



WARRINGTON
Borough Council

TAXI LICENSING POLICY

17th November, 2025

Hackney Carriage and Private Hire Policy – Page 2

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Warrington Borough Council

Hackney Carriage and Private Hire Policy

Definitions

Additionally Conditioned Vehicle/ Executive Hire

A private hire vehicle which can only be used under at least one long-term contract. It cannot be used for *‘‘regular’’ private hire work.

*such a vehicle cannot carry out journeys for hire or reward unless there is a long-term contract in place for that journey

Applicant

Person or business who has submitted an application for either a grant or renewal of a licence.

Application

A completed application made by an individual (or individuals) for the grant or renewal of a licence.

Assistance Dog

- a dog which has been trained to guide a blind person;
- a dog which has been trained to assist a deaf person;
- a dog which has been trained by a prescribed charity to assist certain disabled persons.

Authorised Council Officer

A Council officer who is authorised by the Council to exercise powers and duties conferred by legislation.

Badge

Issued to all licensed drivers and must be worn at all times when working as a licensed driver.

Byelaws

Locally adopted laws applicable to Hackney Carriages and drivers. Breach is a criminal offence.

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Conditions

Conditions of licence applied by the Council to a driver's licence, an operator's licence, or a vehicle licence.

Controlled District Boundary

Area of a local authority which has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976. This is the area of Warrington Borough Council.

Conventional partnership

An arrangement where 2 or more people are in business together, but which is not a Limited Liability Partnership.

Council

The Warrington Borough Council.

Councillor

A councillor who is a member of the Warrington Borough Council.

CCTV

Relates to recording inside of the vehicle only. Forward facing cameras (also known as vehicle accident cameras) do not fall within this policy

CSE – Child Sexual Exploitation training

A compulsory course undertaken by all applicants for a drivers' licence.

Date of First Registration

The date of first registration on the vehicles V5 logbook issued by DVLA.

DBS

Disclosure & Barring Service

DFT

Department for Transport

District

This is the terminology used in the Local Government (Miscellaneous Provisions) Act 1976 to refer to the area of the Council.

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Door Signage

Council issued door signage which must be affixed to the rear doors of all licensed vehicles.

Driving licence

Full UK driving licence issued by DVLA, Northern Ireland driving licence, EEA driving licence or exchangeable driving licence as defined in section 108 of the Road Traffic Act 1988.

DVLA

Driver and Vehicle Licensing Agency

DVSA

Driver and Vehicle Standards Agency (which replaced VOSA in 2014)

Equality Act

Equality Act 2010 as amended

Executive Hire/Additionally Conditioned Vehicle

A private hire vehicle which can only be used under at least one long-term contract. It cannot be used for *"regular" private hire work.

*such a vehicle cannot carry out journeys for hire or reward unless there is a long-term contract in place for that journey

Fare Card

A card which must legally be displayed in Hackney Carriage vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and additional charges determined by the Council under s65 Local Government (Miscellaneous Provisions) Act 1976 and the licence plate number. This is issued by the Council.

Guidance

Guidance published or issued by the Government via the Department for Transport or any other Government Department.

Grandfather Rights

Privileges granted to drivers who are already licensed and renew prior to the expiry of the driver licence.

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Hackney Carriage Vehicle

A vehicle licensed under the Town Police Clauses Act 1847 often referred to as a taxi.

Hirer

Any person or persons who from time-to-time hires or books the vehicle.

HMRC

His Majesty's Revenue and Customs

ICO

Information Commissioner's Office

IoL

Institute of Licensing

LGA

Local Government Association

Legislation

Acts of Parliament, Secondary legislation and decisions of the senior courts, Supreme Court, European Court of Justice and European Court of Human Rights.

Licensing Authority

Warrington Borough Council.

Licensed Driver

A driver licensed under the Town Police Clauses Act 1847 to drive a Hackney Carriage vehicle and under the Local Government (Miscellaneous Provisions) Act 1976 to drive a Private Hire vehicle.

Licensed Operator

A person, partnership, limited liability partnership or limited company holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles.

Licensee(s)

The person, partnership, limited liability partnership or limited company named in the licence.

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Licence Plate

The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.

Licensed Vehicle

Vehicle licensed under Town Police Clauses Act 1847 as a Hackney Carriage or licensed under the Local Government (Miscellaneous Provisions) Act 1976 as a private hire vehicle.

Limited Company

A company registered with Companies House.

Limited Liability Partnership

An incorporated partnership registered with Companies House.

Member

See councillor. The terms “councillor” and “member” are effectively interchangeable.

NR3S

A statutory national database of refusals, revocations and suspensions for drivers’ licences.

Officer

An employee of the Warrington Borough Council or another individual acting in the same capacity as an employee e.g. an independent contractor.

Operator

See licensed operator.

Policy

This policy document and all associated documents

Private Hire Vehicle

A vehicle licensed by Warrington Borough Council under the section 48 Local Government (Miscellaneous Provisions) Act 1976.

Proprietor

Registered owner or part owner of a vehicle.

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PSV

Public Service Vehicle.

Restricted Private Hire Driver's Licence (RPHDL)

A private hire driver's licence which can only be used when driving a vehicle under a Special Educational Needs and Disability (SEND) contract or an Executive Hire/Additionally Conditioned Vehicle.

Restricted Private Hire Operator's licence

Only for use with executive hire/ additionally conditioned private hire vehicles under long-term contract.

Road Traffic Acts

Road Traffic Act 1988 and all associated legislation.

Stretched Limousine

Any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

Taxi and Other Licensing Committee

The committee which determines taxi licensing matters as set out in the Warrington Borough Council constitution.

Taxi Sub-Committee

A Sub-Committee of the Taxi and Other Licensing Committee which determines Taxi Licensing matters as set out in the Warrington Borough Council Constitution.

Taximeter

Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. This must be fitted in all Hackney Carriage vehicles and may be fitted in private hire vehicles.

The 1847 Act

The Town Police Clauses Act 1847 as amended and all associated legislation and the provisions within.

The 1976 Act

The Local Government (Miscellaneous Provisions) Act 1976 as amended and the provisions within.

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WAV

Wheelchair Accessible Vehicle. Certain Hackney Carriages and private hire vehicles can be suitable for carrying wheelchair-bound passengers.

Working day

Any day other than a Saturday, a Sunday, Christmas day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Introduction

- 1.1 This policy has been published and adopted by the Council to inform and assist the discharge of its functions in relation to Hackney Carriage and private hire licensing under the powers and duties contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and all associated and related legislation. This includes byelaws in relation to Hackney carriages. The Council is responsible for the licensing of Hackney Carriage and private hire vehicles, drivers and operators.
- 1.2 Warrington Borough Council is situated in the heart of the Northwest, on both the River Mersey and the Manchester Ship Canal and lies approximately halfway between Manchester and Liverpool. Warrington is well served by public transport and has strong transport links. The Council area has a population of 212,400 at the mid-2023 population estimate and covers an area of 70.19 square miles. The Council is a mixture of both urban and rural areas.
- 1.3 The Council both recognises and welcomes the important contribution that the hackney carriage and private hire trade make to the local transport system within the authority area, providing a flexible form of public transport, a service in situations where other forms of transport are not available such as rural areas and late evenings.
- 1.4 Hackney carriages and private hire vehicles are used by all section of society. The trade continues to play an important role in improving accessibility to transport. The value of a high-quality experience cannot be overstated and, in many cases, may contribute to the confidence of passengers and their ability to carry out daily activities.
This policy has been drawn up with reference to¹ the corporate strategy.

The Council's current Corporate Strategy can be found at - [Corporate strategy 2020-2024 | warrington.gov.uk](#)

- 1.5 Hackney Carriage and Private Hire use is expected to remain important and integral to local transport provision and the economy.
- 1.6 This policy has been adopted by the Council following consultation and reference to the Taxi and Other Licensing Committee. Responsibility for Hackney Carriage and private hire licensing is split between Council and executive functions. Council functions are delegated to the Taxi and Other Licensing Committee, Taxi Sub-

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Committee and officers: executive functions are delegated to officers, in both cases in accordance with the Council's Constitution.

- 1.7 This policy will be kept under review and revised as necessary. The Taxi and Other Licensing Committee is authorised to make amendments to the policy. In addition, amendments to this policy may be authorised by the Council without consultation.
- 1.8 In carrying these functions, the Council will comply with the law and also have regard to this policy document, and any relevant Guidance published by the Department for Transport, and any other relevant Guidance issued by any Government Department. In any situation where the Council departs from this policy, clear reasons will be given for doing so. In any case where a situation or matter is not covered by this policy, the matter will be considered from first principles i.e. as if this policy did not exist, and the decision will be based on the Councils' interpretation of the law and Guidance.
- 1.9 The Council has an Integrated Service Plan² which has been taken in to account in this policy.
- 1.10 The Council is committed to ensuring that members and officers involved in Hackney Carriage and private hire licensing are fully trained, and such training is regularly updated.
- 1.11 This policy contains "bright lines". These are firm statements of intent which may appear to be absolute. Such statements are lawful and allow the Council to provide robust guidance to itself, applicants, licensees and citizens on the approach that will be taken. They do not fetter the discretion of the Council because each case will be considered on its merits but in the light of this policy.
- 1.12 Where this policy differs from the previous policy, consideration will be given by the Council to licences that were granted or renewed before this policy was adopted. There is no guarantee that any licence will be renewed and the Council will consider all new and renewal applications in the light of this policy. The fact that a licence has been granted in the past will be taken into account and will be a relevant consideration, but there is no legitimate expectation that any Hackney Carriage or private hire licence will be renewed (See *R. (on the application of Wilcock) v Lancaster City Council* [2014] L.L.R. 388 CA). This policy will also be used to inform action that may be taken against any existing licence.

² Available at [Local Transport Plan | warrington.gov.uk]

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- 1.13 Hackney Carriage and private hire law remains largely unchanged since its introduction. In recent years there have been a number of minor amendments to the legislation, and other legislation that impacts upon Hackney Carriage and private hire licensing. This policy will be kept under review.
- 1.14 In 2015 the Deregulation Act of that year introduced some amendments to the Local Government (Miscellaneous Provisions) Act 1976, the most significant of which was the ability for a private hire operator to subcontract to other private hire operators licensed anywhere in England, Wales, Scotland or Greater London.
- 1.15 The introduction in 2016 of more of the provisions relating to Hackney Carriages and private hire vehicles contained within the Equality Act 2010, and the additional amendments introduced by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 has improved the access to and use of these vehicles for those with disabilities, and the Council works actively to support both those who both require and provide such transport. The effect of this legislation is considered in detail in appendices 2,3,4 and 5.
- 1.16 The policy refers to guidance that is available to applicants, drivers and operators and proprietors to assist them with the application processes and the running of their business under their licence. This guidance, application forms and current fees are available on the Council's Website.
- 1.17 Council staff involved in Hackney Carriage and Private Hire licensing and other associated functions will always be polite, courteous, civil and professional. The same standards of behaviour are expected from applicants and licensees and the Council will not tolerate any abuse, bullying, violence or similar behaviour towards staff or councillors. Any such behaviour on the part of an applicant or licensee will be taken into account when considering whether a licence should be granted, or whether action should be taken against any existing licence.
- 1.18 The Council recognises its duties and responsibilities under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679. Full details of the privacy policy and the specific policy for taxi licensing are detailed on the Council's website.
- 1.19 The Council will take enforcement action where it is necessary and proportionate to do so having regard to its enforcement policy.
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- 1.20 The Council has not entered into an enforcement protocol with other Councils but the Council does have an information sharing agreement with the Cheshire Constabulary, Cheshire East, Cheshire West and Chester and Halton Borough Council. Relevant information on the conduct and standards of drivers operating in its area will be shared where it is appropriate to do so. Joint enforcement operations with regulatory partners may take place.

Council Service Standards

- 1.21 Subject to unforeseen circumstances beyond the control of the Council, the Council will endeavour to maintain the following service levels:
- 1.22 Licensees and applicants should be able to contact the Licensing Section by email, through the website, by appointment in person or by telephone. However, the preferred method of contact is via email to reduce the need for licence holders to travel to the Council offices, and to allow the Licensing Section to deal with enquiries as effectively as possible.
- 1.23 The Licensing Section is located at 1 Time Square, Warrington and for the purpose of written communication, the Town Hall, East Annex, Sankey Street, Warrington WA1 1UH. Office opening times at Times Square are 09:00am to 5:00pm Monday and Thursday, 09:00 – 4:30pm on Fridays and can be contacted by phone on 01925 984728 (Lines are closed on Tuesdays and Wednesdays). They can also be contacted by email at: taxiqueries@warrington.gov.uk, taxidriverson@warrington.gov.uk and taxivehicles@warrington.gov.uk
- 1.24 The Council will always aim to issue a licence as soon as possible from the receipt of a complete and valid application.
- 1.25 If you have any concerns or complaints about the service you have received, please contact the Licensing Section on 01925 984728 or by email at taxiqueries@warrington.gov.uk. If you are still not satisfied, please use the Council complaints procedure, details of which can be found at www.warrington.gov.uk

Background

- 1.26 Hackney Carriage and Private Hire vehicles have an important role to play in the transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.
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Practice, guidance and legislation

- 1.27 The Department for Transport (DfT) has national responsibility for Hackney Carriage and private hire legislation and policy in England. They also provide guidance for local licensing authorities. Their principal document is *the 'Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England'* (referred to as “Best Practice Guidance” in this Policy³). This is supplemented by the ‘*Statutory taxi and private hire vehicle standards*’ (referred to as “Statutory Standards” in this Policy⁴). They have been taken into account in preparing this policy.
- 1.28 The DfT guidance recognises and emphasises that licensing authorities can reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.
- 1.29 This policy takes account of the law which forms the basis of the Council's taxi licensing functions. The principal pieces of legislation are the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 both as amended. In addition, the Senior Courts (High Court and Court of Appeal) have handed down judgments which explain and interpret this legislation.

Purpose of Hackney Carriage and Private Hire Licensing

- 1.30 The primary and overriding consideration in relation to the licensing of Hackney Carriage and private hire vehicles is public safety (See DfT Best Practice Guide Chapter 3 and Statutory Standards Para 3.1). Public safety includes the safety of drivers, operators, vehicle proprietors and their staff as well as the users of Hackney Carriage and private hire vehicles, and the wider public. The public must have confidence in the safety of Hackney Carriages and private hire vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licensees.
- 1.31 Public safety includes safeguarding which also includes prevention of child sexual abuse and exploitation (CSAE). All licensees will be expected to demonstrate an understanding of public safety and safeguarding and ensure that their actions do not infringe those requirements at any time.

Policy objectives and aims

- 1.32 As already stated, this policy is intended to enable the Council to provide a robust licensing regime which enables the Hackney Carriage and private hire trades to provide the best possible service to the public with the overriding aim of maintaining

³ Available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>. This dates from 2023

⁴ Available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>. This dates from 2020, with an updated version published in 2022

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and improving public safety. We are mindful that our approach needs to be both necessary and proportionate, so that operators and drivers continue to obtain licences with the Council, enabling the Council to continue to exercise a degree of local control; given the ability for vehicles that are not licensed by the council to operate in our area under different, potentially less stringent, conditions.

Objectives

- 1.33 The objectives of this policy are:
- a) the protection of the public including licensed drivers
 - b) the maintenance and development of professional and respected Hackney Carriage and private hire trades.
 - c) enabling access to an efficient and effective local transport service
 - d) the protection of our local environment.
 - e) to support all Hackney Carriage and private hire businesses by ensuring a consistent and fair approach

Aims

- 1.34 The Council will aim to achieve these objectives in the following ways:
- a) by ensuring that licensed drivers are fit and proper persons and achieve and maintain the highest standards of professional practice
 - b) by ensuring that licensed vehicles are safe for passengers, drivers and other road users, and properly insured
 - c) by ensuring that licensed vehicles comply with all Council standards at all times
 - d) by checking all documents provided as part of an application for authenticity, including contacting the maker of the document and other tests.
 - e) by specifying emissions standards and encouraging the use of low polluting vehicles
 - f) by encouraging the use of more vehicles that are accessible to disabled people
 - g) by ensuring that licensed vehicles are comfortable
 - h) by working across the Council to ensure that Hackney Carriages and private hire vehicles form part of wider strategic transport and local transport plans
 - i) by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade
 - j) by reducing the frequency with which licence holders are required to attend the Council offices
 - k) by ensuring online accessibility to allow remote application by new and existing licence holders, so far as is permissible under the legislation
 - l) by utilising electronic and mobile communication methods including the use of SMS messaging and other technological methods including web sites to assist accessibility and communication.
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Methods

- 1.35 The methods the Council will use to achieve this will include (but this is not an exhaustive list)
- a) working with the Hackney Carriage and private hire trades to deliver continuing improvements, encourage innovation, and deal with emerging issues
 - b) setting the standards for the licensing of vehicles, drivers and operators
 - c) use of the NR3S database (The National Register of Refusals, Revocations and Suspensions)
 - d) assessing knowledge and understanding of the licensing policy (at the time of application)
 - e) annual licensing and routine inspection of vehicles, with appropriate follow-up action including enforcement
 - f) routine inspection of documents, with appropriate follow-up action including enforcement
 - g) routine checks of driver's medical fitness and criminal record history during the time the licence is in force
 - h) timely investigation of complaints with appropriate follow-up action
 - i) liaison with the **Cheshire** Police and other constabularies as required, neighbouring local authorities and other agencies concerning issues of concern relating to public safety
 - j) robust enforcement (taking account of the Regulators Code) including monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation and prosecution
 - k) regular training and development of Council officers and members
 - l) meeting continuing performance and efficiency targets for the service
 - m) provision of information to licensees about good practice and what to expect from any inspection or assessment
 - n) provision of mandatory training (not necessarily at no cost) for applicants and licensees when considered necessary
 - o) promotion of training courses and information for licensees,
 - p) promotional activities to inform and encourage and maintain high standards
- 1.36 To achieve this the Council will actively cooperate with, assist and provide and obtain advice from a wide range of agencies including (but not limited to):
- a) Cheshire Police and other constabularies including British Transport Police
 - b) Driver and Vehicle Standards Agency
 - c) Other local authorities
 - d) Town and Parish Councils
 - e) National Rail and other railway companies
 - f) Disclosure and Barring Service
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- g) Department for Transport
- h) Driving and Vehicle Licensing Agency
- i) Home Office
- j) Department for Work and Pensions
- k) Other relevant agencies and departments

Uniformity

- 1.37 The Council will conduct its functions in relation to Hackney Carriage and private hire licensing in a consistent and uniform manner.

Applications and licences

- 1.38 Hackney Carriage and Private Hire licences can be granted for a maximum period of time. Those maximum periods are

- Hackney Carriage vehicle - 1 year;
- Private hire vehicle - 1 year;
- Hackney Carriage driver - 3 years;
- private hire driver - 3 years;
- private hire operator - 5 years.

and in general, licences of those durations will be granted.

- 1.39 The Council will issue a dual drivers' licence. This will constitute a licence to drive both a Hackney Carriage and a Private Hire vehicle.
- 1.40 Applicants for licences must submit a complete application. A complete application means that the application form has been properly completed, with all required information provided, all supporting documentation that is required has been submitted, and an administrative fee paid which will be deducted off the total fee required when the licence is ready to be granted.
- 1.41 If an application is made which is not complete, the applicant will be contacted and given an opportunity to rectify the problems. Any such application will be held on file for 3 months during which time additional and/or updated information can be provided to enable the application to proceed. After 3 months a new application would need to be made in its entirety but some parts namely, the Knowledge, Safer Streets, CSE and Disability tests, DVLA Medical D4 and DBS check of the application already undertaken or submitted may be accepted, subject to senior officer approval. See 1.102 for the full list of requirements.
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- 1.42 Applications for renewals of licences must be received before the expiry of the current licence. Any application received after that date will be treated as a new application. This will extinguish any ‘grandfather rights’ and the applicant will have to comply with all requirements for a new licence. Some aspects of the application process will be waived depending on the requirements and documents previously received and accepted. See 1.41 above.
- 1.43 As part of the application process applicants will have to attend certain appointments both online and in person. If the date and time provided is inconvenient, the applicant should contact the Licensing Section as soon as possible to arrange an alternative date and time. Failure to attend an appointment without having notified the Licensing Section in advance may lead to a charge being made before a further appointment can be arranged, or could lead to the entire application being cancelled, and a fresh application will have to be commenced.
- 1.44 The Council will aim to issue a licence as soon as possible once all application criteria has been met., but this may be delayed due to circumstances beyond the control of the Council. Where an application has to be considered by the Taxi Sub-Committee this will extend this timescale.
- 1.45 Licensees must ensure that they notify the Council immediately of any change of address, change of name, or alterations to means of contact (change of telephone numbers or email addresses). Failure to do this may lead to important communications not being received which in turn may lead to licences expiring or action being taken against licences without the knowledge of the licensee. Any notice required to be served by the Council under this licence or under any statutory provision shall be deemed to have been properly served if sent by email/pre-paid post to or left at the last known postal or email address of the holder of the licence.
- 1.46 All information held on files and databases about an applicant is confidential, under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679. However, this information can be used (“processed”) by the Council as part of the application process and used within the Council. This will include communicating information to relevant officers and members who are involved in any decision-making process. In addition, the Council is under a duty to protect the public and to protect the public funds it administers and may use any information provided by an applicant for this purpose. This may include sharing this information with other agencies where that is lawful.
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- 1.47 The Council has a legislative duty under (s51(3) of the Local Government Miscellaneous Provisions Act 1976 to maintain a register which includes personal data such as the name of the person to which the licence is granted. As such, the lawful basis for the processing under the General Data Protection Regulation is Article 6 (c) **Legal Obligation:** the processing is necessary to comply with the law (not including contractual obligations). For more information on how the Council uses your data, please see <https://www.warrington.gov.uk/privacy-policy>.
- 1.48 Full details of the Council's privacy policy and the specific privacy policy for Hackney Carriage and private hire licensing can be found here www.warrington.gov.uk.
- 1.49 It is a privilege to hold a Hackney Carriage or Private Hire Licence and all licensees have responsibilities to their passengers, customers and other road users and the general public. The requirement to satisfy the Council that the applicant is a fit and proper person continues throughout the duration of the licence. If at any time a licensee falls below the standards expected of a new applicant, the Council will consider taking action against the licence holder. This could be suspension, revocation or refusal to renew that licence.
- 1.50 Licensees must be aware of this and be familiar with the requirements placed upon them by the legislation, the conditions of their licence and this policy.

Fees for Licences

- 1.51 The Council can charge a fee for each of these licences. Those fees are calculated in accordance with the legislation, which allows for full cost recovery with the exception of enforcement against non-Warrington Borough Council licensed vehicles and drivers.
- 1.52 There are 2 fee levying powers, depending on the particular licence in question. Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 covers drivers' licences, and section 70 covers private hire and Hackney Carriage vehicle licences, and private hire operator's licences.
- 1.53 The costs include the costs of:
- a) processing applications;
 - b) issuing licences;
 - c) providing badges and vehicle plates (as required);
 - d) providing additional vehicle signage;
 - e) ensuring compliance with the requirements of the licence.
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- 1.54 Additional costs will apply to various pre-application requirements. The requirements are detailed at the relevant chapters below. The details of any situations in which refunds can be made are detailed in each section below.
- 1.55 All licence/admin fees must be paid by credit/debit card, online or by Bank Transfer on application/when the decision to grant the licence has been made. The licence cannot be granted and issued, until the licence fee has been paid and the application process is fully complete.
- 1.56 If a licence is surrendered, revoked or suspended, no refund of the licence fee will normally be made. However, there may be exceptions. For a replacement vehicle, a proportional refund may be calculated and credited against the new licence fee. A surrendered or revoked licence may also be refunded subject to approval by a senior officer. An administration fee will apply.

Appeals

- 1.57 There are statutory rights of appeal contained within the legislation. These are against decisions to refuse an application, refuse to renew a licence, suspension or revocation of a licence and also against any conditions that the Council has attached to a licence. The rights will be detailed on any decision notice which is issued where there is such a right of appeal.
- 1.58 In almost every case the right of appeal is to the Magistrates' Court and contact should be made with that court for details on how the appeal is commenced. The one exception to that is a refusal to grant a new Hackney Carriage proprietor's licence where the right of appeal is directly to the Crown Court. Again, in those circumstances contact should be made with the court for details on how the appeal is commenced.
- 1.59 The appeal period is 21 days from the date on which the written notice of the Council's decision was received. That period cannot be extended so anybody who is considering appealing should ensure that the appeal is lodged with the court as soon as possible.
- 1.60 Such appeals are fresh hearings with the court in the position that the Council was, and the court will reconsider the decision. In such appeals, the Council will resist the appeal as they have already made a decision on the matter. As part of the appeal, the court will take account of the decision that the Council made, but other evidence can be presented by both the appellant and the Council. The court will come into its own independent decision but should not readily overturn the Council's decision. If the appeal is unsuccessful the Council will make an application to the court for its full costs to be paid by the unsuccessful appellant. If the appeal is successful, the Council will
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resist any application that is made to the court for an award by the appellant that the Council should pay their costs (This follows the ruling of Supreme Court in Competition and Markets Authority v Flynn Pharma Ltd [2022] LLR 668 SC).

Suitability of applicants

- 1.61 The legislation makes it quite clear that the Council cannot grant a drivers' licence or a private hire operators' licence unless they are satisfied that the applicant is a fit and proper person. It is for the applicant to prove that they are a fit and proper person, and not for the Council to prove that they are not.
- 1.62 In relation to a Hackney Carriage or private hire vehicle (proprietors) licence there is no statutory requirement for the Council be satisfied that the applicant is a fit and proper person. However, the Council has an absolute discretion as to whether or not to grant such a licence and in addition to considering the vehicle itself, the Council will also take into account the suitability of the applicant.
- 1.63 The Council has taken guidance produced by the Institute of Licensing into account in producing this policy⁵. This suggests that the phrase "fit and proper" can be explained and be more easily understood by using the term "safe and suitable". This is the term that the Council will use throughout this document and it should be read to mean fit and proper.
- 1.64 That guidance also contains guidelines on suitability which are almost identical to the DfT guidance in "Statutory Standards". These have been incorporated into this policy and form the basis of the policy on the impact of previous convictions ('Convictions policy'). This is contained at annex 1.
- 1.65 Ideally, all those involved in the Hackney Carriage and private hire trades (Hackney Carriage and private hire drivers, Hackney Carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 1.66 However, it is recognised that some applicants and licensees will have criminal convictions or other matters in their personal history which may affect the safety and suitability to hold a Hackney Carriage or private hire licence.

⁵ "Guidance on determining the suitability of applicants & licensees in the hackney & private hire industry" Institute of Licensing 2024 available at <https://www.instituteoflicensing.org/Publications.aspx>

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- 1.67 The Convictions Policy at appendix 1 provides guidance. These standards will be used in relation to all licences: driver, operator and proprietor. This is to ensure that the standards are maintained across the trades, and to reassure the public that only safe and suitable people are licensed for any role in the Hackney Carriage or private hire vehicle industry.
- 1.68 In all cases every application will be considered on its own merits, but in the light of the Convictions Policy. If the Convictions Policy does not cover the particular matter, then a decision will be made from first principles where the question will be whether, in the light of that information the Council can be satisfied that the applicant is a safe and suitable or fit and proper person to be granted that licence.
- 1.69 The decision as to whether or not a licence should be granted is made on the facts at the time of that decision, but the Council has powers to take action against any licence that has been granted (the licence can be suspended, revoked, or the Council can refuse to renew it). The Council can also take other lesser steps in support of the aims of this policy. It is vitally important that licensees understand that the test of safety and suitability is not simply to be met when the application has been granted: it is a continuing requirement and if at any time during the currency of the licence the behaviour or conduct of the applicant falls below that which would be acceptable for a new applicant, the Council will consider whether or not action should be taken against that licence.
- 1.70 At all times the primary consideration will be public safety.

Behaviour of licensees

- 1.71 All licensees (drivers, operators and vehicle proprietors) are professionals undertaking a highly responsible activity which protects and ensures the safety of their passengers, customers, other road users and the general public.
- 1.72 The highest standards of integrity and behaviour are expected, and these must be maintained at all times. The Council is concerned with the overall character of licensees, and not simply when the licence is being used. As a result, any behaviour at any time which falls short of the standards expected will lead to the Council considering whether that licensee should be allowed to retain their licence.
- 1.73 Where unacceptable behaviour occurs in connection with the use of the licence, that will be regarded as an aggravating feature, and behaviour which is not connected with the use of the licence will not be seen as less serious.
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- 1.74 The overall aim of this policy is to ensure that the Hackney Carriage and Private Hire trades continue to provide a safe and satisfactory service to the public, and actions or behaviour that affect or reduce those standards will not be tolerated by the Council.

Enforcement

- 1.75 In any situation where there has been non-compliance with any requirement, or behaviour which fall short of the requirement to remain a safe and suitable person to hold a licence, the Council will consider enforcement action. In addition, action will be taken in respect of vehicles that do not comply with either the council's requirements or road traffic laws. Any enforcement action will be guided by the council's enforcement policy, and may result in one or more of the following (this is not an exhaustive list):
- a) Take no action
 - b) Use statutory notices (suspension of a vehicle licence using section 68 Local Government (Miscellaneous Provisions) Act 1976)
 - c) Suspension of a licence
 - d) revocation of a licence
 - e) Issue of a simple caution in respect of criminal offences
 - f) Prosecution in respect of criminal offences

Decision Making

- 1.76 Decisions on applications and action against licences are made by the Council. Usually that will be a decision made by an officer acting under delegated powers but where an application is outside policy or action needs to be taken in relation to an existing licence the matter may be referred to the Taxi Sub-Committee or Taxi and Other Licensing Committee
- 1.77 There is no difference in the decision-making process between an officer and a committee. In both cases the applicant or licensee will be given an opportunity to make representations and those will be taken fully into account. There may be occasions when a very short timescale will be provided for representations to be made, this is likely to occur where action needs to be taken quickly in relation to a driver's licence. In those circumstances the licensee will be contacted by all practicable means to be informed of the date and time of the decision and given an opportunity to attend or to make representations in writing. If, however, the licensee cannot be contacted, does not attend, or does not provide written representations then the decision will be taken in their absence. There may also be rare occasions where it may not be possible to provide the opportunity to make representation, for example if the driver is held in police custody and cannot be contacted, but a decision needs to be made as a matter of urgency.
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- 1.78 In all cases the matter will be considered entirely on its own merits, in the light of this policy and any guidance issued by the Department of Transport.
- 1.79 Full and detailed reasons for all decisions will be provided to the applicant or licensee, together with details of the rights of appeal.

Equality of treatment and discrimination

- 1.80 The Council will treat all applicants and licensees equally and fairly. There will be no discrimination on any ground and each and every application and subsequent decision will be considered on its merits in the light of the legislation, guidance and this policy.
- 1.81 The Council will not accept or tolerate any discriminatory behaviour on the part of any applicant or licensee. This includes any discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation, but that is not an exhaustive list.
- 1.82 All licensees must at all times treat people courteously, civilly and decently.
- 1.83 Any complaints that are received by the Council that indicate that the licensee has failed to uphold the standards will be investigated thoroughly, and if substantiated will lead to action being taken against that licence.

Safeguarding

- 1.84 The Council is committed to safeguarding and promoting the welfare of children, young people, adults at risk, vulnerable persons and all other members of society. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.
 - 1.85 Licensed driver, proprietors and operators must consider the safety, security and welfare of their passengers, customers and the public generally when determining what safeguarding measures they should put in place in relation to their activities as a licensee.
 - 1.86 All new applicants for drivers' licences, Private Hire Operator licences and Hackney Carriage and Private Hire Proprietors (vehicle) licences will be required to successfully pass a safeguarding test, as required by the Council, in order to obtain a pass certificate and complete an online Safer Streets course and submit the completion certificate to the Council. There is no limit for the number of attempts to complete the tests, to be undertaken at the applicant's own expense, however no licence will
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be issued until the applicant provides the valid certificates showing they have passed both the safeguarding courses.

- 1.87 All existing licensed drivers, proprietors and operators who have not already taken and passed both safeguarding tests will be required to successfully pass both safeguarding tests, as required by the Council, in order to obtain a pass certificate which must be produced within 1 calendar year of adoption of this policy or on renewal whichever is sooner. Failure to do so may result in suspension of the licence until successful completion of the test.
- 1.88 As part of the licence renewal application process renewal applicants will be required to submit a current Safer Streets certificate, if they have not already done so, no older than 3 months, issued by a provider approved by the Council and apply to sit the Council's Child Sexual Exploitation Course. That must be provided:
- Every 3 years for drivers
 - Every 3 years for vehicle proprietors
 - Every 5 years for private hire operators
- 1.89 It is the duty of the applicant to ensure that they have completed the courses and passed the tests in sufficient time before applying for a renewal licence. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until a certificate is produced.

Equality Act and Disability Discrimination

- 1.90 All licensees must ensure that they comply with their statutory duties in relation to disabled people under the Equality Act 2010 as amended which includes not charging disabled people any more for a particular journey than a non-disabled person would be charged.
- 1.91 Drivers of vehicles designated by the Council in the list of wheelchair accessible vehicles must
- a) be able to carry the passenger while in the wheelchair;
 - b) not make any additional charge for doing so;
 - c) if the passenger chooses to sit in a passenger seat, be able to carry the wheelchair;
 - d) take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
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- e) give the passenger such mobility assistance as is reasonably required.

1.92 Mobility assistance is assistance—

- a) to enable the passenger to get into or out of the vehicle;
- b) 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;
- c) to load the passenger's luggage into or out of the vehicle;
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle, and or any mobility aids.

1.93 This does not apply if the driver has a certificate of exemption, and the specified notice is displayed in the vehicle at the time. Such certificates exempt the holder of the certificate from providing mobility assistance. It does not allow them to refuse to carry a disabled person.

1.94 Drivers of all Hackney carriage and private hire vehicles must carry any disabled passenger without any additional charge being made (by the driver in the case of a hackney carriage, or by the operator or driver in the case of a private hire vehicle) and:-

- a) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
- b) if the passenger has with them any mobility aids, to carry the mobility aids (anything apart from a wheelchair the passenger uses to assist their mobility);
- c) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- d) to give the passenger such mobility assistance as is reasonably required.

1.95 Mobility assistance means providing assistance:

- a) to enable the passenger to get into or out of the vehicle;
- b) to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

1.96 This does not apply if the driver has a certificate of exemption, and the specified notice is displayed in the vehicle at the time. Such certificates exempt the holder of the certificate from providing mobility assistance. It does not allow them to refuse to carry a disabled person.

1.97 Drivers of Hackney Carriages must carry an assistance dog and allow it to remain with their owner unless they have a certificate of exemption issued by the Council. They

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must not make any additional charge for doing so. When an assistance dog is being carried, the driver must allow it to be carried wherever the owner requires i.e. the driver cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010). The same requirements apply to drivers of private hire vehicles when the operator has accepted a booking for a passenger with an assistance dog (whether or not the driver is aware of the existence of the dog) unless they have a certificate of exemption issued by the Council. The operator cannot refuse to accept such a booking or make any additional charge for the carriage of the dog.

Complaints about licensees

- 1.98 If any person has any complaint about the behaviour or actions of a licensee (driver, private hire operator or vehicle proprietor) they should email taxicomplaints@warrington.gov.uk or write to Licensing Section, Town Hall, Warrington Borough Council, East Annex, Sankey Street, Warrington WA1 1UH. Complaints can be made by email, letter or via the Council's online complaints form found at <https://www.warrington.gov.uk/taxicomplaint>.
- 1.99 . The licensing officers will consider all complaints. The Council will keep complainants informed of the progress of the investigation, any subsequent action taken and outcome of any subsequent court proceedings.

Hackney Carriage and private hire driver licences

- 1.100 The Council issues combined drivers' licences (also known as *Joint Driver licences – JDL's). That means that the licence is issued under both section 46 of the Town Police Clauses Act 1847 to drive a Hackney Carriage, and section 51 of the Local Government (Miscellaneous Provisions) Act 1976 to drive a Hackney Carriage. In both cases the vehicle must be licensed by the Council.
- 1.101 The Council also issues restricted Private Hire Drivers' licences (RPHDL). Executive hire/additionally conditioned drivers' licences (EH/ACD) are restricted for use solely when driving a Warrington Borough Council executive/additionally conditioned vehicle. Applicants for this type of licence will need to meet most of the requirements for JDL and where a requirement is not needed for a restricted private hire driver licence (RPHDL) that will be indicated.
- 1.102 To be licensed as a driver, the following requirements must be met by the applicant. Full details are contained in **appendix 2**
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- a) must be aged at least 18;
- b) must have held a full (not provisional) valid driver's licence for at least one year. This must be a UK, Northern Ireland, EU or exchangeable licence. In the case of an exchangeable driving licence this can only be used in the UK for a maximum of one year, after which it must be exchanged for a UK licence;
- c) must have the right to live and work in the UK;
- d) must be registered for tax with HMRC (in the case of a renewal) or acknowledge that they must register for tax with HMRC (in the case of a new application);
- e) provide a Group 2 DVLA medical certificate from their own GP or a registered medical practitioner with access to their full medical records (not a summary);
- f) pass the Council's approved English communication skills test;
- g) attend the Council approved CSE and safer streets safeguarding online test.
- h) provide a Certificate of good conduct or criminal record check from each country in which they have resided if they have spent more than 6 months living outside the UK since the age of 18, or they have resided in the UK for less than 10 years.

1.103 The applicant must obtain an enhanced DBS certificate for "Other Workforce plus Taxi" with a check of both the adult and child barred lists, via the Council's approved provider. The application must be made within one month of the date on the certificate. An enhanced DBS Certificate for Child Workforce obtained for school contract work is not acceptable.

1.104 A completed application must have been received by the Council, the application must have been processed, and the Council must be satisfied that the applicant has the right to remain and work in the UK, is either registered for tax with HMRC or acknowledges that they must be, holds a valid driving licence (and has done so for at least 1 year) and is a fit and proper person (as required by sections 51(1)(a)(i) and 59(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976.

1.105 As part of that process the Council will check the National Register of Refusals, Revocations and Suspensions (NR3S), undertake checks with DVLA. In addition, information may be shared with other departments of the Council, other local authorities, HMRC, the Police and immigration services. Using the NR3S, the Council will check the name of every applicant for a driver's licence against the database and

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will add the details to the database of any driver whose licence application is refused, suspended or whose licence is revoked.

- 1.106 Once a valid application has been made, the test the Council will apply to determine whether an applicant is a safe and suitable person to be granted a drivers' licence is:

“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?”

- 1.107 Applicants can complete the application form, satisfy the immigration checks and provide the DBS certificate without undertaking the safeguarding training or medical if they wish. This is referred to as a provisional application and will enable them to be satisfied that the Council will regard them as being a fit and proper person, subject to the additional requirements. This will save expenditure on the part of the applicant in situations where there is doubt as to whether or not a licence will be granted based upon their previous convictions.
- 1.108 Full details of the policy including the application process can be found at **appendix 2**.
- 1.109 This also includes copies of the byelaws and the Code of Conduct.
- 1.110 Although the legislation allows conditions to be attached to a Private Hire Driver's Licence, they cannot be attached to a Hackney Carriage driver's licence. To ensure that the standards of behaviour are the same when drivers are driving either type of vehicle, the Council has decided to adopt a Code of Conduct. These are not conditions attached to the licence: rather this is the standard of behaviour expected from all taxi drivers.
- 1.111 If there is any non-compliance with this Code of Conduct, or the driver's behaviour falls short of these requirements, the Council will then consider whether or not that person remains a safe and suitable person to hold a licence. The consequences of not complying with the Code of Conduct include suspension of the licence; revocation of the licence, non-renewal of the licence or other lesser sanctions may be used to uphold standards/safety and suitability of licensed drivers.
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Hackney Carriage vehicle (proprietor) licences

- 1.112 Once a vehicle has been licensed as a Hackney Carriage, it retains that status all day every day for the duration of that proprietors (vehicle) licence. That means that it can only be driven by a person who holds a Warrington Borough Council combined taxi driver's licence entitling them to drive a Hackney Carriage licensed by the Council. The only exception to this is when the vehicle is being tested.
- 1.113 Full details of the policy including the application process can be found at **appendix 3**.
- 1.114 Applicants for a Hackney Carriage Proprietor's Licence must provide a basic DBS at the time of first application and on every renewal, unless they hold a current dual driver's licence. Should the individual cease to hold a dual driver's licence, a basic certificate will be required immediately.
- 1.115 Once a valid application has been made, the test the Council will apply to determine whether an applicant is a safe and suitable person to be granted a Hackney carriage vehicle (proprietor's) licence is:
“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”
- 1.116 The Council sets fares for Hackney Carriages. The mechanism for doing so is contained in section 65 Local Government (Miscellaneous Provisions) Act 1976. A fare review can be initiated by the council or by the Hackney Carriage trade.

Private Hire Vehicle (proprietor) licences

- 1.117 Once a vehicle has been licensed as a Private Hire Vehicle, it retains that status all day every day for the duration of that proprietor's (vehicle) licence. That means that it can only be driven by a person who holds a Warrington Borough Council combined taxi driver's licence entitling them to drive a Private Hire Vehicle licensed by the Council. There is no exception to this, even when the vehicle is being tested.
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- 1.118 The Council also licences certain private hire vehicles as executive hire/additionally conditioned vehicles. These can only be used for hire where a minimum of two long-term contracts are in force and cannot be used for “regular” private hire work.
- 1.119 Full details of the policy including the application process can be found at **appendix 4**.
- 1.120 Applicants for a Private Hire Proprietor’s licence must provide a basic DBS at the time of first application and on every renewal, unless they hold a current dual driver’s licence. Should the individual cease to hold a dual driver’s licence, a basic certificate will be required immediately.
- 1.121 Once a valid application has been made, the test the Council will apply to determine whether an applicant is a safe and suitable person to be granted a Private Hire Vehicle (Proprietor’s) licence is:
- “Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”*

Private Hire Operator Licences

- 1.122 A Private Hire Vehicle must be booked via a private hire operator before the journey carrying passengers (the hiring) commences. A Warrington Borough Council Private Hire Operator can only operate (i.e. dispatch) a private hire vehicle driven by a private hire driver, both licensed by the Council.
- 1.123 A Warrington Borough Council operator can subcontract to another operator licensed anywhere in England (including Greater London but excluding Plymouth), Wales or Scotland, and can also accept a subcontract from any other operator. When discharging a subcontract, the vehicle and driver used must be licensed by the same Council that licensed the operator who fulfils the contract.
- 1.124 A Warrington Borough Council licensed operator can advertise their services anywhere, not only within the area of the Borough.
- 1.125 Full details of the policy including the application process can be found at **appendix 5**.
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1.126 Applicants for a Private Hire Operator's licence must provide a basic DBS at the time of first application and annually thereafter, unless they hold a current dual driver's licence. Should the individual cease to hold a dual driver's licence, a basic certificate will be required immediately.

1.127 Once a valid application has been made, the test that the Council will apply to determine whether an applicant is a safe and suitable person to be granted a private hire operator's licence is:

“Without any prejudice, and based on the information before you, would you comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?”