operators must alert any concerns that they may have to the Council and the Police, and failure to do so will call into question the fitness and propriety of the Operator to hold a licence.

11.0 Fees

11.1 The Council reviews all of its fees and charges on an annual basis. All fees are calculated to ensure that the Council's costs are recovered and that the Taxi Licensing service is not being subsidised by the public. The charges set include the costs of administering the applications and ensuring the compliances of those licensed.

11.2 All fees are publicly available at any time on the Council's website. The Council may review the fees and charges at any time it feels necessary.

12.0 Enforcement and Compliance

12.1 General

12.1.1 The purpose of licensing the taxi trade is to protect the public and promote public safety. The Council will utilise all legislative powers available to them to ensure the public are protected. Environmental Services, who administer the Taxi Licensing service, have an Enforcement Policy in places that sets out how it enforces. This ensures that enforcement is efficient, targeted, proportionate and transparent. The Enforcement Policy is available to view on the Council's website.

12.2 Enforcement Penalty Points

12.2.1 Where breaches of the terms and conditions of any licence (drivers, vehicle or operator) are determined by the licensing authority, penalty points may be issued. Details of the penalty points scheme can be found in Appendix E.

12.2.1 The scheme is a way of formalising warnings being issued. Every licence holder will know what penalty points are attributed to the different types of breaches. Greater penalty points are issued for the most serious breaches.

12.2.2 The penalty points are issued per incident and are cumulative. Therefore, if one incident has resulted in several breaches of the licence conditions, the points issued will reflect the number of breaches that have occurred, and may reach a trigger level that would require the licence to be brought in front of the Taxi Licensing Panel. Twelve points within a two year period is the current trigger level for a licence to be brought in front of the panel for consideration. The members of the panel may determine that the licence be suspended or revoked, or choose another sanction to be applied.

12.2.3 The Licensing Enforcement Officer, Health Protection Manager and the Head of Environmental Services are authorised to operate the scheme and issue points accordingly.

12.2.4 The Council will periodically undertake interventions to assess the conditions of the HCV and PHV fleets. These interventions will include the occasional inspection of stationary vehicles. Any breaches of conditions found at these times will be awarded the appropriate number of penalty points, and if they exceed 12 in a single inspection, would trigger the licence to be brought before the Taxi Licensing Panel for their consideration. Failure to allow such checks to be carried out will be considered as obstruction, and acted upon accordingly.

12.2.5 If during an inspection it is felt that the vehicle Operator may have failed to carry out their appropriate checks, they will be awarded penalty points as well as the driver, as per the requirement for Operators to ensure the safety of their vehicles and passengers, and the public as a whole (see point 10.7.2 above).

12.3 **Suspension of licence**

12.3.1 Where a vehicle fails to meet the licence conditions determined by the Council appointed garage or an Authorised Officer, action may be taken to suspend the appropriate licence until the vehicle meets the required standard. Vehicle plates can only be removed by the nominated garage, an Officer of East Northamptonshire Council or the Police. It is a breach of the conditions for the plates to be removed by any other person.

12.3.2 A STOP notice may be served suspending the use of the vehicle until the defects are remedied. The suspension will only be lifted once the vehicle has passed the Council test at the nominated garage at the licence holder's expense. The issuing of a STOP notice will also result in penalty points being awarded.

12.3.3 In situations where a serious risk to the safety of the public is known, the Health Protection Manager or Head of Environmental Services, under delegated powers are permitted to immediately suspend the licence of the driver, vehicle or operator. The matter will then be referred to the Taxi Licensing Panel.

12.3.4 Where the Taxi Licensing Panel has been called to consider any licence following breaches of conditions of the licence, and determine that a person is no longer a 'fit and proper' person to hold their licence, they may suspend that licence for a set period or revoke the licence completely.

12.3.5 When the Taxi Licensing Panel considers the revocation of any licence, it will take into account all relevant facts and circumstances, including the nature of the breach and the aims and objectives of this policy.

12.4 Refusal to renew a licence

- 12.4.1 Any renewal application where new criminal convictions are shown on the DBS check or where there are other concerns will be referred to the Taxi Licensing Panel who may determine that the appropriate action is to not renew a licence.
- 12.4.2 In these circumstances, the person applying for the licence will have the opportunity to appeal the decision at the Magistrates' Court within the period of 21 days beginning from the date of notification of the refusal to renew the licence from the Council.
- 12.4.3 Where an applicant has failed to provide all relevant information or documentation, or has failed to comply with any of the requirements in order to renew a licence, the Licensing Enforcement Officer or Health Protection Manager is authorised to refuse to renew the licence on the grounds that the application is incomplete.

12.5 Prosecution of Licence Holders

- 12.5.1 Where appropriate, the Council will prosecute licence holders for breaches of conditions of their licence and any other relevant offences in accordance with the Environmental Services Enforcement Policy and Regulators Code.

12.6 Appeals

- 12.6.1 Where penalty points have been issued, an appeal can be lodged with the Head of Environmental Services. Any appeal must be in writing and submitted for consideration within 21 days of the penalty points being issued. The appeal will be considered by the Head of Environmental Services and the decision will be final.
- 12.6.2 For any other enforcement action, the right of appeal will be disclosed with the decision where an appeal process exists.

13.0 Service Requests and Complaints

- 13.1.1 The Council has a duty to investigate complaints made to them by members of the public or partner agencies and any such complaint will be logged as a service request and investigated.
- 13.1.2 In determining the most appropriate course of action the council will have regard to the evidence collated, the credibility of both the licence holder and the complainant.
- 13.1.3 Should a person wish to complain about the service they have received from the Council, they can do so under the complaints process which is available upon request of via the Council's website.

