

Buckinghamshire Council Taxi and Private Hire Licensing Policy

Executive Summary

The purpose of licensing the hackney carriage (taxi) and private hire industry is to make sure that the travelling public are provided with a safe and accessible means of transport. Public safety is the most important consideration when making licencing decisions for drivers, vehicles and operators. Evidence supports the view that taxi and private hire services can be a high-risk environment for drivers, passengers, and the public. Drivers may be at risk of abuse or assault from customers. Private hire operators and their call handlers may have contact with children or vulnerable people. They may receive information that could be exploited for criminal purposes. In some circumstances, taxis and private hire vehicles may present a danger to other road users.

Taxi and private hire services are an important part of the transport network in Buckinghamshire. They are essential for passengers with disabilities and residents of rural communities as well as providing essential home to school for children with special educational needs. They also play an important social role in enhancing the public transport system and facilitating social inclusion.

The Policy sets out the requirements for hackney carriage (taxi) and private hire licensing. A taxi is a hackney carriage vehicle which is licensed to pick people up from the roadside and use a taxi rank. A private hire vehicle (minicab) can only pick a passenger up via a pre-made booking with a licensed operator.

The Council's Taxi and Private Hire Licensing Policy aims to:

- protect the public
- maintain and develop professional and respected hackney carriage and private hire trades
- enable access to an efficient and effective local transport service
- protect our local environment.

Key Policy areas

Hackney Carriage and/or Private Hire Driver Licences

A council must not grant a licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person. When reaching this decision the Council should consider whether a reasonable person, having access to all relevant information, would feel comfortable and confident allowing the applicant or driver to drive a close friend or relative. The Council requires that all drivers demonstrate that they are fit and proper to hold a licence and the Policy details the requirements that an applicant must

fulfil and the checks that the Council will carry out before a licence is issued. The Policy includes a Criminal Records and Acceptable Behaviour Policy which underpins this approach as well as details on the specific requirements for applicants including criminal record and medical checks, English language testing and child sexual exploitation training. Licensed drivers are required to comply at all times with the licence conditions set out within the Policy including in their conduct and in the maintenance of their vehicle.

In July 2020 the DfT published new standards for taxi and private hire vehicles which aim to make the licensing system across England more consistent and reduce the risk of harm and exploitation to children and vulnerable passengers. The Policy implements the statutory standards including new requirements such as carrying out criminal record checks more frequently and applying English language testing requirements to existing licensed drivers. Existing drivers who have not previously taken the English language assessment will be required to take and pass it. From 1st April 2022 if they have not passed the assessment criteria the Council is unlikely to renew their licence until they have done so.

Hackney Carriage/Private Hire Vehicle Licences

The law requires that taxis and private hire vehicles are clearly recognisable as such and sets out criteria that must be met by a licensed vehicle. The Policy sets out the Council's approach on standards for taxi and private hire vehicles including requirements such as type of vehicle, testing of a vehicle, accessibility for disabled residents, vehicle age and an emissions policy. The Policy also allows for the licensing of executive and novelty vehicles and details the requirements for these types of vehicle. Vehicle proprietors must also demonstrate that they are fit and proper to hold a licence and must undertake a criminal records check. Proprietors and drivers of licensed vehicles are required to comply at all times with the licence conditions set out within the Policy including in the use of the vehicle, the booking of the vehicle, the fares charged (taxis only) and its maintenance.

From 1st April 2021 any new licensed vehicle must be less than 5 years old when they are first licensed and any licence issued will end once the vehicle reaches ten years of age. Vehicles which are specified as "prestigious" or "limousines" on the registration document can be licensed up until they are fifteen years old. In line with the Council's emissions policy, vehicles which produce ultra-low or zero emissions will also be licensed until they are fifteen years old. Existing vehicles which are currently licensed by the Council, which were not previously subject to this age requirement and which are older than 10 years will continue to be licensed until the vehicle is 15 years old or in any event until 1st April 2023 (whichever is sooner) when the licence will cease.

Private Hire Operator Licences

A council must not grant a licence to a private hire operator unless they are satisfied that an applicant is a fit and proper person. The Council requires that all operators demonstrate that they are fit and proper to hold a licence and the Policy details the requirements that an applicant must fulfil and the checks that the Council will carry out before a licence is issued. The Policy includes a Criminal Records and Acceptable Behaviour Policy which underpins this approach as well as details on the specific requirements for applicants including criminal record checks, a knowledge test of the relevant conditions and legislation and child sexual exploitation training. Licensed operators are required to comply at all times with the licence conditions set out within the Policy including in their conduct and in the provision of premises within the Council area.

Enforcement and Service Standards

The Policy details the approach that will be taken in relation to taxi and private hire licensing enforcement and also references the Council's overarching Enforcement Policy under which this approach sits. It advises on the Council's approach on joint enforcement with other agencies which could include DVSA, Thames Valley Police and the authorisation of neighbouring local authority officers.

It also sets out the service standards that applicants and licensees can expect and the approach the Council will take when dealing with non-attendance at appointments and unacceptable behaviour from applicants and licensees.

Penalty Points Policy and Schedule

The Penalty Points Policy operates alongside and in addition to the Council's other enforcement powers for taxi and private hire licensing controls. Penalty points may be awarded to licence holders for failure to comply with the Council's conditions and standards. The system may be used to issue points to licensed drivers, operators and vehicle owners. The Schedule within the Policy sets out the breaches for each category of licence and the number of penalty points that may be awarded for failure to comply. Licence holders who get above a set number of points within 18 months will have their licence reviewed, which may result in revocation, temporary suspension and/or additional assessment and testing. Licence holders who regularly accumulate points can expect more serious consequences, such as longer periods of suspension and possible revocation of their licence. The Policy sets out the process for issuing penalty points, the Council's decision making process and rights of appeal.

CCTV

It is the Council's intention that from the 1st April 2023 all licensed vehicles must be fitted with an approved CCTV system. The Council does not, however, currently mandate this

requirement and therefore the Policy sets out clear guidelines to ensure that CCTV systems in licensed vehicles within the Buckinghamshire Council area are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of private hire drivers and their passengers.