

Hackney Carriage and Private Hire Licensing Policy (Taxi Policy)  
(for Cabinet approval only)

\*The shaded recommendations below represent major changes to existing Council Policy

**R3**

13.2.1 The Council has a legal duty to ensure that any person to whom they grant a taxi or private hire driver licence to is a fit & proper person to be licensed. When considering whether an applicant or licence holder is fit and proper the Regulatory Committee or Council Officer should ask themselves the following question:

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

13.2.2 All decisions on the suitability of an applicant or licence holder should be made on the balance of probability. This means that an applicant or licence holder should not be given the benefit of the doubt. If the Regulatory Committee or officer is only 50/50 as to whether the applicant or licence holder is fit & proper then they should not hold a licence. So, in answer to the question posed above if, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. This threshold is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore take into consideration conduct that has not resulted in a criminal conviction.

Current Council policy does not include this question for Members/officers to consider when determining fit and proper.

		Major	Minor
R3	Impact of change on Licensed Trade	√	
R3	Impact of change on Taxi Licensing Service		√

**R4**

13.5.1 An applicant for a driver licence will be required to provide an enhanced DBS disclosure via the Update Service to enable consideration of their criminal record.

13.5.2 A licence holder's criminal record will be checked every 6 months via the Update Service. The Council may, at its discretion, require an additional DBS

disclosure to be supplied at any time where it has a reasonable belief that this is necessary in order to determine if a driver is fit and proper.

Current Council policy states that drivers must have their criminal record checked every 3 years on renewal and the Update Service is optional.

		Major	Minor
R4	Impact of change on Licensed Trade	√	
R4	Impact of change on Taxi Licensing Service	√	

## **R5**

- 11.11.1 A vehicle proprietor (applicant) that is not already licensed as a driver with the Council will provide a basic DBS disclosure to enable consideration of their criminal record and whether they are a suitable person to be licensed.
- 11.11.2 A vehicle proprietor's criminal record will be checked every 12 months if they are not already licensed as a driver with the Council. The Council may, at its discretion, require an additional basic DBS disclosure to be supplied at any time where it has a reasonable belief that this is necessary to determine the suitability of the vehicle proprietor to be licensed.
- 11.11.3 Should the Council decide to refuse, suspend or revoke a vehicle proprietor licence based on DBS information it can only do so from a basic check. The Council cannot refuse, suspend or revoke a vehicle proprietor licence based on information from an enhanced DBS check.

Current Council policy does not require vehicle proprietors to have a basic DBS check.

		Major	Minor
R5	Impact of change on Licensed Trade	√	
R5	Impact of change on Taxi Licensing Service	√	

## **R6**

- 12.7.1 An Operator (applicant) that is not already licensed as a driver will be required to provide a basic DBS disclosure to enable consideration of their criminal record.
- 12.7.2 A licence holder's criminal record will be checked every 12 months. The Council may, at its discretion, require an additional DBS disclosure to be supplied at any time where it has a reasonable belief that this is necessary in order to determine if a driver is fit and proper.
- 12.7.3 Should the Council decide to refuse, suspend or revoke an Operator licence based on DBS information it can only do so from a basic check. The Council

cannot refuse, suspend or revoke an Operator licence based on information from an enhanced DBS check.

Current Council policy states that private hire proprietors must have a basic DBS check on renewal (5 years).

		Major	Minor
R6	Impact of change on Licensed Trade	√	
R6	Impact of change on Taxi Licensing Service	√	

### **R7**

- 12.8.1 Private Hire Operators must keep a register of all staff (employed & contracted) that will take bookings or dispatch vehicles/drivers on its behalf.
- 12.8.2 Private Hire Operators must have a policy on employing ex-offenders who will undertake the role of booking or dispatching vehicles/drivers. The policy will outline which convictions are not suitable for those employees/contractors who book/dispatch drivers to collect children or vulnerable adults that are unaccompanied in a vehicle.
- 12.8.3 The Operator must have sight of a Basic DBS disclosure for all staff noted on the register. Should a member of staff have convictions the Operator must ensure that the employee is compatible with their policy on employing ex-offenders

The Council does not currently have a policy that requires private hire operators to have a staff register, offender policy and DBS disclosure for staff.

		Major	Minor
R7	Impact of change on Licensed Trade	√	
R7	Impact of change on Taxi Licensing Service		√

### **R11**

- 16.5 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed.

Current Council policy states that an applicant must be free from conviction for 3 years.

		Major	Minor
R11	Impact of change on Licensed Trade	√	
R11	Impact of change on Taxi Licensing Service		√

### **R12**

16.7.1 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least **7 years** have lapsed since the completion of any sentence. Offences include:

- Theft
- Burglary
- Fraud including benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

Current Council policy states that an applicant must be free from conviction for 3 years for a dishonesty offence.

		Major	Minor
R12	Impact of change on Licensed Trade	√	
R12	Impact of change on Taxi Licensing Service		√

### **R13**

16.9.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least **10 years** have lapsed since the completion of any sentence imposed.

16.9.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least **5 years** have lapsed since the completion of any sentence imposed.

16.9.3 Applicants convicted of a drug offence will need to undergo drug testing, at their own expense, to demonstrate that they are not using controlled drugs.

Current Council policy states that an applicant must be free from conviction for 5 years (supply) and 3 years (possession) for a drug offence.

		Major	Minor
R13	Impact of change on Licensed Trade	√	
R13	Impact of change on Taxi Licensing Service		√

#### **R14**

16.10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least **7 years** have lapsed since the completion of any sentence imposed.

The Council does not currently have a specific policy guideline on discrimination offences.

		Major	Minor
R14	Impact of change on Licensed Trade	√	
R14	Impact of change on Taxi Licensing Service		√

#### **R15**

16.12.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least **7 years** have lapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, an applicant will undergo drug testing at their own expense to demonstrate that they are not using controlled drugs.

Current Council policy states that an applicant must be free from conviction for 5 years for driving under the influence of drugs or alcohol.

		Major	Minor
R15	Impact of change on Licensed Trade	√	
R15	Impact of change on Taxi Licensing Service		√

#### **R16**

16.13.1 Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least **5 years** have lapsed since the conviction or completion of any sentence or driving ban imposed, whichever is later.

The Council does not currently have a specific policy guideline on a hand-held device conviction.

		Major	Minor
R16	Impact of change on Licensed Trade	√	
R16	Impact of change on Taxi Licensing Service		√

### **R17**

15.6 The Council can publish on a data base the details of any individual who has had a licence granted, refused, suspended or revoked. Database NR3 is a national register for taxi and private hire vehicle licenses and is administered by the National Anti-Fraud Network. The Council will publish licence holder details, including revocations, suspensions and refusals, on the NR3 database.

The Council does not currently have a specific policy guideline on the NR3 data base.

		Major	Minor
R17	Impact of change on Licensed Trade	√	
R17	Impact of change on Taxi Licensing Service	√	

### **R18**

16.4.1 Where an applicant has a conviction for an offence against the person, or connected with any offence of violence, a licence will not be granted until at least **10 years** have lapsed since the completion of any sentence imposed. Offences include:

- Grievous bodily harm
- Malicious wounding
- Robbery
- Riot
- Assault on Police
- Violent disorder
- Resisting arrest
- Any offence(s) that is racially aggravated
- Assault occasioning actual bodily harm
- Common assault
- Affray
- Harassment
- Battery
- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction

Current Council policy sets guidelines of 10, 5 and 3 years depending on the type of violence offence.

		Major	Minor
R18	Impact of change on Licensed Trade	√	
R18	Impact of change on Taxi Licensing Service		√

### **R19**

- 1.1. This document sets out the Council’s Policy on the licensing of hackney carriage and private hire vehicles, drivers and private hire operators. This Policy is not a comprehensive statement of law and applicants should consider obtaining their own legal advice. This overarching Policy is set by the Council’s Executive Cabinet. This policy shall be kept under review and revised at least every 5 years or earlier should a significant issue arise.

### **R20**

- 4.1.1 Should a council officer have any concern that the Taxi Licensing Policy is not being applied correctly by the Council then they can raise their concern with the Taxi Licensing Lead or Head of Service/Director/Councillor. Should a licensing officer believe that speaking up would be disloyal to their colleagues or to the Council they should consult the Council’s Whistleblowing Policy and call 01908 252525 or 02031172520 or email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

### **R21**

- 4.3.1 The Council will consult on any proposed changes to its Taxi Policy and Procedure documents that may have a significant impact on passengers and the taxi/private hire trade. In addition to trade representatives and the general public, other possible consultees will include disabled groups (Disability Action Group), Chamber of Commerce, Women’s groups, local traders, Pubwatch, Transport providers and the Local Safeguarding Board/MASH. Where appropriate the Council will engage with these groups to identify any concerns and issues that might arise from a proposed change.

### **R22**

- 4.2.4 Should the Council make any changes to its Taxi Policy and Procedure documents it will review licences currently issued and take appropriate action where required. Where the Council creates a new condition(s) it will only be applied to a licence when it is granted (or renewed). In regard to changes made to the driver convictions policy, the Council will consider each case on its own merits and where it decides to deviate from policy it will record exceptional, clear and compelling reasons for doing so.

## **R23**

- 9.6.1 Common Law Police Disclosure is a process whereby the police provide information to Milton Keynes Council about a licence holders arrest or charge. In order for this process to be effective licensing officers must maintain close links with police (via their Taxi Licensing Co-ordinator or equivalent) so to ensure that only information is passed where there is a clear public protection risk to do so. The Council should also disclose all driver suspension, refusal and revocation notices to police.
- 9.6.3 Should information provided by police result in action taken by the Council then this should be fed-back to the police as early as possible.
- 9.6.2 In regard to an individual who is thought to present a risk of harm to a child or vulnerable adult then a copy of their refuse or revocation notice should be sent to the police and the Disclosure & Barring Service.

## **R24**

- 9.1.4 The Council will enter into joint enforcement agreements (with delegated powers) with those neighbouring authorities whose vehicles & drivers work in the Milton Keynes area on a regular basis. Delegated powers may include vehicle testing (section 50), booking record requests from Operators (section 55), vehicle suspension (sections 60/68) and obstruction (Section 73). Should MKC vehicles/drivers work regularly in other areas then these powers will be delegated by MKC to those Councils.

## **R25**

- 8.4 Complaints made against specific individual licence holders will be recorded and should any specific trends be identified by officers (such as plying for hire, over-charging, or refusal of a guide dog) then proportionate targeted enforcement action will be taken.

## **R26**

- 10.5.1 Multi-agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASH's operate on three common principles: information sharing, joint decision making and coordinated intervention. In order to minimise the risk to children and vulnerable adults the Council will facilitate the objectives of MASH when licensing individuals. MKC's Multi-Agency Safeguarding Hub can be contacted on 01908 253169 or 01908 253170 or [MKTogether@milton-keynes.gov.uk](mailto:MKTogether@milton-keynes.gov.uk)

## **R27**

- 4.2.3 Councillors and officers who determine whether a licence should be granted, refused, suspended or revoked will be given sufficient training in the areas of licensing law, bye-laws, conditions, policy guidance, Committee procedure,

public safety, data protection, natural justice, Safeguarding, child sexual exploitation, county lines, disability, equality and diversity. The training will be provided in-house (by Legal & Democratic Services/Taxi Licensing) and external (Institute of Licensing, Local Government Association etc).

## **R28**

4.1.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is appropriate for the Council to depart substantially from its Policy, clear reasons will be given for doing so. Nothing in this Policy will prevent an applicant or licence holder from requesting that the Council consider the individual merits of their case and give reasonable consideration to departing from Policy. Such request may either be in writing to, or made orally before, the Regulatory Committee, a Regulatory Sub-Committee, or Officers as deemed appropriate in the circumstances of the case. When considering these types of matters the Council will ensure that there is a clear separation between the decision-maker and investigator/advisor.

## **R29**

16.17.3 Due to the need to act in a timely manner (within 24-72 hours) the Taxi Licensing Lead (or Head of Service/Director) will determine, following an investigation and a meeting/discussion with the licence holder, whether a licence holder needs to be suspended or revoked with immediate effect. Should legal advice be required to assist in the decision-making process then this will be provided by Legal Services.

## **R30**

16. Guidelines relating to the relevance of criminal convictions, cautions, driving offences, regulatory breaches, allegations and anything similar are to be applied by the Regulatory Committee and officers when determining the grant, refusal, suspension or revocation of licences.

## **R31**

16.6.3 An applicant currently on the Sex Offenders Register or any Barred list **will not** be granted a licence.

## **R33**

13.10.2 Driver assessment training will be conducted by a council officer (either in person or via Teams/Zoom). The assessment will be conducted verbally in order to check an applicants' ability to speak English and there will also be a written exercise (e.g. completion of a fare receipt) to assess writing skills.

### **R34**

- 11.8.1 The Council encourage drivers, proprietors and operators to install legally compliant CCTV in their vehicles to ensure the safety of drivers and passengers by:
- Deterring and preventing the occurrence of crime
  - Reducing the fear of crime
  - Assisting police in investigating incidents of crime
  - Assisting insurance companies to investigate vehicle accidents
- 11.8.2 Proprietors of licensed vehicles are responsible for ensuring that CCTV systems installed in their vehicles are compliant with all relevant applicable legislation. In respect to data protection, vehicle proprietors should contact the Information Commissioners' Office for advice on how information should be managed and stored. Any Proprietor, Driver or Operator found to be in breach of CCTV or Data Protection legislation will have their licence reviewed.
- 11.8.3 To assist the trade and protect the public, the Regulatory Committee or officers may condition vehicles licensed by MKC to have CCTV cameras installed. In these circumstances, where there is an express condition that the vehicle/driver must have CCTV, the Council will be the controller of all data captured & stored.
- 11.8.4 Council officers will monitor local crime levels and regularly consult with passenger groups, the taxi & private hire trade, and police on whether the Council should make it mandatory that all licensed MKC vehicles have CCTV. The Council will need strong justification to condition all vehicle licenses to have CCTV as concerns will be raised about the proportionality and intrusion of such an approach and the additional cost to each vehicle proprietor.

### **R35**

- 11.10.1 Speciality vehicles such as stretched limousines, vintage or themed vehicles, may be licensed by the Council if the vehicle does not comply with the standard specifications and conditions. Each application will be considered on its individual merits with consideration given to the safety and suitability of the vehicle; the purpose of its use; and the frequency and duration of its use.
- 11.10.2 A vehicle with space for more than 8 passengers can be licensed as a private hire vehicle as long as it is only licensed to carry up to 8 passengers and the operator/driver and public (via licence plate) are clearly aware that the vehicle cannot carry more than 8 passengers.

### **R37**

- 15.7 Applicants and current licence holders must disclose that they hold or have previously held a licence with another Local Authority (or TfL). Applicants

must disclose if they have had an application for a licence refused, or a licence revoked; or been suspended by any other licensing authority (or TfL).

### **R38**

- 16.2.1 Where an applicant or licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause death or serious injury of another person they **will not** be licenced. Offences include:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Arson with intent to danger life
  - Terrorism offences

### **R39**

- 16.3.1 Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with, abuse or exploitation in the use or treatment of another individual, irrespective of whether the victim or victims were adults or children, **will not** be licensed. This includes slavery; child sexual abuse; exploitation; grooming; and psychological, emotional and financial abuse.

### **R40**

- 16.6.1 Where an applicant or licence holder has a conviction for any offence involving or connected with illegal sexual activity, a licence **will not** be granted. Offences include:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Sexual assault
  - Indecent assault
  - Possession of indecent photographs, child pornography etc
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Indecent exposure
  - Soliciting or loitering for the purpose of prostitution

### **R41**

- 16.11.1 Hackney Carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

- 16.11.2 Any motoring conviction while a licensed driver demonstrates that the licence holder may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle licence driver licence providing the authority considers that the licence holder remains a fit and proper person to retain a licence.
- 16.11.3 Given the nature of the work carried out by licensed drivers, MK residents and the Council expect that they have a suitably high level of driving standard.
- 16.11.4 The Council acknowledges that the DVLA distinguishes between minor and major traffic offences and this distinction should be considered when applying this Policy. The table at the end of this Policy lists all present DVLA driving offences, whether they are major or minor. When this table is updated by the DVLA Council officers will have delegated power to amend this part of the Policy in consultation with the relevant Cabinet member.
- 16.11.5 References to penalty points and endorsements in this section of the Policy mean those imposed by the DVLA on a driving licence issued by the DVLA.

#### *Major Traffic Offences*

- 16.11.6 A licence will not be granted to a person who has been disqualified from driving following a conviction for a major traffic offence until at least five years have elapsed after the reinstatement of the applicants' driving licence and without further offence.
- 16.11.7 An applicant with 6 penalty points or more will not be granted a licence if one of the current endorsements relates to a major traffic offence.
- 16.11.8 A licence holder will have their licence revoked if they have 7 or more DVLA points and one of those endorsements is a major traffic offence.

#### *Minor Traffic Offences*

- 16.11.9 An applicant with six or fewer unspent penalty points on their driving licence for minor traffic offences is not precluded from being granted a licence.
- 16.11.10 An applicant with 6 penalty points or a history of driving endorsements will, if licensed, be given a clear warning about their duties.
- 16.11.11 An applicant with 7 or more points on their licence will not be granted a licence.
- 16.11.12 An applicant that has been disqualified from driving under the DVLA totting up procedure (having received 12 DVLA points within 3 years) will not be granted a licence unless:
- a. They have had have their DVLA driving licence reinstated for at least 12 months; and
  - b. Have received no further driving endorsements since their DVLA licence was reinstated;

