



EAST HAMPSHIRE DISTRICT COUNCIL

POLICY STATEMENT

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

January 2010

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1. INTRODUCTION

1.1 To set out how East Hampshire District Council intends to carry out the licensing and control of the Hackney Carriage and Private Hire trade within its district. Licensing is necessary to prevent public nuisance and crime and disorder.

1.2 Licensing is necessary to ensure the safety of the public; the public should be able to use the local services confident that they will reach the end of their journey in safety.

1.3 Licensing is necessary to prevent public nuisance and prevent crime and disorder.

1.4 The following legislation allows East Hampshire District Council to fulfil its aims in this respect:

- section 37, Town Police Clauses Act 1847
- section 45, Local Government (Miscellaneous Provisions) Act 1976

1.5 In addition, byelaws which apply to the district of East Hampshire District Council have been made under Section 68 of the Town Police Clauses Act 1847 and section 65(7) of the Local Government (Miscellaneous Provisions) Act 1976 and section 171 of the Public Health Act 1875.

1.6 We must be satisfied on the suitability of the Operators, Drivers and Vehicles and issue licences before they are allowed to operate. Conditions, which are attached and form part of this Policy, will apply to licences to ensure that the aims are achieved.

2. ENFORCEMENT

2.1 Enforcement will be applied in accordance with the Council's Licensing Enforcement Policy. Our principles of enforcement will include openness, proportionality, consistency and helpfulness.

2.2 The purpose of enforcement action is to:

- Protect the public
- Punish offenders
- Change the behaviour of offenders
- Deter future non-compliance
- Provide a fair trading environment for compliant businesses

2.3 The Council's Licensing Enforcement Policy will apply and officers will ensure they are fully acquainted with the requirements of the policy and any future amendments

2.4 The enforcement options are detailed in our Licensing Enforcement Policy and includes the provision to issue Penalty Points. The primary objective of the Penalty Points scheme is to improve the levels of compliance amongst licensed drivers, hackney carriage proprietors and private hire vehicle operators. The scheme will act as a record of a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person

2.5 The Penalty Points scheme does not prejudice the Council's ability to take other forms of action, such as:

- Offering advice, verbal warnings/requests for action, the use of letters and the issue of licensing inspection reports
- Issuing a Formal Caution
- Prosecution

3. REQUIREMENTS FOR DRIVERS AND VEHICLES

3.1 Communication skills

It is important that drivers can communicate effectively with their customers and others. Applicants will be expected to show competence in the English language. This will form part of the assessment for the BTEC course and carried out by the course provider.

3.2 National Qualifications

The BTEC in '*Transporting Passengers by Taxi*' and the NVQ Level II in '*Road Passenger Transport Vehicle Driving (Hackney Carriage and Private Hire)*' are the recognised qualifications for hackney carriage and private hire drivers. The Council approves this training, together with the Driving Standards Agency driving examination, as they demonstrate competence of professional standards. Evidence of competency in these areas will be required as follows:

Drivers licensed before the 13 May 2009 are required to undertake both the BTEC in 'Transporting Passengers by Taxi' and the NVQ 'Transporting Passengers by Taxi and Private Hire' and provide a pass certificate by the 30 April 2013.

Drivers licensed after 13 May 2009 are required to undertake both the BTEC in 'Transporting Passengers by Taxi' and the NVQ in 'Road Passenger Transport Vehicle Driving (Hackney Carriage and Private Hire)

within one year of your first licence (this period beginning on 1 March 2010).

New applicants are required to undertake a Driving Standards Agency driving examination or other Council approved driving assessment.

We will evaluate any follow up courses as they become available so as to ensure the skills obtained through the BTEC and NVQ are maintained.

3.3 Conduct

We expect licensed drivers to conduct themselves in a proper and civil manner and to be clean and tidy in appearance. They should maintain a high level of personal hygiene, be prompt, polite and helpful. To enable drivers and officers to be clear what is meant by 'a clean and tidy appearance' we have implemented a dress code.

Details of this code are included in the conditions which are attached and form part of this policy. Drivers failing to keep to this code are likely to receive penalty points under the council's penalty point scheme.

3.4 Vehicle Specification

All licensed vehicles must comply with the requirements of any Acts and Regulations relating to motor vehicles in force during the period and the Specification for Hackney Carriage and Private Hire Vehicles shown at Appendix E.

- Purpose-built vehicles are not compulsory
- Stretched limousines, vintage, classic or niche vehicles must comply with the Conditions specified in Appendix F

3.5 Vehicle Age policies

The consideration on the age of a vehicle at application will be prompted in the first instance by a maximum age threshold of three years from the date the vehicle was first registered. In all cases the final decision will be made on the vehicle's safety and condition. Other options include more frequent safety inspections or agreements to replace vehicles before the next application.

Where purpose-built vehicles are used, different maximum age thresholds will be considered because of their construction and design.

3.6 Vehicle database

We will maintain a database of vehicles and our view of their suitability for licensing. To keep administrative costs down, it will not be exhaustive but merely a list of those that have already been considered. New vehicles will be added as and when they are assessed.

3.7 Vehicle Examination

A full vehicle safety check is needed for the protection of the driver and public. The annual MOT test is not sufficiently detailed for this purpose. This test will be carried out by an MOT registered garage within East Hampshire District Council. The frequency of these checks will be determined by the age of the vehicle but may be more frequent if there are additional safety concerns eg if the vehicle has been involved in an accident.

3.8 Taxi rank provision

The provision of taxi-rank space will be reviewed throughout the district every three years in line with the policy review and consideration given to new areas where necessary and appropriate.

3.9 CCTV

New technology that makes a contribution to achieving the aims of Licensing will be considered as and when it becomes available, e.g. in-vehicle CCTV.

3.10 Disabled access

Legislation is due to be introduced in the next few years making minimum requirements for disabled access. We will inform interested parties at the earliest opportunity when details are known so as to enable policy changes to be made and give time for planned vehicle replacements as necessary.

3.11 Travel Tokens

The Council issues travel tokens for the benefit of elderly and disabled residents. We expect licensed taxi and private hire operators to accept these tokens when offered as payment.

4. FEES AND CHARGES

Fees and charges will be set with the intention of balancing the Council's costs in operating the licensing service. They will normally be reviewed and set as part of the Council's budget process and come into force from the

1 April each year.

We will issue a public notice and consult with the taxi trade as part of this review.

If the demands on the service make it necessary, then fees may be amended during the financial year.

Licences are issued for one year. We will send timely reminders of renewal due dates together with application forms.

5. EQUAL OPPORTUNITIES & RACIAL EQUALITY

The Race Relations Act 1976, as amended, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. It is a requirement of this Act that the local authority produces a Race Equality Scheme. In terms of the scheme, the local authority must assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.

6. HUMAN RIGHTS

A licence is regarded as a possession for the purposes of Article 1 of the First Protocol of the European Convention on Human Rights. This means that when considering whether there should be any sanction which would include suspension or revocation of a licence the sanction must be necessary and proportionate. The rights of the individual to peaceful enjoyment of his possessions under the Convention must be taken into account and balanced against the arguments for any sanction.

7. APPEALS PROCEDURES

Where a licence application is refused, or an existing licence is suspended or revoked the applicant has a right of appeal to the local Magistrates' Court, except refusal to licence a vehicle as a Hackney Carriage the appeal is to the Crown Court. An appeal to the Magistrates' Court must be lodged in writing within 21 days of notification of the refusal, suspension or revocation.

Where a new condition is applied to a licence, the licence holder is entitled to appeal to the Magistrates' Court within 21 days of that application of the condition.

8. DATA PROTECTION

The Council may use the information submitted on any application form for any licence(s) for the purpose of its statutory function(s).

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on forms for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes .

Please note that the Council may provide information submitted on any application form for a licence or permission to other statutory authorities, such as Her Majesty's Revenue and Customs (HMRC).

All licence holders have the right to ask for a copy of the information that the Council holds about them by making an application to the Council for any licence applicants consent to our processing sensitive personal data about them where this is necessary.

We will maintain public registers of licensed drivers and hackney carriage proprietors and vehicles.

9. CRIME AND DISORDER ACT

Under section 17 of the Crime and Disorder Act 1998, the Council is under a duty to exercise its various functions with regard to the likely effect on and the need to do all it reasonably can to prevent crime and disorder in its area.

This means that when carrying out our licensing functions we must consider the impact directly or indirectly our decisions might have on crime and disorder and community safety, whether it is a reduction in crime or a potential increase in crime and disorder.

10. CONSULTATION

It is our policy to consult with all interested parties before making decisions on general and detailed matters referred to in this policy. These include the Police, the Highways Authority, licensed hackney carriage and private hire representatives and others as thought appropriate.

This consultation will be an ongoing process and will help form our future decisions.

11. APPENDICES

This policy includes the following documents:

- a) Dual Hackney Carriage and Private Hire Vehicle Driver's Conditions
- b) Private Hire Vehicle Conditions
- c) Additional Hackney Carriage (Taxi) Conditions (to supplement Byelaws)
- d) Private Hire Vehicle Operator's Conditions
- e) Specification for Hackney Carriages and Private Hire Vehicles
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