



North
Northamptonshire
Council

Appendix 1

Proposed Hackney Carriage and Private Hire Licensing Policy

(October 2022 – October 2027)

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This Policy has been produced under powers set out in the Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976, as amended, which place a duty on North Northamptonshire Council (the 'Council') to carry out its licensing functions in respect of hackney carriage and private hire vehicles, drivers and private hire vehicle operators. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy document. Where it is necessary for the Council to depart from its Policy, reasons will be given for so doing.

By adopting this policy and all appendices on **xx** of **xxxx 2022**, North Northamptonshire Council is deemed to have adopted the separate previous sovereign authorities arrangements in place for the purposes of regulating Hackney Carriage and Private Hire licensing activities in North Northamptonshire and it is resolved that in pursuance of Section 45 of the Local Government (Miscellaneous Provisions) Act 1976, that Sections 46-80 inclusive of the said Act shall apply throughout the area of the District.

This policy has also been produced with full regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards (July 2020), the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (April 2018) and the Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (2010).

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Glossary of Terms

In these conditions:

'the 1976 Act'	means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
'the 1847 Act'	means the Town Police Clauses Act 1847
'the Council'	means North Northamptonshire Council.
'applicant'	means new applicants and applicants for renewal of existing licences.
'authorised Officer'	means a Licensing Officer authorised in writing by North Northamptonshire Council.
'conviction'	means any conviction, caution, formal warning or reprimand
'North Northamptonshire'	The geographical area of North Northamptonshire is the 'district' for the purposes of private hire licensing. All private hire vehicle, driver and operator licences will relate to that area.
'hirer'	means any person who, from time to time, hires or books the vehicle.
'licensee'	means the person(s) named in the licence.
'driver'	means the person(s) named in the licence
'operator'	means any person or company or partnership licensed by the Council to operate private hire vehicles.
'vehicle'	means the vehicle named in the licence.

Acronyms

CCTV	Closed Circuit Television
DBS	Disclosure & Barring Service
DFT	Department for Transport
DPA	Data Protection Act 2018
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency
GDPR	UK General Data Protection Regulations 2018
GP	General Practitioner (Medical)
IOL	Institute of Licensing
MOT	Ministry of Transport annual motor vehicle inspection
NR3	National Register of Taxi Licence Refusals and Revocations

1.0 Introduction

- 1.0.1 North Northamptonshire Council has responsibility for licensing hackney carriages and private hire vehicles (licensed vehicles), drivers and private hire operators within the district of North Northamptonshire. As the Council, our key objective is ensuring public safety and protection of residents and visitors. The Council expects high professional standards across all aspects of the taxi and private hire trade.
- 1.0.2 The Council covers an area of 381 square miles with a total population of 348,000 (2011 mid-year population estimate). The main towns of the Council include Corby, Irthlingborough, Kettering, Rushden, Thrapston, and Wellingborough.
- 1.0.3 The area is a mixture of both rural and urban communities and combines a varied range of attractions, festivals, events and shopping experiences for both residents and tourists.
- 1.0.4 Hackney carriage and private hire vehicles, proprietors, drivers and operators have a major role to play in maintaining an integrated transport system designed to provide an efficient and safe public service. They play a vital part in local transport, connecting residents to the local economy and in enabling businesses and residents to reach wider transport networks. All social groups use taxis and private hire vehicles. Groups that use them the most are low-income young women, amongst whom car ownership is low, and those with mobility difficulties. They also have a particularly important role in the night-time economy getting people home safely late at night.
- 1.0.5 The taxi and private hire vehicle sector is entirely demand-led. Though taxis are most often associated with journeys for leisure, social and business purposes, they are an important part of the transport network. Taxis and private hire vehicle services reduce the need for private car ownership, enable key workers to commute when other modes are unavailable, provide door-to-door transport for those that are not able to travel via other modes and assist on meeting the needs for home-to-school transport provision. Taxis and private hire vehicles have a particularly important role in the night-time economy getting people home safely late at night.
- 1.0.6 The primary and overriding objective must be to protect the public. Ensuring high safeguarding requirements and processes is only one way in which the licensing authority can help to ensure the personal safety of passengers. Ensuring local residents understand the distinction between the taxi and private hire vehicle trades and how each service can be legally engaged is very important. The key message needs to be that, unless you are hailing a locally licensed taxi in the street or at a stand, you should not get in any other vehicle unless you have pre-booked it and have received information from the operator to identify it. This policy aims to support that message.
- 1.0.7 In developing this policy the Council has had regard to the following:
- Local Government (Miscellaneous Provisions Act) 1976 (as amended)
 - Town Police Clauses Act 1847
 - The Road Vehicles (Construction and Use) Regulations 1986 (as amended)

- The Disability Discrimination Act 1995
- The Equality Act 2010
- Public Health Act 1875
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2103
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Regulators Code 2014
- Road Traffic Acts
- Crime & Disorder Act 1998
- Health Act 2006
- The Department of Transport ‘Taxi and Private Hire Vehicle Licensing: Best Practice Guidance’ (Currently under review)
- Jay Report into Child Sexual Exploitation (CSE) in Rotherham
- Department for Transport Statutory Taxi & Private Hire Vehicle Standards (Issued under the Policing & Crime Act 2017 and published on 21st July 2020)
- Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (April 2018)
- Other relevant legislation

1.0.8 This policy was widely consulted upon prior to being formally adopted. Consultees included amongst others:

- Current licence holders;
- Elected members of the Council;
- Northamptonshire Constabulary
- Local businesses and their representatives;
- Residents and representative bodies.
- Local transport providers;
- Disability groups;
- Service users.

1.0.9 Consultation will be undertaken before any significant changes are made to the policy. Amendments to the attached Appendices may be permitted following consultation and authorisation by the executive member and chair of Licensing and Appeals Committee. The extent of any consultation will be determined by the scope of proposed amendment(s).

1.0.10 The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended) provide the legislative framework for the licensing of hackney carriages and private hire vehicles, hackney carriage and private hire drivers and private hire operators. Naturally, because of the age of this legislation, it has been augmented by caselaw to take account of technological advances.

2.0 Scope

2.1 This policy applies to the following:

- I. **Hackney Carriages:** A vehicle available to transport members of the public that has no more than eight seats for hirers, which is licensed to stand or ply for hire. A hackney carriage may stand at designated taxi ranks and also on the street, and/or be hailed in the street by members of the public within their designated zones. They may also undertake pre booked journeys.
- II. **Private Hire Vehicles:** These are licensed to carry no more than 8 hirers and must be booked in advance through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks. They include a range of vehicles such as minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services.
- III. **Private Hire Operators:** are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.
- IV. **Hackney Carriage, Private Hire and Dual Licence holder Drivers:** Licensed individuals who have undertaken required tests and checks. Only a licensed driver can drive a licensed vehicle.

- 2.2. The policy sets out a framework for the Council to discharge its regulatory functions for private hire or hackney carriage related licences. It includes provisions in relation to obtaining and holding a licence, the conditions attached to licences, and how enforcement action will be addressed. However, the Council retains discretion in exercising its regulatory functions therefore each application or enforcement action will be considered on its own merits, having regard to this policy.
- 2.3 The Council may also have regard to other policies, strategies, guidance and case law in its decision making, and can take account of wider considerations affecting visitors, employers and residents such as pollution, crime, availability of private hire and hackney carriage vehicles late at night and its public sector equality duty.
- 2.4 The policy will be formally reviewed by the Council at least once every five years and informally reviewed as necessary to reflect minor changes in legislation etc. If any changes are made to the policy, the Council will publish a statement of revisions and the updated policy. If the Council wishes to depart from the policy, clear and compelling reasons will be given for doing so.
- 2.5 Upon adoption, unless an alternative date has been specified for commencement, this policy will come into effect and supersede any earlier policy. Any changes to the policy will similarly take immediate effect unless otherwise specified.
- 2.6 Any changes in licensing requirements will be followed by a review of the licences already issued. If a need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not, however, to suggest that licences will be automatically revoked overnight. The implementation schedule of any changes that affect

current licence holders will be transparent and communicated promptly and clearly.

- 2.7 The Licensing Authority will consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, then it will consider doing so. It will record the reasons for any deviation from the policies that are in place.

3.0 Policy Objectives

3.1 The aims of this policy are:

- To ensure the public can travel safely in hackney carriages and private hire vehicles licensed in North Northamptonshire
- To encourage a sustainable mixed fleet of vehicles
- To ensure all licence applications are administered and scrutinised fairly
- To ensure that appropriate enforcement measures are used when required
- Those driving, operating and using licensed vehicles know what to expect from the Council in respect of licensing and the application of all relevant legislative requirements.
- to pay regard to the need to eliminate conduct prohibited by the Equality Act 2010, to promote equality of opportunity and to foster understanding between people who share a protected characteristic and those who do not.

3.2 The Council will achieve these outcomes by:

- Setting the standards for the licensing of drivers, vehicles and operators;
- The licensing and routine inspections of vehicles, with appropriate follow up action;
- Routine inspection of insurance policies, with appropriate follow up action.
- Assessing applicants to ensure they are 'fit and proper' persons and so entitled to hold a licence. This will include consideration of medical suitability, criminal record (if any), driving standards, relevant intelligence and knowledge of the relevant law and locations in North Northamptonshire.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police, other local authorities and other relevant agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders / applicants;
- Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences or applying NNC Licensing Penalty Points to licences, for breaches of legislation or conditions and / or in

connection with reports or incidents of poor conduct;

- Applying the provisions of the North Northamptonshire Enforcement Policy.

4.0 Background

4.0.1 The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976 (as amended) provide the legislative framework around the licensing of Hackney Carriages and Private Hire vehicles, hackney carriage and private hire drivers and private hire operators. Naturally, because of the age of this legislation, it has been augmented by caselaw from various court cases over the years.

4.1 Implementation

4.1.1 This policy was first implemented on [1st April 2023](#) to replace the four separate district and borough council policies in place previously and will be applicable to all existing and new licences from that date. The policy will be fully reviewed every five years. However, the Council may consider interim reviews should there be any legislative changes or other external factors which require this, or where local factors indicate review is required. Amendments to this policy involve consultation (commensurate to the potential impact of the proposed changes) and will require review and approval by the relevant committee. Where policy amendments are required due to non-negotiable changes to statutory obligations, consultation may be omitted.

4.1.2 The Council recognise that vehicle owners and operators have made significant investments in their vehicles. Due to this, there will be a transition period whereby grandfather rights will apply and existing vehicle owners/operators will be able to continue to operate their current vehicles under the terms and conditions of their old Council licensing area for a maximum period of five years from the date this policy comes into effect (???????). To claim this transition arrangement, the vehicle must be continuously licensed, [maintained in a good condition](#) and continue to meet the predecessor Council policy terms and conditions requirements, as applicable on the date of original issue of the licence. The transitional period ends on ???????.

4.1.3 This transitional arrangement for vehicles will not apply where a licence is not renewed before the previous one expires.

4.1.4 All other licences (that do not relate to a vehicle) will be issued under this policy and associated conditions from the date it comes into effect.

4.1.5 After the transition period ends, all applications for vehicle licences will be required to comply with the vehicle standards set out in the relevant sections of this policy. For the avoidance of doubt, this includes both new applications and renewals.

4.1.6 The geographical area of North Northamptonshire is the 'district' for the

purposes of private hire licensing. All private hire vehicle, driver and operator licences will relate to that area.

4.1.7 For hackney carriage vehicles, the Council is currently retaining four Zones (prescribed areas) within North Northamptonshire. The four zones replicate the four former district / borough areas within North Northamptonshire:

- Zone One – former East Northamptonshire Council district
- Zone Two – former Corby Borough Council district
- Zone Three – former Kettering Borough Council district
- Zone Four – former Borough Council of Wellingborough district

Retention of these zones will be reviewed following adoption of this policy.

4.1.8 All existing bylaws and fares will carry forward within these zones. It is acknowledged that vehicle requirements and some other matters may differ between these zones.

4.1.9 Hackney carriage vehicles currently licensed in these zones will continue to be able to ply for hire only in the zone they are licensed for but will still be able to undertake pre-booked work anywhere.

4.1.10 Drivers must complete and pass a knowledge test which covers the area within each zone for which they wish to work in. The test will include geographical knowledge and shortest route knowledge including street names, and questions on relevant licensing matters. Drivers holding an existing Hackney Carriage Drivers licence at the time that this policy is implemented, will not need to complete and pass that part of the test which relates to geographical knowledge of the area for the licence they currently hold. Drivers will still need to complete the test for any other new zones that they wish to work in and all other parts of the new tests.

4.2 Applications and Licence Periods (Grant and Renewal)

4.2.1 The Council recognises the importance of processing licence applications efficiently to ensure continuity of licence/employment. Therefore, all properly made applications will be processed without delay. The Council cannot be responsible for any delays where the application process involves a third party. Once all elements of an application are complete, a licence will be issued within 10 days.

4.2.2 Each application will be considered on its own merits.

4.2.3 Hackney carriage and private hire vehicle driver's licences will be granted for three years or for such lesser period, specified in the licence, as the Council think appropriate in the circumstances of the case.

4.2.4 Hackney carriage and private hire vehicle licences will be granted for such period not being longer than one year, as the Council may specify in the licence.

4.2.5 Private hire operator licences shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.

4.2.6 The Council will endeavour to remind all licence holders to renew their licences. However, not having received any reminder will not be accepted as a reason for non-renewal. It is the licence holder's responsibility to ensure that their licence is renewed before expiry. Any licence that is not renewed prior to expiry will be deemed to have expired, and any subsequent application will then be treated as a totally new application.

4.2.7 Where any valid application meets all policy requirements, it will normally be granted using delegated powers. Any application for any type of licence which does not meet policy requirements cannot be granted by officers and will require referral to the Licensing Sub Committee, should the applicant wish to pursue the application. It should be noted that should an applicant wish to withdraw an application at any time, there will be no refund of any application fee.

5.0 Hackney Carriage and Private Hire Drivers

5.0.1 Hackney carriage and private hire driver licences permit a person to drive a licensed vehicle. The holder of a North Northamptonshire licence is considered to be a professional driver and is expected to demonstrate high professional standards at all times.

5.0.2 Applicants can apply for one of the following:

- Hackney Carriage Driver Licence
- Private Hire Driver Licence
- Dual (Combined) Hackney Carriage and Private Hire Driver Licence

5.0.3 All applications for any of the above driver licences are to be made on the Council's official forms and must be submitted together with all necessary supporting documentation and the appropriate fee. Applications will only be considered valid once all necessary documentation is submitted and fees paid.

5.0.4 The process for applying for a driver's licence will be set out in an application pack. Applicants should review this process prior to application and renewal to ensure that they provide all information requested at the right time. Failure to do so will result in the application being returned as invalid or potentially refused.

5.0.5 All applicants must have held a full UK DVLA, Northern Ireland, European Economic Area ("EEA") or Exchangeable driving licence for a period of at least one year prior to the date of application and are required to produce such licence with the initial application and each subsequent application for renewal. The driving licence must specify the applicant's current home address.

5.0.6 Applicants must provide proof of entitlement to work in the United Kingdom at time of application. This will include providing a code for the Council to check online records with the Home Office.

5.0.7 Any EU Nationals who are already licensed with North Northamptonshire

Council with a European Driving Licence (and who have leave to remain in the UK) can continue to drive, however a full UK DVLA driving licence must be applied for within 12 months from the date this policy is published.

Please note that you can only drive in Great Britain for 12 months if you got your EU licence by exchanging a non-EU licence.

** This information is subject to change depending on Government Guidance; therefore drivers are advised to apply for a UK driving licence as soon as possible.*

5.0.8 Applications and fees for these licences are for a three year period only. The decision to issue a driver licence for less than three years shall only be for the following reasons:

- at the applicant's request;
- ii) where the applicant's right to remain in the UK is for less than the three year period. The licence application if otherwise acceptable shall only be issued for no longer than the same period as the leave to remain.
- iii) where the medical has identified a requirement for review within the three year period

There will be no reduction in fee for a licence granted for a shorter term.

5.0.9 All drivers must satisfy the Council that they are a fit and proper person to hold a Hackney Carriage, Private Hire Driver or dual licence. Once the licence has been granted, they 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 licence holders have contravened any licence conditions, or any other complaints; criminal behaviour; medical fitness; or other concerns are brought to the attention of the Council, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.

5.0.10 Examples of matters that might trigger referral to the Licensing Sub-Committee include:

- New convictions or cautions
- Arrest or being placed on bail pending investigation by the police
- Contravening the NNC Licensing Penalty Points scheme or an appeal against points being issued by an officer
- A one-off complaint which might be considered serious or involve concerns over public safety or misconduct
- A number of complaints which in themselves may not be considered sufficient, but when taken as a whole, indicate a potential pattern of undesirable behaviour
- Change in medical fitness
- Any other matter determined appropriate for referral by the Assistant Director

5.0.11 Where there is considered to be an immediate risk to public safety, a driver's licence can be suspended or revoked with immediate effect by an authorised officer (in accordance with the Council's constitution).

5.0.12 Examples of matters that might warrant immediate suspension or revocation of a driver licence include (but are not limited to):

- A driver appearing to be under the influence of alcohol or drugs, or whose judgement appears impaired by a medical or other condition
- Concerns supported by a reasonable belief of an authorised officer that a driver may pose a public safety risk (based on information, evidence or circumstances that has come to the attention of that officer)
- Loss of a DVLA drivers licence

5.0.13 All applicants for a driver's licence must act with honesty and integrity and ensure all information provided is accurate 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 is likely to have a negative impact on the assessment of the application and may result in the licence (if already granted) being recalled to the Licensing Sub Committee for determination. Other formal action may also be considered in cases of suspected fraud or deception.

5.0.14 The Council reserves the right to require further additional checks or information to ensure the applicant is a fit and proper person.

5.0.15 The Council expects all drivers to behave in a civil and orderly manner, be polite, helpful and respectful to members of the public, the Police, Council employees and other public officials. Failure to do so may result in a referral to the Council's Licensing Sub-Committee

5.0.16 Whilst using any licensed vehicle, drivers must not engage in any sexual activity with or without the hirers consent, nor make inappropriate physical contact or make comments of a sexual or otherwise inappropriate nature.

5.0.17 The Council reserves the right to delay determination of driver applications where there are any outstanding legal proceedings until such proceedings are disposed of. This includes ongoing investigations, pending cases and appeals. The Council will endeavour to refer any application where there are any outstanding legal proceedings to the next available licensing committee for initial consideration.

5.0.18 It is not the Council's role to review the facts of a case which resulted in a conviction or to question the decision of a medical practitioner. It is for the Council to consider these matters at their face value and to decide what weight to give to them in the decision making process of whether an individual is fit and proper to hold a licence with the Council

5.1 Applications

5.1.1 The process for applying for a driver's licence will be set out in an application pack. It is essential that all applicants review this process prior to application and renewal to ensure that they provide all information requested, and within the required timescales. Failure to do so will result in the application being returned as invalid or potentially refused.

5.1.2 All drivers are required to subscribe to the Disclosure and Barring Service's

Update Service. This enables the Council to routinely check for new information every six months.

5.1.3 The Council has adopted a penalty points scheme (known as the NNC Licensing Penalty Points Scheme) in respect of Hackney Carriage and Private Hire licensing and failure to subscribe to the DBS update service will be treated in accordance with that scheme.

5.1.4 Notwithstanding the above, when an application for a renewal is dependent on the Council receiving a Disclosure and Barring Service disclosure of criminal convictions, this must be applied for a minimum of six weeks before expiry of the licence.

5.2 Licence Conditions on Grant of Licence

5.2.1 Conditions are attached to all Private Hire and Dual driver licences at the time the licence is issued (Hackney Carriage driver licences cannot have conditions imposed on them). These conditions can be found in Appendix B of this policy. Licence holders must be familiar with these conditions and adhere to them at all times throughout the duration of their licence. Failure to do so may result in NNC Licensing penalty points being issued and/or referral to the Licensing Sub Committee.

5.2.2 All licensed drivers are additionally expected to have read, understood and adhere to all conditions attached to the licences of the vehicle(s) they drive.

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 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 Council 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
- Passport or other 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 holder which indicates that the person named in it 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.
- Some applicants may need to provide us with a 9-digit share code from the Home Office online right to work checking service to demonstrate

your entitlement to work in the UK. This must be provided if requested to do so in support of your application or renewal.

- 5.3.3 Where an applicant is subject to immigration controls the application will only be granted if all requirements have been met. The term of the licence will be determined based on the length of time permission to work has been granted. This may be for a period less than the three year licensing term. In this instance there will be no reduction in the licence fee.

5.4 Fit and Proper Person and Suitability

- 5.4.1 Sections 51 (in relation to private hire drivers) and Section 59 (in relation to Hackney carriage drivers) of the Local Government (Miscellaneous Provisions) Act 1976 require that all applicants and licence holders are and remain fit and proper persons to hold a licence.

It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.

- 5.4.2 The Council has a duty to ensure that any person to whom they grant a hackney carriage or private hire vehicle driver licence is a 'fit and proper' person to be a licensee. When considering whether an applicant or licensee is a fit and proper the Council (whether as officers or members of the Licensing Sub Committee) considers the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

(Department for Transport **Statutory Taxi & Private Hire Vehicle Standards July 2020**)

- 5.4.3 If however, the answer to the question is an unqualified 'yes', then the person may be considered to be fit and proper.

- 5.4.4 In addition to physical and mental wellbeing, this test can also be applied to an applicant's handling of a person's sensitive information such as personal data, holiday plans, medical conditions, travel arrangements etc, in respect of all licences the Council issues. The public and the trade are entitled to expect that those licensed by the Council will operate in accordance with the standards set out by the Council and not take advantage of their position of trust for criminal or unacceptable purposes.

- 5.4.5 If an officer has concerns as to whether an individual is a fit and proper person for reasons other than those stated within the policy, then the application shall be referred to the Licensing Sub Committee for consideration.

- 5.4.6 It is important to note that any issues with current licence holders are dealt with on a case by case basis. Each application or renewal is considered on

its merits. Officers will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence.

- 5.4.7 The Council will take into consideration the following when determining if an individual is a fit and proper person:
- Criminality – details provided from the Disclosure and Barring Service Certificate or intelligence from the Police or any other legitimate source
 - Number of endorsed DVLA driving licence penalty points – as detailed in the DVLA licence check;
 - Standard of driving/driving ability
 - Right to work – Evidence that the applicant is eligible to work in the UK must be provided within the application. If the leave to work is less than the driver's licence (three years) the licence will only be issued for that reduced period. The fee however remains the same.
 - Medical fitness – An applicant must attend a medical appointment with a Registered Medical Practitioner who has full access to the applicant's medical records and history. The assessment is to check compliance with the DVLA Group 2 Medical Standards for Driver Licensing. The required medical form, once completed and signed, must be submitted with the application. In the event of any doubt or concerns, further assessments may be required (at the cost to the applicant).
 - The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process) – For example, where an applicant has not disclosed all criminal convictions on the application form as requested but the DBS Certificate details convictions or the applicant makes a false declaration or withholds any other relevant information that would reasonably be expected to be disclosed, this will be considered to be dishonest and the application may not be looked on favourably
 - The previous licensing history of existing / previous licence holders. The National Register of Refusals and Revocations' (NR3 database) will be checked and Information may be sought from other licensing authorities, where the applicant may have previously, or still does, hold a licence.
 - The applicant's knowledge and understanding of the licensing requirements and responsibilities of a licensed driver
 - Any other information or relevant matters
- 5.4.8 In addition, the Council will consider any further information provided by any internal departments or external agencies that may have a bearing on the fit and proper status of the individual.
- 5.4.9 The Council may, at any time throughout the duration of the licence access the DVLA records of the applicants to ensure their driver standard meets the requirements of this policy. The North Northamptonshire Criminal Records Policy (Appendix A) and conditions on the licence require all licensed drivers to notify the Council within seven days of any DVLA penalty points issued. Failure to do so will result in the licence holder receiving NNC Licensing Penalty Points, under the NNC Licensing Penalty Point Scheme (See Appendix G).
- 5.4.10 In submitting an application to the Council for a driver licence, the applicant will be required to sign certain disclosures relating to the application form and their information. Details contained within the application may be shared with

other agencies including but not limited to the Police, Immigration and HM Revenue & Customs. In addition, declarations must be signed that agree for the applicants DVLA record to be reviewed throughout the duration of the licence and their DBS record through the online update service.

- 5.4.11 An individual will not be considered to be a fit and proper person to hold a licence if there is any evidence that they were dishonest in making their application or that an applicant or an existing licence holder has misled or attempted to mislead the Council (officers or elected members of the licensing committee) intentionally or otherwise, during any part of the application process or with the administration of the licence, or throughout its duration.
- 5.4.12 In this policy the word 'applicant' refers to new applicants, existing licence holders who are seeking renewal, and existing licence holders who are the subject of periodic auditing or having their licence reviewed by the Council as part of the policy implementation process. It also includes existing licence holders who are being considered by the Council by virtue of offending or other unacceptable activity having recently come to light.
- 5.4.13 Where an application meets all policy requirements, officers will grant the licence. In the event there are any matters disclosed in an application, renewal, or at any other time during the life of a licence, which are not in compliance with the policy, officers will refer the matter for consideration by the Licensing Sub Committee.
- 5.4.14 When determining whether an applicant is a fit and proper person to hold a hackney carriage, private hire or dual driver licence, a Licensing Sub Committee 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 Licensing Sub Committee will consider all evidence and decide which version on balance is most probably true.
- 5.4.15 This policy applies to all current licences from the date published and to all new and renewal applications after the publication date.
- 5.4.16 In any situation which is not addressed under this policy, the matter will be considered from first principles. Whatever the situation, an applicant/licensee must always satisfy the Council that they are or remain a fit and proper person to hold the licence.
- 5.4.17 For clarity, in this policy the term 'conviction' is defined as any convictions, cautions, formal warnings or reprimands. Also, where the policy states 'from date sentence has ended' this will be taken to mean the date by which the whole length of time sentenced by the court would have elapsed and not necessarily the length of time the individual actually served. For example, if a sentence of five years imprisonment was given then the end date will be five years from the date sentenced. If the applicant has only served 2 and was released, a further three years is still required. The term 'since completion of the sentence' is to be taken in the same way.
- 5.4.18 The Council reserves the right to review a decision that has previously been made, or refuse a renewal of a licence, where clear errors or omissions are identified, or new information or evidence comes to light.

- 5.4.19 An applicant who has had a previous conviction for a serious offence may not necessarily be automatically barred from obtaining a licence, however it would normally be expected that the applicant be required to:
- Remain free from convictions for an appropriate period as specified below; and
 - Provide evidence to support their case that that they are a fit and proper person to hold a licence. It is the applicant's responsibility to produce any evidence they think relevant to assist in the determination of whether they are considered to be 'fit and proper'. Simply remaining free from convictions is not necessarily enough to prove this. Where there is evidence and/or the Council has received complaints about the applicant's driving or behaviour this will also be taken into consideration.
- 5.4.20 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975: allows the Council to take into account **all** convictions recorded against an applicant or the holder of a Hackney Carriage, Private Hire or Dual driver's licence, whether spent or not. The Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, **all** convictions, cautions, warnings, fixed penalty notices and reprimands must be declared.
- 5.4.21 It is an offence for any person to knowingly or recklessly make a false statement or to omit any material particulars in giving information required by the application for a licence (S57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or an omission on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.4.22 If an applicant has any ongoing investigations convictions, warnings, cautions or charges awaiting trial, the Council will look into:
- How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) are/were
 - When the offence(s) were committed
 - The date of the conviction, warning, caution etc.
 - Circumstances of the individual concerned
 - Any sentence imposed by the court or any potential sentence that may be imposed
 - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
 - Whether they form part of a pattern of offending
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the Council or lied as part of the application process,
 - Information provided by other agencies / Council departments
- 5.4.23 Any offences or behaviour not expressly covered by this Policy will not

prevent the Council from taking into account those offences or behaviours.

- 5.4.24 Section 61 of the Local Government Miscellaneous Provisions Act 1976: Allows the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has, since the grant of the licence, been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 5.4.25 In assessing the action to take, the safety of the travelling public must be the paramount concern. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and their family is not a consideration to be taken into account.
(Leeds City Council v Hussain [2002] EWHC 1145 (Admin), [2003] RTR 199 and Cherwell District Council v Anwar[2011] EWHC 2943 (Admin))
- 5.4.26 Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal, revocation or suspension.
[Local Government (Miscellaneous Provisions) Act 1976, S 77 (1)].

5.5 DVLA Licence Checks

- 5.5.1 Checks will be undertaken with the DVLA during each application and renewal. This check confirms whether the individual is licensed to drive and provides details regarding the number of DVLA penalty points and endorsements present on their DVLA driving licence.
- 5.5.2 The Council requires licensed drivers to assist them in undertaking these checks with the DVLA at application and for routine monitoring during the term of the licence, or where there is any doubt that the driver remains a fit and proper person to hold a private hire and hackney carriage drivers licence.
- 5.5.3 Failure to undertake a check when required to do so without good cause will result in suspension of licence(s) until such time as the results of a check are received and accepted as satisfactory
- 5.5.4 Excessive DVLA penalty points on a DVLA drivers' licence may lead to the matter being referred to the Licensing Sub Committee, or NNC Licensing penalty points being issued to the driver. See Appendix A, B and G. Licence holders are also required to notify the Council of any points being added to their DVLA driving licence points.

5.6 Criminal Record Checks

- 5.6.1 A criminal record check for any new and existing driver is essential and is an important safety measure in ensuring they are a fit and proper person (as detailed in section 5.4 above) to protect public safety. All drivers will be required to undergo an Enhanced Disclosure through the Disclosure and Barring Service. Each driver will also be checked against the Adult and Child Barred Lists. 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 will be set out in an application pack available as part of the driver's application process.

- 5.6.2 All Hackney Carriage, Private Hire and Dual licence Drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. As such all drivers will be asked to accurately 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. All licence holders must notify the Council of any arrest, 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.
- 5.6.3 All information must be disclosed and the information from DBS and DVLA must not be relied on to answer these questions. Failure to properly complete the application form may result in the application being considered by the Licensing Sub- Committee especially if the checks reveal further matters for consideration.
- 5.6.4 All applicants for the grant or renewal of a drivers licence will be responsible for the costs of obtaining a DBS certificate. Licensed drivers must also be signed up to the DBS Online Update Service, as a condition of the licence. The subscription costs are the responsibility of the applicant or licence holder and permission must be given to the Council to undertake routine checks of their DBS status.
- 5.6.5 This update service will be used to monitor the criminal record of licensed drivers and will be checked at least every 6 months in accordance with the DfT Statutory Taxi & Private Hire Standards guidance. Checks will also be made at the time of licence renewal. If where changes are recorded, an updated enhanced DBS check may be required. The cost of this is to be paid by the driver. If no changes have been recorded on the DBS certificate, a further enhanced DBS check will not be required.
- 5.6.6 In order to sign up to the Update Service the applicant on receipt of their completed Enhanced DBS Certificate, must register for the service within 30 days of the original DBS certificate date of issue. Upon licence renewal the driver must provide the Council with their original certificate in order for the update service to be checked.
- 5.6.7 Only DBS Certificates which have been applied for through North Northamptonshire Council or printed off from the Update Service within the last 4 weeks will be accepted when submitting an application. Once submitted, any DBS certificate will only be considered valid for 3 months in the event that an application is delayed for any other reason, including referral to the Licensing Sub-Committee.
- 5.6.8 A licence will not be issued without a current Enhanced DBS Disclosure Certificate being checked by the Council.
- 5.6.9 Upon receipt of a disclosure from the Disclosure and Barring Service, officers acting under delegated powers will refer to the North Northamptonshire Criminal Records Policy and determine whether the application can continue

through the application process with a view to being granted, or whether it requires referral to the Licensing Sub Committee if it does not meet the policy requirements.

- 5.6.10 Applications will be referred to the Licensing Sub Committee where the application does not meet the policy requirements or where the applicant's fitness and propriety is in question for any other reason.

5.7 Convictions and Cautions

- 5.7.1 Where convictions and cautions have been declared by the applicant or disclosed on the DBS Certificate, or otherwise come to the attention of the Council either upon application or renewal, or at any other time during the life of a licence, the Council must ensure that they are or remain satisfied that the applicant is a fit and proper person to hold a licence.
- 5.7.2 Therefore, any convictions and cautions specified within the application process or at any other time may require the application to be determined by the Licensing Sub Committee.
- 5.7.3 The Council has adopted the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades for assessing applications, renewals and convictions that come to light during the course of any licence.
This can be found in Appendix A (Criminal Records) or can be downloaded at: [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)
- 5.7.4 Where convictions and cautions have been imposed on a current licensed driver, or they are under a live investigation by the Police, the licence holder may be referred to the Licensing Sub Committee for review, in order to determine whether they remain a fit and proper person to continue to hold the licence.

5.8 Applicants with Residency Periods Outside of the UK

- 5.8.1 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/countries visited covering the duration overseas will be required. Where such checks are not available, a certificate of good character (previously named certificate of good conduct) is required to be authenticated by the relevant embassy. The certificate of good character must be in English.

5.9 Police Notifications

- 5.9.1 When a driver comes to the attention of the police, they must disclose their occupation as a hackney carriage or private hire driver. The police will where appropriate, notify the relevant Council of arrest, charging, convictions and any other relevant information relating to a potential risk to public safety.
- 5.9.2 Any circumstances affecting the suitability of a holder of a drivers licence or private hire operator's licence, to continue to hold that licence will be considered and may be referred to the Licensing Sub Committee.

5.10 The National Register of Taxi Licence Revocations and Refusals

- 5.10.1 The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3). This register holds details of individuals who have had a driver's licence revoked, or an application for one refused.
- 5.10.2 Where a Hackney Carriage, Private Hire or Dual driver licence is revoked, or an application for one refused, the Council will automatically record this decision on NR3.
- 5.10.3 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the Council will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.
- 5.10.4 The Council has a published policy on the approach it will take to requests by other authorities for further information and entries on NR3, and about the use it will make of any further information provided to it. This can be found at Appendix H.

5.11 Medical Fitness Assessments

- 5.11.1 It is essential that licensed drivers are in good health and to ensure this is the case the Council uses the DVLA Group 2 Standards of Medical Fitness. Licensed drivers are expected to carry hirers' luggage, will drive on the road for longer periods than most car drivers and may have to assist disabled hirers and therefore the Council must be satisfied that applicants are fit enough to undertake these tasks. Pre-existing medical conditions must be disclosed and confirmed to be under control to the satisfaction of a General Practitioner and the Council.
- 5.11.2 Applicants shall submit the Council's prescribed medical form, completed and signed by their own Registered General Practitioner, or a GP who has full access to, and reviews, the applicant's full medical records, at the time of their application.
- 5.11.3 A medical examination form will be required upon first application, then on every renewal application until the applicant reaches 65 when an annual medical fitness assessment is 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.
- 5.11.4 All licence holders must notify the Council in writing, if any of their pre-existing medical conditions deteriorate or their health has changed in any way that may affect their fitness to drive at any point during a licence period and at renewal.
- 5.11.5 The following medical condition(s) must be notified to the Council, in writing, as soon as reasonably practicable, and in any instance within seven days of that condition becoming known to the driver:

- Heart condition
- Deterioration of eyesight or hearing
- Abnormal blood pressure
- Alcohol or drug dependency
- Diabetes
- Mental or psychological disorders
- Epilepsy
- Serious physical injury or disability
- Sudden attacks of giddiness or fainting
- Any other condition affecting the ability to drive

- 5.11.6 No medical fitness assessment form will be accepted where the person completing the form does not have access to the applicant's patient records.
- 5.11.7 Should any doubt remain as to the medical fitness of the applicant; the Council may request further medical assessments be undertaken by a registered medical practitioner nominated by them. In the event of doubts as to the medical fitness of the applicant, the application may be referred to the Licensing Sub Committee for consideration. The Sub Committee will review all the medical evidence and make the final decision.
- 5.11.8 Once submitted, any medical assessment will only be considered valid for three months in the event that an application is delayed for any other reason, including referral to the Licensing Sub-Committee.
- 5.11.9 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 hirer. Drivers may only refuse to carry assistance dogs where they have a medical exemption certificate issued by the Council. A medical exemption may be granted by the Council where the driver has provided detailed medical evidence that shows a medical condition will be aggravated by exposure to dogs. If the application for medical exemption 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 facing outwards on the dashboard.

5.12 Driver Training

5.12.1 Knowledge Test

- 5.12.1.1 The Council has developed two Driver Knowledge Tests, one or both of which are a compulsory pre-requisite for drivers applying for a new licence. Additionally, any driver renewing a licence for the first time under this policy will also be required to sit and pass the relevant knowledge test(s). Part 1 must be completed and passed by all driver applicants. Part 2 must be completed by all Hackney Carriage and Dual licence applicants. Part 2 is relevant to the geographical zone the driver wishes to work in. The Licensing Sub Committee may also require anyone appearing before them to re-sit and pass one or both tests.

- 5.12.1.2 The tests are:

Part 1 (All Drivers)

- English language proficiency – both oral and written
- General knowledge of local locations
- Driver and vehicle conditions / Highway code / Basic arithmetic

Part 2 (Additional Test for Hackney Carriage and Dual Licence Drivers only)

- Detailed knowledge of local areas by zone
- Route planning
- Byelaws

5.12.1.3 If a Hackney Carriage or Dual licence driver wishes to work in more than one zone, a separate Part 2 test must be taken and passed for each additional zone, as these tests relate to the local geography of each zone. A separate fee will be payable for each test.

5.12.1.4 Details of the administration of the knowledge tests will be set out in an application pack.

5.12.2 Safeguarding Training

5.12.2.1 All applicants for a driver's Licence must attend and pass a Council approved training session on Safeguarding. All costs associated with this training are to be paid for by the applicant.

5.12.2.2 This training must be completed and passed by all new applicants before a licence can be granted. All existing licensed drivers at the time this policy comes into force, will be required to complete this training and pass the test at time of first licence renewal under this policy. The Licensing Sub Committee may also require anyone appearing before them to undertake this training again and pass the test.

5.12.2.3 Details of the administration of the Safeguarding training will be set out in an application pack.

5.12.3 Driving Assessment – Practical Test

5.12.3.1 All applicants for a driver's licence must attend and pass the Taxi Drivers Standard Assessment, or Enhanced Assessment for wheelchair accessible vehicles test, prior to applying for a licence. Any driver who will be driving a wheelchair accessible vehicle must undertake the wheelchair assessment prior to driving that vehicle.

5.12.3.2 The Council will determine which providers can administer the tests.

5.12.3.3 This test is to be taken at the applicant's own expense and the Council does not get involved in the administration of this. Applicants wanting information on the test content or to arrange a test will need to contact the providers direct.

5.12.3.4 As this is an advanced driving test the applicant may wish to consider additional training before undertaking the test.

5.12.3.5 All new driver licence applicants must pass the test prior to applying for a driver's licence. Existing drivers renewing for the first time after this policy takes effect must pass the test prior to submitting the first renewal application, unless they have already completed the test and can produce their certificate. ~~they have already completed and passed this test within the last three years and provide evidence of this in support of their renewal application.~~

5.12.3.6 The Licensing Sub Committee may also require anyone appearing before them to undertake or retake either the standard or enhanced test.

5.12.4 Equality & Diversity Training

5.12.4.1 All applicants for a driver's licence must attend and pass a Council approved training session on Equality & Diversity. All costs associated with this training are to be paid for by the applicant.

5.12.4.2 This training must be completed and passed by all new applicants before a licence can be granted. All existing licensed drivers at the time this policy comes into force, will be required to complete this training and pass the test at time of first licence renewal under this policy. The Licensing Sub Committee may also require anyone appearing before them to undertake this training again and pass the test.

5.12.4.3 Details of the administration of the Equality & Diversity training will be set out in an application pack

5.13 Accessibility

5.13.1 The Licensing Authority recognises that disabled people are particularly reliant on taxi and private hire vehicle services, either because they may not have access to a private car, are unable to use public transport, or because the built environment is insufficiently accessible to meet their needs. This can mean that the availability of an accessible, affordable taxi or private hire vehicle service can make the difference that allows them to live their life the way they want to, and ultimately, to fulfil their potential.

5.13.2 The Government wants disabled people to be able to travel easily, confidently and without additional cost, and it is important that all transport services play their part in making this a reality.

5.13.3 The way in which people are disabled and the specific barriers they face may not always be obvious. This Authority and the providers of taxi and private hire vehicle services that it licences must therefore anticipate the needs of people whose access needs may be more apparent, such as wheelchair users and assistance dog owners, as well as those with less visible impairments, including people with autism or mental illness.

5.13.4 The Licensing Authority is uniquely placed to ensure that taxi and private hire vehicle services within its jurisdiction actively promote equality and independence for disabled people. By ensuring drivers and operators understand how to provide every customer with the assistance they need, the authority can ensure disabled people can travel with confidence that their needs will be met.

- 5.13.5 By taking action to ensure there are sufficient wheelchair accessible vehicles to satisfy passenger demand, the Authority can ensure that wheelchair users need no longer structure their lives around the times and locations when vehicles accessible to them are likely to be available. And, by taking prompt and robust action to investigate and prosecute licensees in response to cases of discrimination, authorities can ensure that every operator and driver treats seriously their role in providing an inclusive service.
- 5.13.6 Supporting an accessible service is an integral aspect of the Licensing authority's role, therefore, it is important that the Authority makes the provision of an inclusive service a core strategic aim, and that it considers the factors which can influence the extent to which such services meet the needs of all passengers.

Guide and Assistance Dogs

- 5.14.1 All licensed drivers are under a legal duty in the Equalities Act 2010 to carry assistance dogs in their vehicles without any additional charge to the hirer. Drivers may only refuse to carry assistance dogs where they have a medical exemption certificate issued by the Council.
- 5.14.2 A medical exemption may only be granted by the Council where the driver has provided detailed medical evidence that shows a medical condition 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 facing outwards on the dashboard.
- 5.14.3 When hired to carry an assistance dog, the owner should be asked where they would prefer their dog to be and their request should be accommodated by the driver.

5.15 Wheelchairs

- 5.15.1 All drivers of wheelchair accessible vehicles are under a legal duty in the Equalities Act 2010 to carry a disabled person who is in a wheelchair in their vehicle without any additional charge to the hirer. They are required to:
- carry the passenger in the vehicle while in the wheelchair;
 - not to make any additional charge for doing so;
 - to carry the wheelchair if the passenger chooses to sit in a passenger seat;
 - take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - give the passenger such mobility assistance as is reasonably required.

Mobility assistance is assistance—

- to enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

5.16 Assistance for all passengers

- 5.16.1 Drivers and operators have specific duties not to discriminate against passengers in wheelchairs or who are accompanied by assistance dogs. However, they also have general duties not to discriminate against anybody on account of their protected characteristics and to provide proactively reasonable adjustments that permit disabled passengers specifically to access their services. Although such duties are enforced by disabled people through the Civil Courts, the Licensing Authority has a role to play in creating an expectation that every potential passenger should be valued, regardless of any protected characteristic, and that any passenger requiring reasonable assistance is provided with it. As a matter of course, drivers should help passengers to stow mobility aids, pushchairs and luggage, to ensure that vulnerable passengers leave the vehicle safely away from traffic, and support customers to use card readers or count their change.
- 5.16.2 Where alleged instances of discriminatory behaviour are received The Authority will take proactive steps to investigate allegations, interview passengers, and seek relevant evidence from operators and partner agencies.
- 5.16.3 Cases will be prosecuted where there is sufficient evidence to identify the driver and substantiate the claims made. Where a licence holder is convicted of such an offence, the licence will be dealt with in accordance with the convictions policy.
- 5.16.4 Where a complaint about discrimination is received that will not result in a conviction, the Licensing Authority will consider a range of outcomes and take appropriate action based on the balance of probabilities. Licensing sanctions will be considered, such as suspension or revocation. The licensing authority will give full consideration to the available evidence before any decision is made and the licensee will be given the opportunity to state their case. This may mean no action is taken and the complaint recorded, a suspension until disability and equality awareness training/assessment is completed, or revocation of a licence and a refusal to issue another for a lengthy period.

6.0 Hackney Carriage and Private Hire Vehicles

- 6.0.1 Although both hackney and private hire vehicles undertake a similar role in the carriage of paying hirers, the method of engagement is different, and their roles are separate and distinct, covered by separate legislation. The Council's policy is to ensure that the conditions, markings and signage on the vehicles clearly distinguish hackney carriages from private hire vehicles.
- 6.0.2 The procedure for applying for a Vehicle Licence will be set out in an application pack.
- 6.0.3 In order for an application to be considered the applicant must submit the following to the Council:
- The completed vehicle licence application form
 - Application Fee

- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 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 purchase / ownership will be required i.e. a receipt of purchase or similar). Licences will not be renewed unless the full V5 document is made available to the Council at the time of renewal application)
- The original insurance certificate or insurance cover note for the vehicle (if insured at time of application) If the vehicle is not insured at time of application. the certificate of insurance must be provided to the Council prior to any licensed activity taking place. The document must state that the vehicle is insured for private hire (hire and reward) or hackney (public hire)
- Confirmation from the Council appointed testing stations that the vehicle has passed the Council test and vehicle examination requirements
- Current MOT Certificate
- A basic DBS disclosure for any vehicle owner who is not a licensed driver

6.0.4 Part or incomplete applications, including non-payment of licence fees, will result in an application being treated as invalid, and may result in the application being rejected. Only when a complete application has been submitted, and the full fee paid, will the application be considered valid and be processed.

6.0.5 All vehicle licence holders must satisfy the Council that they are a fit and proper person to hold a hackney carriage or private hire vehicle licence. Once the licence has been granted, they must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licence holder will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints, criminal behaviour or other concerns are brought to the attention of the authority, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.

Where it is considered to be an immediate risk to public safety, a vehicle licence can be suspended with immediate effect by an authorised officer (in accordance with the Council's constitution).

Examples of matters that might warrant immediate suspension of a vehicle licence include (but are not limited to):

- A serious vehicle defect putting safety at risk. Including but not limited to:
 - A tyre worn below the legal limit or with another defect
 - Defective external lights
 - Damage to a windscreen which in the view of the officer has potential to shatter or affect visibility etc of the driver
 - Defective or damaged seatbelts
 - Any damage to the vehicle, that potentially puts hirers, pedestrians or other road users at risk

- Loose fixtures or fittings inside the vehicle that pose potential risk of injury
- Seatbelt(s) or their fastenings that do not operate as intended or which are damaged
- Non-display of licence plates

6.1 Vehicle Specifications, Age, and Testing Requirements for Hackney Carriages and Private Hire Vehicles

6.1.1 Vehicle Age

- 6.1.1.1 This policy requires that vehicles must be no older than four years from the first day of registration on initial application to North Northamptonshire Council for a Private Hire or Hackney Carriage Vehicle Licence.
- 6.1.1.2 For licensing purposes, the age of a vehicle will be determined by the date of first registration in the country of origin, if this is not recorded on the V5 document (Log Book), it will be the responsibility of the registered keeper to supply suitable documentary evidence to prove the date of first registration.
- 6.1.1.3 Once licensed, a vehicle which is older than four years and which has not passed its annual test on or before the date of expiry of its current vehicle licence will not be reconsidered for renewal of the vehicle licence.
- 6.1.1.4 This policy requires that any licensed vehicle cannot be more than ten years old (from date of registration). There will be an exception for London style cabs (TX series), which by their design will have a longer life than other vehicle types and these vehicles cannot be more than fifteen years old (from date of registration).
- 6.1.1.5 For clarity, the age restrictions above apply equally to all vehicles, including Executive, Novelty and Special Occasion vehicles.

6.1.2 Vehicle Testing and Inspection

- 6.1.2.1 All vehicles put forward for licensing are required to pass the Council's licensed vehicle test before being licensed or renewed. The test must be conducted at a Council approved garage. The test is in the form of a checklist that allows for a simple pass or fail. It is therefore important that vehicles are presented in a condition to meet the requirements for a pass.
- 6.1.2.2 Vehicles may be tested (MOT and the Council's licensed vehicle test) at any testing station approved by the Council, provided the testing station is familiar with the relevant grandfather rights for all vehicles and the zone requirements in the case of Hackney Carriages. Notwithstanding the above, the Council retains the right to direct a licensee to take their vehicle to a specific nominated testing station for testing at any time. It expects vehicles to remain compliant with the test standard at all times between tests.
- 6.1.2.3 Two combined MOT and Council tests are required annually for all vehicles up to ten years of age.
- 6.1.2.4 The operator of any vehicle requiring a MOT test other than a Class 4 must arrange the test at an appropriate DVSA MOT testing station for the class of

vehicle. Because of the different MOT class the testing station may not be included in the testing stations contracted to North Northamptonshire for the purpose of testing licensed vehicles. This will relate to vehicles such as stretched limousines which require a Class 6 MOT.

- 6.1.2.5 Any vehicle that fails to pass the Council compliance test is not considered to be fit for use as a licensed vehicle and must be withdrawn from service until the vehicle has been re- tested and passed as fit. The person licensing a vehicle must ensure that it is submitted for compliance testing on or before the relevant renewal dates and that vehicles remain fit for service at all times.
- 6.1.2.6 Any vehicle found during testing to have faults which may render it unsafe or unsuitable for licensed work may have its vehicle licence suspended with immediate effect.
- 6.1.2.7 Vehicles shall be liable to being inspected and tested at any time (in accordance with the requirements of the 1976 Act). If, upon inspection, it is discovered that a vehicle is not being properly maintained or kept in good order, a notice may be served on the owner to this effect setting out the defects to be remedied. If public safety is compromised by the defects, further use of the vehicle may be prohibited (by suspension of the licence) until the defects have been addressed and the vehicle has successfully undergone a further inspection / Council test to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid for by the proprietor. If the licensed vehicle is not brought up to standard within two months without good reason, the Council will deem the licence revoked.
- 6.1.2.8 On revocation or expiry of the notice of suspension of a licensed vehicle, the Council may issue further notices, requiring the proprietor of that vehicle licensed by them, to return the licence plate within seven days after service of service of the notice. Failure to comply with the requirement to return the licence plate is a criminal offence which on conviction could render a proprietor liable to a fine.

6.2 Private Hire Vehicle Specifications

- 6.2.1 All vehicles shall have an appropriate 'type approval' in place (prior to being licensed) which is either a:
- European Whole Vehicle Type Approval;
 - British National Type Approval; or
 - Individual Vehicle Approval
- 6.2.2 Any model of vehicle being considered for licensing which has been subject to Euro NCAP rating must meet at least a 4 star rating.
- 6.2.3 It is the policy of the Authority not to licence any vehicle which has been the subject of any category of write off by an insurance company.

For information there are 4 categories of write off.

Category A - Scrap only. For cars so badly damaged they should be crushed and never re-appear on the road. Even salvageable parts must be destroyed.
Category B - Body shell should be crushed. Signifies extensive damage,

although some parts are salvageable. Should never re-appear on road, although reclaimed parts can be used in other road-going vehicles.

Category S (formerly Category C) - The new Category S means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash. Category S damage is more than just cosmetic, therefore, and the vehicle will need to be professionally repaired.

Category N (formerly Category D) - Vehicles graded accordingly haven't sustained structural damage, so the issue may be cosmetic, or a problem with the electrics that isn't economical to repair. However non-structural faults may include brakes, steering or other safety-related parts.

- 6.2.4 All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight hirers not including the driver; this number includes any hirers who may be seated in wheelchairs if the vehicle is capable of transporting such hirers. Where a vehicle has been altered, adapted or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted.
- 6.2.5 Vehicles adapted to take disabled persons in wheelchairs will be considered and are to be welcomed where they meet the prescribed safety and other required standards.
- 6.2.6 Vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes.
- 6.2.7 Licensed private hire vehicles shall be either: -
- a 4-door saloon car designed and manufactured to seat up to four adults in addition to the driver; or
 - a 5-door estate or hatchback designed and manufactured to seat up to four adults in addition to the driver. Estate vehicles must be fitted with a luggage screen or guard to prevent luggage encroaching into the hirer compartment in the event of an accident;
 - Stretched Limousines carrying 8 passengers MAXIMUM in their original configuration plus the driver and, if imported into the UK, must have an IVA;
 - Multi-Purpose Vehicle (MPV), including those manufactured or suitably adapted to carry wheelchair users, with adequate seating accommodation for between 4 and 8 adult hirers inclusive of any hirers who may be seated in wheelchairs, in addition to the driver. Such vehicles must be provided with a means of securing any luggage carried. In the case of a vehicle which has been adapted for carrying wheelchair users after the vehicle has been manufactured it must have been granted the relevant M1 Type Approval Certificate,
 - a mini-bus type vehicle, including those manufactured or suitably adapted to carry wheelchair users, with adequate seating accommodation for, between 4 and 8 adult hirers inclusive of any hirers who may be seated in wheelchairs, in addition to the driver. Such vehicles must be provided with a means of securing any luggage

carried. In the case of a vehicle which has been adapted for carrying wheelchair users after the vehicle has been manufactured it must have been granted the relevant M1 or M2 Type Approval Certificate.

- Some vehicles may be permitted to have less than 4 adult hirer seats if it is purposely designed and constructed or adapted after manufacture, to carry wheelchair users. The vehicle must however have the relevant M1 or M2 Type Approval.

Any vehicle that has been adapted or modified to accommodate disabled hirers must be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the British National Single Vehicle (M1 or M2) Type Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

- Any minibus or other vehicle in which the seating is intended to be fixed in one place, and which has potential for capacity for over 9 seats, which has had excess seating removed to allow not more than 8 hirer seats, must have any excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence can be issued.

- 6.2.8 The TX series, Metro Cab, and other similar makes / models that are manufactured to operate as, or look similar to, London style Hackney Carriage, or any large vehicle having the appearance of a hackney carriage will not be considered for licensing as a private hire vehicle.
- 6.2.9 Seating in private hire vehicles must be permanently available, not capable of being folded away and accessible by either dedicated doors for the seats or via a clear route within the vehicle without the need for seats needing to be folded forward to provide access.
- 6.2.10 All private hire vehicles must be of any standard manufacturer's colour **other than yellow** (due to Zone 4 having some yellow hackney carriage vehicles) or black. The colour of the vehicle must be one solid colour and not altered during the period that the vehicle is licensed.
- 6.2.11 The engine power output as quoted by the manufacturer for any vehicle shall be not less than 90BHP or equivalent.
- 6.2.12 Each hirer must have available 400mm of seating width or multiple thereof measured at the narrowest point with the doors closed. For example any fixtures or fittings significantly protruding into the passenger space such as armrests must be deducted from the width measurement.
- 6.2.13 The vehicle must be capable of carrying a reasonable amount of luggage per hirer (at least one medium sized suitcase per person) in the luggage compartment.
- 6.2.14 A vehicle converted to run on LPG shall be fitted with a multi-valve tank contained within a sealed tank box made from aluminium and vented to the atmosphere. On a vehicle fitted with a 'doughnut' style tank in the spare

wheel well the spare wheel (where supplied by the manufacturer) shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space. Where retrospective conversions are undertaken a conversion certificate must be provided upon application.

6.2.15 The standard conditions attached to all private hire vehicle licences can be found in Appendix C. The only variation to these will be following any individual decision by the Licensing Sub Committee.

6.2.16 Notwithstanding any of the above vehicle specifications, the Council is through this policy taking steps to improve the air quality in its area and deal with climate change. Road transport is an important source of both greenhouse gases and air pollutants, being responsible for significant contributions to emissions of carbon dioxide, nitrogen oxides, particulate matter (PM)10 and PM2.5. The extent to which the population and environment are exposed to harmful levels of air pollution is dependent upon various factors. However, as road transport emissions tend to occur in areas frequented by people, they are, relatively, more harmful than those from other sources.

The Council is able to act directly on emissions from one sector of road transport and so the following will come into effect at the specified periods below, and supersedes any other conflicting requirements:

- New and replacement vehicle licence applications between the date of this policy coming into force and 31 March 2025 must meet Euro 6 emission standards.
- No new applications for vehicles fuelled by diesel only or petrol only will be processed after 31 March 2025
- ~~From 1 April 2025 all new vehicle licence applications must be for zero emission vehicles, such as self-charging hybrids, fully electric vehicles or hydrogen fuelled vehicles. At time of writing, plug-in hybrids are not deemed appropriate as they do not have sufficient range to support licensed vehicle use and will spend more time on the fossil fuel engine undermining the aims of this policy.~~
- No licences for vehicles fuelled by petrol only or diesel only will be renewed after 31 December 2030. This overrides the upper age policy so whatever the age of the vehicle, the licence will not be renewed when the licence expires after this date.
- All private hire licences for petrol only and diesel only fuelled vehicles will expire on 31 December 2030.

6.3 Hackney Carriage Vehicle Specifications

6.3.1 All vehicles shall have an appropriate 'type approval' in place (prior to being licensed), which is either a:

- European Whole Vehicle Type Approval;
- British National Type Approval; or
- Individual Vehicle Approval

6.3.2 Any model of vehicle being considered for licensing which has been subject to Euro NCAP rating must meet at least a 4 star rating.

6.3.3 It is the policy of the Authority not to licence any vehicle which has been the subject of any category of write off by an insurance company.

For information there are 4 categories of write off.

Category A - Scrap only. For cars so badly damaged they should be crushed and never re-appear on the road. Even salvageable parts must be destroyed.

Category B - Body shell should be crushed. Signifies extensive damage, although some parts are salvageable. Should never re-appear on road, although reclaimed parts can be used in other road-going vehicles.

Category S (formerly Category C) - The new Category S means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash. Category S damage is more than just cosmetic, therefore, and the vehicle will need to be professionally repaired.

Category N (formerly Category D) - Vehicles graded accordingly haven't sustained structural damage, so the issue may be cosmetic, or a problem with the electrics that isn't economical to repair. However non-structural faults may include brakes, steering or other safety-related parts.

6.3.4 All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight hirers not including the driver; this number includes any hirers who may be seated in wheelchairs if the vehicle is capable of transporting such hirers. Where a vehicle has been altered, adapted or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

6.3.5 Vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes.

6.3.6 All new hackney carriage vehicles must be black in colour; must be wheelchair accessible and be either:

- A purpose constructed Hackney Carriage (i.e. of the London Taxis International TX series, Metro Cab or similar London cab style vehicles)
- A multi-Purpose Vehicle (MPV), including those manufactured or suitably adapted to carry wheelchair users, with adequate seating accommodation for 4 and 8 adult hirers inclusive of any hirers who may be seated in wheelchairs, in addition to the driver. Such vehicles must be provided with a means of securing any luggage carried. In the case of a vehicle which has been adapted for carrying wheelchair users after the vehicle has been manufactured it must have been granted the relevant M1 Type Approval Certificate,
- A mini-bus type vehicle, including those manufactured or suitably adapted to carry wheelchair users, with adequate seating accommodation for, between 4 and 8 adult hirers inclusive of any hirers who may be seated in wheelchairs, in addition to the driver.

Such vehicles must be provided with a means of securing any luggage carried. In the case of a vehicle which has been adapted for carrying wheelchair users after the vehicle has been manufactured it must have been granted the relevant M1 or M2 Type Approval Certificate.

Some vehicles may be permitted to have less than 4 adult hirer seats if it is purposely designed and constructed or adapted after manufacture, to carry wheelchair users. The vehicle must however have the relevant M1 or M2 Type Approval.

Any vehicle that has been adapted or modified to accommodate disabled hirers must be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the British National Single Vehicle (M1 or M2) Type Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

Any minibus or other vehicle in which the seating is intended to be fixed in one place, and which has potential for capacity for over nine seats, which has had excess seating removed to allow not more than eight hirer seats, must have any excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence can be issued.

- 6.3.7 The engine capacity for any vehicle shall be not less than 90BHP or equivalent
- 6.3.8 Seating width of not less than 400mm of seating accommodation per hirer (with the doors closed and with no other obstructions) must be provided.
- 6.3.9 The vehicle must be capable of carrying a reasonable amount of luggage per hirer (at least one medium sized suitcase per person) in the luggage compartment.
- 6.3.10 A vehicle converted to run on LPG shall be fitted with a multi-valve tank contained within a sealed tank box made from aluminium and vented to the atmosphere. On a vehicle fitted with a 'doughnut' style tank in the spare wheel well the spare wheel (where supplied by the manufacturer) shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space. Where retrospective conversions are undertaken a conversion certificate must be provided upon application.
- 6.3.11 The standard conditions attached to all hackney carriage vehicle licences can be found in Appendix D. The only variation to these will be following any individual decision by the Licensing Sub Committee.
- 6.3.12 All hackney carriage vehicles being licensed for the first time within North Northamptonshire must be wheelchair accessible.
- 6.3.13 Notwithstanding any of the above vehicle specifications, the Council is through this policy taking steps to improve the air quality in its area and deal

with climate change. Road transport is an important source of both greenhouse gases and air pollutants, being responsible for significant contributions to emissions of carbon dioxide, nitrogen oxides, particulate matter (PM)10 and PM2.5. The extent to which the population and environment are exposed to harmful levels of air pollution is dependent upon various factors. However, as road transport emissions tend to occur in areas frequented by people, they are, relatively, more harmful than those from other sources.

The Council is able to act directly on emissions from one sector of road transport and so the following will come into effect at the specified periods below, and supersede any other conflicting requirements:

- New and replacement vehicle licence applications between the date of this policy coming into force and 31 March 2025 must meet Euro 6 emission standards.
- No new applications for vehicles fuelled by diesel only or petrol only will be licensed after 31 March 2025
- ~~From 1 April 2025 all new licence applications must be for zero emission vehicles such as self-charging hybrids, fully electric vehicles or hydrogen-fuelled vehicles only. At time of writing plug-in hybrids are not deemed appropriate as they do not have sufficient range to support licensed vehicle use and will spend more time on the fossil fuel engine undermining the aims of this policy.~~
- No licences for vehicles fuelled by petrol only or diesel only will be renewed after 31 December 2030. This overrides the upper age policy so whatever the age of the vehicle, the licence will not be renewed when the licence expires after this date.
- All licences for diesel only and petrol only fuelled hackney carriage vehicles will expire on 31 December 2030.

6.4 Wheelchair Accessible Vehicles

- 6.4.1 All vehicles which are built or adapted for the carriage of wheelchair users and are the subject of a licence application, must be designed to ensure that any wheelchair is loaded and unloaded from the nearside of the vehicle for hackney carriages or either the side or rear for private hire vehicles. Rear loading will only be permitted where a suitable tail lift is in use.
- 6.4.2 Any vehicle that is adapted or modified in any way, including vehicles that have been adapted or modified to carry one or more wheelchair users, must meet an acceptable/approved standard. Such vehicles may require additional testing or certification from the manufacturers, VOSA or an accredited qualified vehicle engineer. The cost of obtaining this will be payable by the applicant.
- 6.4.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S/I

1998/2307). Any such equipment must be maintained in efficient working order so as to be available for use at all times.

- 6.4.4 Drivers of wheelchair accessible vehicles must be trained to load/unload and convey wheelchair users in safety and comfort. Evidence of this training must be provided upon request by an authorised officer.

6.5 Grant and Renewal of Vehicle Licences

- 6.5.1 The licensee shall submit an application for the renewal of a hackney carriage or private hire vehicle licence, including all required original documentation, to the Council at least six weeks prior to the expiry of the current licence. Photocopies of documents will not be accepted. There is a twenty eight day turnaround time for processing vehicle licence applications.
- 6.5.2 Prior to grant or renewal of any vehicle licence that vehicle must attend and pass the Council's vehicle test at one of the Councils appointed testing stations for a combined Council test and MOT test.
- 6.5.3 Details of the Council's test will be set out in an application pack. All vehicles must be and remain safe and roadworthy for hirers and drivers. Vehicles are to be presented to the garage in such a condition that they pass.
- 6.5.4 The Council test is a checklist that allows for a simple pass or fail. Any failure will result in a licence not being granted or renewed until the matter is rectified and a retest is passed.
- 6.5.5 Vehicle licences are for a period of one year and will be subject to testing throughout that period. This is non-negotiable. Any vehicle that fails the Council test will be required to re-submit the vehicle for retesting at the appointed garage at the applicant's own expense.
- 6.5.6 All new vehicles must pass a combined Council test and MOT test before they can be licensed.

6.6 Transfer of Ownership

- 6.6.1 If the owner / proprietor of a licensed hackney carriage or private hire licensed vehicle wishes to transfer his/her interest in the vehicle to another, he/she is required to complete a transfer of ownership form and submit this to the Council within seven days of the transfer taking place.
- 6.6.2 New owners / proprietors are required to submit a transfer of ownership application to the Council prior to any transfer taking place. There is a charge for this to cover the administration.
- 6.6.3 Please note that transitional arrangements will not apply to any vehicle subject to transfer of ownership during the five year transitional period.

6.7 Vehicle Insurance

- 6.7.1 A licence will not be granted until a valid vehicle insurance certificate is submitted to the Council. Where possible, this should be provided at the time of submitting an application.

6.7.2 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 of the vehicle and specify that it is covered for its use as a hackney carriage or private hire vehicle
- A hackney carriage vehicle requires insurance to cover public hire
- A private hire vehicle 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.

6.8 CCTV

6.8.1 The Council recognises that some proprietors may wish to install CCTV security cameras in their vehicle for the benefit and protection of both drivers and hirers.

6.8.2 The Council considers acceptable use of CCTV / Dash Cams or similar recording systems in licensed vehicles would include:

- Forward or rear facing cameras for external monitoring of the vehicle (whether temporarily or permanently) with the intention of the recording being used in the event of an accident or incident.

6.8.3 All vehicle owners, operators and drivers using any audio or visual recording equipment in their vehicle must ensure full compliance with all current Data Protection Act and Information Commissioner requirements in respect of audio or visual recordings in licensed vehicles, and the storage and use of all recordings.

6.8.4 Due to the potential sensitivities of making audio or visual recordings in licensed vehicles, any breach of the requirements of the Data Protection Act or Information Commissioner Guidance on audio or visual recordings will be considered a breach of the conditions of licensing and will be taken extremely seriously.

6.8.5 Notwithstanding 6.8.3 above, where any audio or visual recording device is fitted or used in a licensed vehicle, clear signage must be displayed in all hirer compartments of the vehicle notifying hirers that audio and/or visual recording device(s) are being used.

6.9 Age and Condition Policy

6.9.1 Vehicles must be no older than four years from the first day of registration (in any country) on the initial application to North Northamptonshire Council for a Private Hire or Hackney Carriage Vehicle Licence. The first date of registration will be as shown on the vehicle registration document, which may not necessarily be the first date it is registered with the DVLA (e.g. may previously have been registered abroad.)

6.9.2 An exemption to 6.9.1 may be allowed at the discretion of the Licensing

Manager, for Executive Cars or Special Occasion vehicles used on an infrequent basis. See Executive and Special Occasion Vehicles details at Appendix F.

- 6.9.3 Once licensed the Council's policy is that a vehicle will cease to be licensed once it is ten years of age, subject to the restrictions described above in relation to emission conditions. There will be an exception for London style cabs (TX series), which by their design will have a longer life than other vehicle types and these vehicles cannot be more than fifteen years old (from date of registration).
- 6.9.4 The term "exceptional condition" is used to describe vehicles which are over any age limit set by the Council, but that may continue to be licensed because they have been maintained to a very high standard and condition.
- 6.9.5 Any Council which imposes an age limit on its vehicles must be prepared to consider applications from vehicles that are in "exceptional condition". The Council will therefore only licence a vehicle after it is ten years old, if it meets policy requirements to be considered to be in an "exceptional condition".
- 6.9.6 A vehicle of "exceptional condition" is one where the components i.e. mechanical, body panels, paint, trim and fittings etc are maintained in an exceptional condition with regard to the age of the vehicle. It is essential that the image of an exceptional older vehicle upholds the standards normally set by a much younger vehicle.
- 6.9.7 General conditions applicable to this exceptional condition policy are:
- The owner of a hackney carriage or private hire vehicle whose vehicle is approaching its age limit will be required to notify the Council in writing at the time of making an application for the grant of a licence that they wish to extend the operating life of their existing vehicle by twelve months. They must continue to do so, on each subsequent renewal application.
 - Should the vehicle fail any test for any reason it will not be licensed and will not be considered for relicensing, so it is extremely important that licensees ensure a vehicle subject to the exceptional age policy is maintained in exceptional mechanical and cosmetic condition at all times.
- 6.9.8 The criteria detailed below are in addition to all current standard vehicle test criteria requirements.
- 6.9.9 The Council's nominated testing station in conjunction with an authorised officer of the Council will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below:
- I. In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last four standard fitness tests on first submission.
 - II. Bodywork should be in near perfect condition with no signs of panel

age deterioration, dents or any other abrasions that may detract from the overall appearance of the vehicle.

- III. Mechanical condition is such that there should be no item that may show age, deterioration or cause or contribute to a less than safe, comfortable hirer ride.
- IV. The underside condition of the vehicle does not show any signs of rusting or age, or deterioration.
- V. General paint condition should not show signs of fading, discolouration or mismatching and retain a finish generally found on much younger vehicles. The exterior trim must be complete and fully intact.
- VI. Interior trims, panels, seating and carpets etc. should be of a condition that is free from frayed, discoloured, faded or torn components.
- VII. All seatbelts, airbags, grab rails and other safety devices are in good condition and repair and fully operational.
- VIII. The boot and luggage compartment must be clean, uncluttered and watertight.
- IX. There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.
- X. The hirer compartment should be free from damp or any other odours that may cause hirer discomfort.
- XI. For wheelchair accessible vehicles only: Ramps and restraining straps will be complete and serviceable and maintained in good repair

6.9.10 Ultimately, the decision on whether or not a car can continue to be licensed under the proviso that it is in “exceptional condition” would have to be judged on the merits of each vehicle. Consideration would also have to be given to the type of vehicle, engine size, mileage and the fact that it is going to be used as a licensed vehicle rather than a family saloon.

6.9.11 A vehicle that passes an ‘exceptional vehicle check’ will be licensed for one year. This check is required every year and is in addition to the MOT and two Council tests.

6.10 Vehicle Signage & Licence Plates

6.10.1 Appropriate signage is necessary to identify key information about licensed vehicle to assist identify reassure hirers that vehicles are properly licensed and regulated within North Northamptonshire. Clear signage also assists enforcement officers and others to identify vehicles and help protect the trade from unlicensed or non-compliant vehicles.

6.10.2 Hackney carriage and private hire vehicles are required to display a licence

plate on the front and rear of the vehicle. Plates must be mounted securely on the bodywork or on the brackets supplied by the authority. All licensed vehicles are also required to display a small licence plate inside the front windscreen of the vehicle. The licence plates remain the property of the Council at all times and must be removed and surrendered within seven days of a request by an authorised officer of the Council, in the event that the licence has expired or has been suspended or revoked.

6.10.3 Conditions relating to signage shall be attached to individual vehicle licences and details of those conditions can be found in Appendix C for private hire vehicles and Appendix D for hackney carriage vehicles.

6.10.4 For Executive and Special Occasion vehicles and discreet plated vehicles see Appendix F.

6.11 Advertising and Additional Signage

6.11.1 Limited commercial advertising is permitted on licensed vehicles. The size and position and content of such information will be specified by the Council. The specifications can be found in Appendix C for private hire vehicles and Appendix D for Hackney Carriages.

6.11.2 No advertisements suggesting that a private hire vehicle is available for immediate hire without pre-booking, will be allowed.

6.11.3 Advertising and additional signage must not be prejudicial or discriminatory against any group or individual – including, but not limited to; age, race, religion, disability, gender, sexual orientation or nationality, is likely to mislead, is inflammatory, offends or creates barriers between the driver of the vehicle and hirers, the public or other road users. The interpretation of the content of any advert shall be at the sole discretion of the Council.

6.11.4 All advertisements must meet current advertising standards requirements.

6.11.5 One advertising panel is permitted on each rear hirer door of a licensed vehicle. Each panel must not exceed 45cm in height and 60 cm in width.

7.0 Application Procedures

7.1 The Council's application procedures for hackney carriage or private hire vehicle licences, drivers and private hire vehicle operators will be set out in the relevant application pack for that licence. The application procedures must be followed by applicants and must be made on the prescribed forms and submitted with all supporting documentation.

8.0 Executive & Special Occasion Vehicles and Discreet Plate Policy

8.10 Limousines and other Special Occasion Vehicles

8.1.1 The Council will consider licensing limousines, stretch vehicles, and other

types of novelty and special occasion vehicle where these meet all current safety standards for use on UK roads.

- 8.1.2 The age restrictions at Section 6.1 above apply equally to all types of special occasion vehicles.
- 8.1.3 Applicants wishing to licence an imported vehicle must produce documentary evidence to the Council that any imported or novelty vehicle has been legally imported into the UK and that the vehicle has an IVA certificate.
- 8.1.4 Owners of vehicles converted from a standard production model must retain the original documentation to confirm that the conversion was approved by the original manufacturer and that the conversion was undertaken by a converter/modifier under an approved Scheme. This must be submitted with the licence application.
- 8.1.5 Any proprietor who wishes to licence an American stretched limousine as a private hire stretched limousine vehicle, will need to prove the vehicle has been converted by an approved converter under a professional modification certification scheme such as the Ford, Quality Vehicle Modifier (QVM) programme or the Cadillac Master Coachbuilders (CMC) programme. It is the responsibility of the proprietor to prove the stretch conversion has been carried out by an approved converter. The vehicle must display a QVM or CMC plate (or equivalent) which specifies the plated weights of the vehicle, if no plated weight is visible then a weight certificate from a registered Vehicle & Operator services Agency (VOSA) weigh bridge must be produced
- 8.1.6 Vehicles may be required to undergo a metal fatigue test or other additional tests at the discretion of this Council. The cost of such tests must be paid for by the operator/proprietor
- 8.1.7 The V5 logbook must list the vehicle body type as 'Limousine' and a seating capacity of up to eight hirers (plus the driver). If this information is not recorded on the V5 registration document the proprietor will be required to apply for an Individual Vehicle Approval (IVA) inspection at a suitable Vehicle & Operator Services Agency (VOSA) testing station, the vehicle should be entered as a left hand drive limousine to carry eight hirers. The certificate must then be produced to the Driver & Vehicle Licensing Agency (DVLA) for registration. A copy of the IVA certificate must be retained and produced with all other documents at the point of application for a private hire stretched limousine licence
- 8.1.8 Because every limousine is bespoke, before a licence can be issued to a limousine, the vehicle will be required to undergo an inspection by an Authorised Officer of the Council to ensure compliance with the requirements listed above and conditions attached to the grant of the private vehicle licence. This is in addition to passing the Council test.
- 8.1.9 Due to the added weight and length of such vehicles, critical components wear at a greater rate than that of conventional vehicles. The proprietor of a vehicle licensed as a private hire stretched limousine will be required to maintain a detailed maintenance plan.
- 8.1.10 All Executive & Special Occasion Vehicles will be expected to comply with all

standard private hire vehicle licensing requirements and conditions.

- 8.1.11 The vehicle will be licensed to carry no more than eight hirers with a minimum space of 400mm seating available for each hirer with doors closed and no other obstructions. Where the vehicle is fitted with an L shaped seating arrangement, space for one passenger will be discounted in the corner of the seats to allow sufficient legroom for occupants. All forward facing seats must be fitted with three point all age inertia reel, lap and diagonal seat belts. All other seatbelts fitted to any other seat by the converting company must be present and working correctly.
- 8.1.12 Vehicles with a partition between the driver and hirer compartment must only be fitted with a clear glass partition to enable full visibility into the rear of the vehicle. The glass should meet the relevant British/ European Standard or its American equivalent. Solid partitions will not be permitted.
- 8.1.13 Due to the design and use of such vehicles, they will be required to provide enhanced safety features, including additional fire extinguishers and 'Life' safety / break glass hammers.

8.20 Exemption from Display of Licence Plates (Discreet Plates)

- 8.2.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display a licence plate and drivers wear a driver's badge. The same legislation also allows a Council to exempt the display of vehicle licence plates and, where that exemption applies, the requirement to wear a private hire driver's badge.
- 8.2.2 There has been a change in the market relating to private hire vehicles in recent years with limousines, executive cars and other special occasion vehicles becoming a more popular means of travel. This coupled with changes in the legislation has led to the trade wanting a more discreet plate for these types of vehicles, particularly if they are chauffeuring people where security issues exist or aesthetics are important.
- 8.2.3 This however must be balanced against public safety when using licensed vehicles, so this policy has been developed to allow private hire vehicles that meet strict criteria to display discreet plates.
- 8.2.4 Applicants for exemptions from displaying licence plates would be expected to demonstrate the corporate/business nature of work being undertaken, for example requests from clients wishing to enter into contracts for private hire vehicles without markings. Consideration will also be given to the nature and length of contracts and billing arrangements. Cash payment direct to the driver would not be acceptable as the norm, account or prepayment is expected. Applicants would also be required to demonstrate how they intend to advertise their private hire services. A clear distinction must be made between executive hire utilising 'discreet plated' vehicles and 'normal' private hire utilising vehicles exhibiting plates and signage in order to minimise confusion and protect public safety.
- 8.2.5 It is not intended that all private hire vehicles should be able to obtain exemptions from displaying licence plates. Only those meeting the criteria below will be considered.

- 8.2.6 An exemption from the display of licence plates will be considered where the following requirements are met:
- Vehicles accepted include luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. American style stretched vehicles and limousines will not normally qualify for discreet plates, as may other special occasion or novelty type vehicles.
 - The maximum length of the 'stretch' shall not exceed 120"/3048mm
 - The vehicle must be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
 - The type of work undertaken is 'executive' in nature. This would mean that the vehicle is used specifically for clients that for security, commercial, aesthetic or similar reasons would not want the vehicle to be identifiable.
 - Any vehicle with an exemption from displaying licence plates is not used for more routine private hire work at any time.
- 8.2.7 Owners of vehicles converted from a standard production model must retain the original documentation to confirm that the conversion was approved by the original manufacturer and that the conversion was undertaken by a converter/modifier under an approved Scheme. A copy of this must be submitted with the licence application and discreet plate application.
- 8.2.8 Licensed drivers of any licensed vehicle which has been granted an exemption from displaying the licence plates will automatically be exempt from wearing their drivers licence badge. However, they must carry their badge on their person at all times whilst driving the vehicle and must produce it on request by an authorised officer of the Council or a police officer.
- 8.30 Applications for Exemption from Displaying Licence Plates**
- 8.3.1 Application for exemption from display of licence plates must be made in writing to the Council by a person holding a Private Hire Operator Licence issued by the authority. The application must set out:
- the grounds for applying for an exemption
 - details of the business model
 - the vehicle make, model, age and registration number
 - a description of the current condition of the vehicle, with supporting photographs
 - confirmation that the applicant will comply with the terms of this policy and the conditions set out in in Appendix F.
- 8.3.2 Each case will be considered on its own merit by the Licensing Manager. The applicant may be asked to bring the vehicle to the Council offices for inspection prior to a decision being made.
- 8.3.3 The decision will be communicated in writing (where possible within fourteen days of an application being submitted). There is no automatic right of appeal against this decision. However, anyone aggrieved by a decision is at liberty to use the

Council's complaints procedure.

- 8.3.4 Where a written exemption is confirmed, the applicant will be issued with a discreet plate which is required to be displayed in the nearside front windscreen at all times.

9.0 Private Hire Operators and Vehicle Proprietors

- 9.0.1 The objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe

- 9.0.2 It is important therefore that the Council is assured that those that are granted a private hire vehicle operator licence pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with hirers, they are still entrusted to ensure that the vehicles and drivers used to carry hirers are appropriately licensed and so maintain the safety benefits of the driver licensing regime, particularly considering the fact that those involved in taking bookings and undertaking journeys will be likely to be party to sensitive personal information.

- 9.0.3 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for Private Hire Operators and a suitable variation on the test for drivers can be used:

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?" *

* Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

- 9.0.4 Applications for private hire operator's licences must be made on the Council's official application form and in accordance with the stated timescales. A basic disclosure from the Disclosure and Barring Service (DBS) will be required. The application procedure for an Operator's Licence will be set out in an application pack.

- 9.0.5 A Private Hire Operator Licence may be applied for by a company or partnership. In this instance a basic disclosure from the DBS will be required for each director / partner.

- 9.0.6 Conditions which will be attached to all Operators licences are contained in Appendix E

- 9.0.7 Applications and fees for these licences are for a five year period only. The decision to issue an operator licence for less than five years shall only be determined by the Licensing Sub-Committee. The only exemption to this is those applicants whose right to remain in the UK is for less than the three year period. The licence application if otherwise acceptable shall only be issued for no longer than the same period as the leave to remain. There will be no reduction in fee for a licence granted for a shorter term.

- 9.0.8 All operator applicants must satisfy the Council that they are a fit and proper person to hold a Private Hire Operator Licence. To grant the licence there must be no doubts as to the applicant's fitness or propriety. Any application that raises any relevant concern will be referred to the Licensing Sub Committee for determination.
- 9.0.9 Once the licence has been granted, the Operator must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licensed Operator will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints, criminal behaviour or other concerns are brought to the attention of the authority, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.
- Examples of matters that might warrant immediate suspension of a private hire operator licence include (but are not limited to):
- Concerns supported by a reasonable belief of an authorised officer, that an operators ongoing activities may pose a public safety risk (based on information, evidence or circumstances that has come to the attention of that officer) and where no other reasonable control measures are likely to mitigate that potential risk
- 9.0.10 Any vehicle proprietors or person(s) applying for a private hire operator licence are required to provide a basic disclosure from the DBS to ensure they meet the 'fit and proper' threshold.
- 9.0.11 An operator licence may be applied for by a company or partnership. In this instance a basic disclosure from the DBS will be required for each director and secretary in respect of a limited company and each partner in a partnership. Further DBS disclosures will be required prior to any additional director or secretary being appointed.
- 9.0.12 If granted a licence, a basic disclosure from the DBS, as above, must be provided to the Council on an annual basis for each individual / director / secretary.
- 9.0.13 Any private hire operator or vehicle proprietor who is also licensed as a driver will not be required to provide a DBS basic disclosure as the required enhanced disclosure for drivers is sufficient.

10.0 Fees & Charges

- 10.0.1 The Council reviews all fees and charges on an annual basis although it may review these at any time it feels necessary. All fees are calculated to ensure that the Council's costs are recovered and that the service is not being subsidised by the public. Licence fees include the cost of administering applications, and monitoring compliance of licences granted.
- 10.0.2 All fees are published on the Council's website at: **xxxxxxx**

11.0 Enforcement and Compliance

11.10 General

- 11.1.1 The purpose of licensing the taxi and private hire 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. North Northamptonshire Council has an Enforcement Policy in place that sets out our approach to enforcement. to ensure that any action is efficient, targeted, proportionate and transparent. The Enforcement Policy is available on the Council's website.
- 11.1.2 The Council liaise and work in partnership with other Council departments, the Police, officers of other local authorities and partner agencies to carry out its enforcement duties effectively. Where appropriate, the UK Border Agency, Department of Work and Pensions, HM Revenue and Customs, Driver and Vehicle Standards Agency and other Government Departments may assist with targeted enforcement campaigns.
- 11.1.3 The Council may use spot checks and "mystery shopping" to identify drivers and operators that are not complying with the requirements and standards the authority expects of its licensees. It is recognised as being particularly useful in identifying those who discriminate against disabled passengers, particularly when evidencing ad hoc incidents can be difficult for the passengers concerned.
- 11.1.4 The Council will suspend the vehicle licence or refuse to issue a licence to any vehicle where the vehicle excise duty has not been paid, or any other prerequisite legal requirement has not been complied with.
- 11.1.5 The Council will not routinely suspend vehicle licences at the request of insurers, when vehicles are temporarily taken off the road for accident repairs, as suspension of any licence should only be used where there are public safety or other licensing concerns. In this situation, a temporary licence transfer can be applied for to transfer the licence to another vehicle temporarily. Temporary transfers will usually only be granted for one period of up to three months.

11.20 Delegated Authority

- 11.2.1 The Council's Constitution sets out delegated responsibility and authority within the Council for the purposes of decision making and enforcement action. The Council's constitution can be viewed on the Council's website at:

<https://www.northnorthants.gov.uk/councillors-and-democracy/constitution>

A copy of the Regulatory Services Scheme of Delegation can be provided on request. This document sets out delegations to individual officer level.

For the purposes of this policy, the Licensing Sub Committee has authority to make decisions relating to taxi licensing matters at the application stage and at review following complaints or enforcement action undertaken. An application or licence may be brought in front of the Licensing Sub Committee for determination should it be necessary, for example where

previous criminal convictions have been disclosed. The Sub Committee is made up of three members from the Licensing Committee.

11.2.2 The Licensing Sub Committee will treat each case on its own merits and will have due regard to this policy and its appendices when considering hackney carriage and private hire licensing matters. Information on appeals against a decision of the Licensing Sub Committee will be provided to the applicant/licence holder with the decision notice, within the prescribed period following a hearing.

11.30 NNC Licensing Penalty Points Scheme

11.3.1 Where breaches of the terms and conditions of any licence (drivers, vehicle or operator) are determined by the Council, penalty points may be issued. Details of the NNC Licensing penalty points scheme can be found in Appendix G.

11.3.2 The scheme is a way of formalising warnings being issued. The scheme is set up to be transparent in the number of penalty points which are attributable to the range of breaches covered. Whilst all breaches of licence conditions are serious, there is a sliding scale of points with a larger number of points attached to those which are considered the most serious, or which put public safety at potential risk, over those which might be seen as an administrative breach.

11.3.3 Penalty points are issued per incident and are cumulative. If one incident has resulted in several breaches of the licence conditions, the points issued may reach a trigger level that would require the licence to be referred to the Licensing Sub Committee for review. For clarity, an incident is considered as one point in time. It therefore stands that potentially a driver may be involved in more than one incident in any day, which could each result in points being issued.

11.3.4 Points incurred will remain on the licence holder's record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is three and five years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the Council will require that points remain on the record from the date of the incident for 3 years for drivers and 5 years for private hire vehicle operators.. The Licensing Authority will however consider whether a review is undertaken in situations where points are incurred within a shorter period; for example, a year as this may indicate rapidly deteriorating standards or unsatisfactory conduct.

11.3.5 Twelve points being issued within any rolling two year period is the trigger level for a licence to be referred for review by the Licensing Sub Committee. The Sub Committee will carry out a review of the conduct of the licensee and consider whether further action is necessary to address any concerns. Such action might be undertaking additional training or a further driving test, not just a suspension or revocation

11.3.6 All authorised officers undertaking licensing work are permitted to issue penalty points under the NNC Licensing Penalty Points Scheme

- 11.3.7 The Council will periodically undertake interventions to assess the conditions of the hackney carriage and private hire vehicle fleets. These interventions will include the occasional inspection of stationary vehicles or moving vehicles during joint operations with the Police or DVSA. Any breaches of conditions found at these times will be awarded the appropriate number of penalty points, and if they exceed twelve points at any time, this would trigger the matter being referred to the Licensing Sub Committee for their consideration. Failure to allow such checks to be carried out will be considered as obstruction and acted upon accordingly.

11.40 Appeals Against NNC Licensing Penalty Points

- 11.4.1 Where NNC Licensing penalty points have been issued an appeal can be submitted. Any appeal must be set out in writing to the Licensing Manager and submitted for consideration within twenty one days of the penalty points being issued. The appeal will be considered by the Licensing Sub Committee, and their decision will be final.

It should be noted that where an appeal is submitted to the Licensing Sub Committee, the points may be reduced or removed, but they can also be increased. The Sub Committee may also consider further action might be appropriate in respect of the licence during an appeal.

- 11.4.2 For any other enforcement actions, the right of appeal will be disclosed with the decision where an appeal process exists.

12.0 Service Requests and Complaints

- 12.0.1 The Council has a discretion to investigate complaints made to them by members of the public or partner agencies. Any complaint received will be recorded and a decision will be made by the officer who is allocated the complaint, as to what level of investigation may be undertaken. This will take account of the seriousness of the complaint, the level of evidence available, witness credibility, driver compliance history, and other relevant information.
- 12.0.2 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, along with the driver's compliance history and any other relevant information.
- 12.0.3 Should a person wish to complain about the service they have received from the Council they can either submit an informal complaint to the officer dealing with the matter, or their line manager; or alternatively they may submit a formal complaint using the Council's complaints procedure.

13.0 Disclosure of Information

- 13.0.1 All information held on files and databases shall only be disclosed to other internal departments and external agencies where there is a legal gateway and an obligation to do so. In addition, the Council may seek information from other agencies or third parties where there is considered to be reasonable

grounds and a legal gateway for doing so.

Appendices

Appendix A – Criminal Records and Suitability

Appendix B – Private Hire Driver Conditions

Appendix C – Private Hire Vehicle Conditions

Appendix D – Hackney Carriage Vehicle Conditions

Appendix E – Operator Licence Conditions

Appendix F - Executive & Special Occasion Vehicles and Discreet Plate Conditions

Appendix G – NNC Licensing Penalty Points Scheme

Appendix H – National Taxi Database Policy

Appendix I – Exemptions from Displaying Licence Plates

Appendix J - CCTV in Hackney Carriage and Private Hire Vehicles