



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING POLICY**

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1. Introduction and Overview

1.1 The County of Herefordshire District Council (hereinafter “the Council”) is responsible for the licensing of Hackney Carriage, Private Hire and Operator businesses within Herefordshire. These licences are regulated by qualifying licensed vehicles, drivers and operators within the terms of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, as extended by the Public Health Act 1875 and the Transport Act 1985. This policy document sets out the policies that the Council will apply when making decisions upon applications received for:

- a. Dual Driver Licences (hackney carriage and private hire)
- b. Operator Licences
- c. Vehicle Licences (hackney carriage and private hire)

The policy will be reviewed every three years and minor changes will be made following consultation with the Taxi and Private Hire Steering Group, as and when deemed necessary.

1.2 This Authority will have regard to Government guidance taken from the Action Plan for Hackney Carriage and Private Hire, Office of fair trading regulation of licensing taxi and PHV services in the UK, the Best practice guidance on Taxis and Private Hire Vehicles and the Hackney Carriage and Private Hire Steering Group. The Policy is consistent with Section 17 of the Crime and Disorder Act 1998 which requires the Local Authority to do all that it reasonably can to prevent crime and disorder within its locality. The policy is consistent with the Human Rights Act 1998, the Environmental Protection Act 1992, the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, Herefordshire Council’s enforcement policy, and the Anti-social Behaviour Act 2003. The Licensing Authority will have due regard to other organisation’s policies and strategies.

1.3 This policy is made after consultation with:

- a. The Chief Officer of Police;
- b. Local disability interest groups
- c. Bodies representing local holders of Dual Drivers licences;
- d. Bodies representing local holders of Operator licences;
- e. Bodies representing local holders of Vehicle licences
- f. Bodies representing users of the service.
- g. Departments within the Herefordshire Council (e.g. Planning, Highways, Parking Enforcement.
- h. Representative of Hereford Railway Station Private Rank.

1.4 The purpose of this policy document is to assist both officers and Members in arriving at decisions on particular applications, setting out those matters that will normally be taken into consideration. Additionally, the policy document seeks to provide clarity for applicants, and other persons interested in or users of the Taxi/Private Hire service within Herefordshire. Whilst the Council has produced this [to be adopted] policy, as the general approach to be taken in considering applications, the Council recognises that each application will always be considered on its individual merits and shall base this decision on the Criminal Record Bureau Check (CRB), Medical report, DVLA return,

vehicle compliance tests and the information supplied by the applicant, and any other representations.

- 1.5 It is the Council's wish to facilitate well-run and well-managed licence holders and businesses, enabling the Counties residents and visitors to benefit from the service provided by the 'Trade'.

2. Deregulation

- 2.1 Herefordshire Council operates full de-regulation in accordance with Government Guidance and Best Practice. This policy takes into account Government Guidance and the issue of need.

3. Enforcement

- 3.1 The Council recognises the fact that licensing is not to be the sole or only means of addressing problems or issues connected with the Taxi trade. Other mechanisms include:

Planning controls;
Powers of local authorities to enforce through existing bylaws, conditions and statutory instruments;
Police powers to enforce the law;
Highways Management;
Vehicle Inspectorate;

- 3.2 Enforcement will be carried out to prevent/identify breeches of conditions or associated legislation. Any enforcement action will be determined on a risk basis by the council and its partner agencies and resources will be concentrated on areas perceived as having the greatest need.

- 3.3 Inspections will include the vehicle, operator and driver. The driver inspections will on occasions include the use of breath testing equipment to detect excess alcohol. This will be carried out by the police with licensing staff present.

- 3.4 All enforcement actions and decisions will be in line with the Environmental Health and Trading Standards Enforcement Policy, Prosecution Policy, Enforcement Concordat and the Code for Crown Prosecutors.

4. Enforcement Action

- 4.1 The following enforcement action may be taken.

- a) Take no action
- b) Take informal action ie, written, verbal warnings
- c) Issue penalty points
- d) Use statutory notices, (stop notices etc)
- e) Suspend a licence
- f) Revoke a licence
- g) Use formal cautions
- h) Prosecute

5. Scheme of Delegated Functions

5.1 All applications received fall outside the Council's standard conditions and Policy will be referred to Regulatory Committee and will incur additional costs, to be paid by the applicant.

5.2 Table of Delegated functions to consider applications and appropriate enforcement action to be taken

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for dual driver/operator Licence			If no representation is received from CRB check, DVLA or medical report, and the knowledge test is successfully completed.
Application for dual driver/operator licence with unspent cautions/convictions	All cases		
Application for dual driver/operator licence with spent cautions/convictions not of sexual, violent or similar nature			Licensing Officer
Application for dual driver/operator licence with spent cautions/convictions of a sexual, violent or similar nature	All cases		
Application for dual driver/operator licence where the applicant is listed on a national offenders register	All cases		
Application for vehicle licence which complies fully with licence conditions			Licensing Officer
Application for vehicle licence, which does not comply with licence conditions.	All cases		
Request to transfer vehicle licence			Licensing Officer
Request to change vehicle on plate within standard conditions			Licensing Officer
Request to change vehicle on plate outside standard conditions	All cases		
Applications with licence restored after disqualification under the Totting up procedure i.e. speeding			Licensing Officer
Applications with isolated motoring cautions/convictions			Licensing Manager and Licensing Officer (may refer to committee)
Application with cautions/convictions for major traffic offences	All cases		
Application with a c cautions/convictions for driving without insurance			Licensing Manager and Licensing Officer (may refer to committee)

Application with a cautions/convictions for drink driving	All cases		
Offences committed during the term of the licence involving violence or public order offences.	All cases		
Offences committed during the term of the licence not involving violence or public order offences.			Licensing Manager and Licensing Officer (may refer to committee)
Suspension or Revocation of the licence			Environmental Health Manager following a report by the Licensing Manager or Licensing Officer
Review of suspension or revocation of a licence	All cases		
Complaints			Licensing Officer
Persistent /serious complaints			Licensing Manager and Licensing Officer (may refer to committee)
Applications with unsatisfactory medical report from GP or other medical advisor i.e. Councils Doctor			Licensing Manager and Licensing Officer (may refer to committee) or seek further medical advice
Issue of Penalty Points			Licensing Staff
Exceeding maximum permitted penalty points or persistent offences of a similar nature	All cases		

6. Transport

- 6.1 The Council will have regard to the policies and strategies as set out in the Local Transport Plan. Reporting arrangements to local authority transport committees will be made so that those committees may have regard to the need to disperse people from town and city centres swiftly and safely to avoid concentrations of people that could produce disorder and disturbance.

7. Applications

- 7.1 Applications must be submitted in the prescribed manner to include the full fee. Any application received not in the prescribed manner will not be determined until all relevant information is received. Assistance will be available either by telephone or by calling into the Taxi Licensing Unit by appointment.

8. Driver Applications

- 8.1 To obtain a Dual Driver licence the following requirements shall be met: -
- a) The applicant must be medically examined by a qualified medical practitioner who has known the applicant for a period of at least 12 months and has access to the applicant's full medical records. The medical fitness standard adopted by Herefordshire Council for

such licence holders reflects the fitness standard for Group 2 DVLA drivers. The medical will be required for all new applications and every five years thereafter. Upon reaching 65 years of age the medical will be required annually. All other drivers will be required to provide an annual declaration of their medical fitness.

- b) The Licensing unit will refer the medical report to the Councils medical practitioner for approval. The additional cost will be met by the applicant.
- c) When deemed necessary the applicant may be required to undergo a medical examination by the Councils Medical practitioner at the expense of the applicant.
- d) An enhanced Criminal Record Bureau check must be carried out in order the Council can determine from the result if the applicant is a 'fit and proper' person to have a dual drivers licence issued. This will be required on initial application and thereafter every three years. If the applicant is a European Union or other overseas applicant, a certificate of good conduct will be required from the relevant Embassy.
- e) A knowledge test set by the Council must be successfully completed before a new dual badge can be issued.
- f) A DVLA declaration must be signed in order the Council can be satisfied the applicant has the necessary driving licence. If the applicant does not hold a British or European Union Driving Licence, additional conditions may apply depending on the Country of issue.
- g) The applicant must be aged 21 years or over, and held a driving licence granted under Part 111 of the Road Traffic Act 1988 for at least 12 months.
- h) If the applicant is not a British or European Union citizen evidence of eligibility to work will be requested.

9. Operator Applications

9.1 Before a person is first licensed as an Operator the following requirements shall be met:

- a) A Basic Criminal Record Bureau check must be carried out in order the Council can determine from the result if the applicant is a 'fit and proper' person to have an Operator licence issued. This will only apply to applicants who do not undertake Enhanced Criminal Record Bureau checks as part of a Dual Drivers application.
- b) A satisfactory reference, covering the applicant's financial record.

10. Vehicle Licence Applications

- a) There needs to be in existence either a policy of insurance or 'such security' as complies with the requirements of Part V1 of the Road Traffic Act 1988.
- b) A Basic Criminal Record Bureau check must be carried out in order the Council can determine from the result if the applicant is a 'fit and proper' person to have vehicle proprietor's licence issued. This will only apply to applicants who do not undertake Enhanced Criminal Record Bureau checks as part of a Dual Drivers application.
- b) The vehicle must comply in all respects with the licence conditions the type of licence being applied for and the compliance test.
- c) New Hackney Carriage licences will only be issued on vehicles, which are fully wheelchair accessible and meet the criteria stated in the vehicle licence conditions. Wheelchair accessible vehicles must be wheelchair accessible at all times when plying for hire.

11. Fares

11.1 The Council will review fares annually in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The notice will be advertised and a

copy of the Notice will be open to public inspection without payment during normal office hours.

Any objections to the proposed increases should be made in writing stating the reason therefore and be sent to the undersigned at the address below.

If no objections are made or if all objections so made are withdrawn, the proposed increases shall come into operation on or as near to the 1st November as practicable, or at the date of withdrawal of the last objection, whichever is the later, subject to approval of elected members.

If objections are duly made and not withdrawn, the Herefordshire Council, shall set a further date not later than two months after the date specified on which the proposed increases shall take effect with or without modification, as decided by Herefordshire Council after consideration of any objections.

12. Fees

- 12.1 Fees in respect of all licences will be reviewed as deemed necessary by the Council and made available for public inspection.
- 12.2 Subject to the provisions of the Local Government (miscellaneous Provisions) Act 1976) District Council's may cover the costs of administration and enforcement of its licences.
- 12.3 The Council will not issue any licence until the appropriate prescribed fee in respect of the same has been paid to the Council.
- 12.4 If an annual fee is required without the need to apply for another licence and that fee is not paid the Council will take action to recover this fee as a civil debt through the County Court.

13. Further Information

For more information regarding Taxi licensing contact:

Telephone :- 01432 xxxxxxxxxxxxxx
Address :- xxxxxxxxxxxxxxxxxxxxxx
E-mail :- Licensing@herefordshire.gov.uk

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH