

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 3 August 2021

Dear Councillor

**Notice of Meeting**

Meeting **Licensing Committee**

Date **Wednesday, 11 August 2021**

Time **9.30 am**

Venue **Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton,  
DL6 2UU**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

<b>To:</b>	Councillors	Councillors
	R Kirk (Chairman)	K G Hardisty
	P Bardon	N A Knapton
	M A Barningham	J Noone
	D B Elders	B Phillips (Vice-Chairman)
	C A Dickinson	D Watkins

Other Members of the Council for information

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## Agenda

### Page No

1. Minutes

To confirm the minutes of the meetings held on 26 November 2019 (LC.9 – LC.12); 15 September 2020 (LC.1 – LC.2) and 18 May 2021 (LC.1 - LC.2), previously circulated.

2. Apologies for Absence

3. Hackney Carriage and Private Hire Licensing Policy

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Report of the Licensing and Procurement Manager

**Relevant Ward(s): All Wards**

4. Matters of Urgency

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

## Hambleton District Council

**Report To:** Licensing Committee  
11 August 2021

**From:** Licensing and Procurement Manager

**Subject:** **Hackney Carriage and Private Hire Licensing Policy**

All Wards  
Scrutiny Committee

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### **1.0 Purpose and Background**

1.1 The purpose of this report is to seek approval from the Licensing Committee for the revision of the Council's Hackney Carriage and Private Hire Licensing Policy.

### **2.0 Information and Analysis**

2.1 In July 2020, the Department for Transport (DfT) published new Statutory Taxi and Private Hire Vehicle Standards setting out a range of robust measures to protect hackney carriage and private hire vehicle passengers. The Standards are attached at Annex A.

2.2 The Statutory Standards are an important first step in reforming the way the taxi and private hire sector is regulated and should ensure consistent standards between licensing authorities, reducing the risk of harm posed to children and vulnerable passengers in the process. It follows historic and serious cases of hackney carriage and private hire drivers abusing their position of trust elsewhere in the country.

2.3 The Department for Transport expects its recommendations to be implemented by all licensing authorities unless there is a compelling local reason not to do so. The Minister for Roads, Buses and Places has indicated that policy reviews on this matter should be completed before 31 December 2021.

2.4 The vast majority of the recommendations have already been implemented by Hambleton District Council and are contained within its existing Hackney Carriage and Private Hire Licensing Policy. However, a revision of the policy has been drafted with a view to adopting any additional measures outlined in the government's statutory standards. The Draft Policy is attached at Annex B and the proposed amendments have been highlighted.

2.5 The proposed revisions include:

- increased frequency of criminal record checks on licensed drivers;
- minor amendments to the Council's policy on the relevance of criminal convictions;
- the introduction of basic criminal record checks for vehicle proprietors;

- new obligations on private hire operators to conduct basic criminal record checks on staff responsible for taking bookings and dispatching vehicles;
- new obligations on private hire operators to formulate a policy on the relevance of criminal convictions for staff; and
- additional information and guidance relating to existing practices.

2.6 An itemised list of the proposed amendments is attached at Annex C (excluding paragraph numbering and any inconsequential amendments).

2.7 The Statutory Standards recommend that all licensing authorities consider whether or not there are local circumstances which indicate that the installation of CCTV in licensed vehicles would be beneficial. In May 2015, the Council adopted a policy to regulate the use of CCTV in licensed vehicles. This was further revised in September 2018. In the absence of any apparent appetite or demand for the mandatory use of CCTV in Hambleton licensed vehicles, it is proposed to retain the existing policy in this regard, which allows vehicle proprietors to seek authorisation to install suitable systems at their discretion.

2.8 All relevant stakeholders and interested parties (including licence holders, Town and Parish Councils, Ward Councillors, internal and external authorities and all neighbouring licensing authorities) were invited to comment on the Draft Policy between the end of May and mid-July. Notices were also published on [www.hambleton.gov.uk](http://www.hambleton.gov.uk) to attract the attention of any visitors to the licensing section of the Council's website. No responses were received.

### **3.0 Equality and Diversity**

3.1 The Council's equality duty has been considered and any implications have been addressed within the Draft Hackney Carriage and Private Hire Licensing Policy.

### **4.0 Legal Implications**

4.1 Any legal implications have been considered and addressed within the Draft Hackney Carriage and Private Hire Licensing Policy.

### **5.0 Financial Implications and Efficiencies**

5.1 The increased frequency of criminal record checks will generate additional workloads but future efficiency savings would be made once all licensed drivers have registered with the DBS Update Service. The increased demand is therefore likely to be short-term and practical arrangements would be made in order to ensure that the policy can be implemented without any significant financial burden on the licensing service or the trade.

5.2 The vast majority of the licensing authority's service costs are recovered by way of licence fees and the service will continue to operate on the same cost-recovery basis in future.

5.3 The Department for Transport published a full Impact Assessment alongside the Statutory Standards and, on the basis of that assessment, any additional costs to the trade resulting from the proposed revisions are likely to be negligible.

5.4 No further financial implications are anticipated.

**6.0 Recommendation**

6.1 The Committee is asked to consider the Draft Hackney Carriage and Private Hire Licensing Policy and recommend to Council that it be adopted (with or without modification).

Gary Nelson  
Director of Law and Governance (Monitoring Officer)

**Background papers:** Hambleton District Council's Hackney Carriage and Private Hire Licensing Policy (1<sup>st</sup> January 2020)

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Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

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# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 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. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**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?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### **‘County lines’ exploitation**

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### **Stretched Limousines**

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence against the person

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

### Possession of a weapon

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 seven years have elapsed since the completion of any sentence imposed.

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### Dishonesty

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 seven years have elapsed since the completion of any sentence imposed.

## Drugs

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 elapsed since the completion of any sentence imposed.

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 five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

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

## Motoring convictions

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 a 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.

Any motoring conviction while a licensed driver demonstrates that the licensee 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 driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

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 seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

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

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

WITH EFFECT FROM 1<sup>ST</sup> SEPTEMBER 2021

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# **PART 1: INTRODUCTION**

## 1.1 HAMBLETON

- 1.1.1 Hambleton is a local government district situated in the County of North Yorkshire. The council area is mainly rural with five market towns. These areas are shown on the map at **Annex N**.
- 1.1.2 Hambleton covers an area of 1,311km<sup>2</sup> most of which, 1,255km<sup>2</sup>, is green space. According to estimated figures for 2018<sup>1</sup>, Hambleton has a population of 91,134.
- 1.1.3 The licensing authority issues the following licences:-
- Hackney Carriage Driver Licence;
  - Private Hire Driver Licence;
  - Combined Hackney Carriage and Private Hire Driver Licence;
  - Hackney Carriage Vehicle Licence;
  - Private Hire Vehicle Licence;
  - Private Hire Operator Licence.
- 1.1.4 Any guidance contained within this policy is to be treated as a guide only and final interpretation of the law will ultimately rest with the courts.
- 1.1.5 Any obligation in this policy not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 1.1.6 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
- 1.1.7 This document sets out the policy that the licensing authority will apply when making decisions about applications and licences.
- 1.1.8 The Regulators' Code<sup>2</sup> has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.
- 1.1.9 The council aims to reduce regulatory burdens and supporting compliant business growth by ensuring that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.
- 1.1.10 In formulating this policy, the licensing authority has considered the advice contained in the **Statutory Taxi & Private Hire Vehicle Standards<sup>3</sup>** and the **Taxi and Private Hire Vehicle Licensing Best Practice Guidance<sup>4</sup>**.

## 1.2 LEGISLATION

- 1.2.1 The principal legislation under which functions are undertaken is contained in:
- Town Police Clauses Act 1847
  - Local Government (Miscellaneous Provisions) Act 1976

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<sup>1</sup> Office for National Statistics

<sup>2</sup> Department for Business, Innovation & Skills – Better Regulation Delivery Office – April 2014

<sup>3</sup> **Department for Transport – July 2020**

<sup>4</sup> Department for Transport – March 2010

- Road Traffic Act 1988
- Transport Act 1985

1.2.2 The council adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by a resolution on 15<sup>th</sup> October 1991 following a recommendation by the Leisure and Amenities Committee on 26<sup>th</sup> September 1991.

### **1.3 OBJECTIVES**

1.3.1 The licensing authority's objectives are:

- to encourage the provision of high quality and accessible hackney carriage and private hire services;
- to ensure the safety and comfort of users of hackney carriage and private hire services;
- to ensure the safety and wellbeing of the public affected by the operation of hackney carriage and private hire services; and
- to facilitate access to an efficient and effective public transport service.

### **1.4 APPLYING THE POLICY**

1.4.1 This policy will be applied in the majority of cases when considering licence applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to the general policy.

1.4.2 It will be necessary to consider, in relation to any particular application, whether the specific circumstances justify allowing an exception.

1.4.3 It will be up to the applicant to show that an exception should be made to the policy<sup>5</sup> and, if the objectives can still be met, the licensing authority may exercise its discretion to depart from the general policy. Where exceptions are made, reasons will be given.

### **1.5 POLICY REVIEW**

1.5.1 The implications and effectiveness of this policy will be regularly monitored.

1.5.2 This policy will be reviewed where appropriate (and, in any case at least once every five years) to reflect changes indicated by the internal monitoring arrangements, by legislation or by guidance issued by Central Government.

1.5.3 The licensing authority will consult with stakeholders, interested parties and neighbouring authorities prior to implementation to ensure that the policy continues to meet its objectives.

### **1.6 PERSONAL DATA**

1.6.1 The council will hold personal data (about applicants, licensees, complainants etc) in connection with its licensing function.

1.6.2 The council will comply with its obligations under data protection legislation.

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<sup>5</sup> *R v Crown Court at Sheffield, ex p Consterdine* (1998)

- 1.6.3 The council's aim is to minimise the unnecessary disclosure of personal data.
- 1.6.4 Personal data will only be obtained, kept or used as authorised by statute.
- 1.6.5 Personal data may be shared where it is necessary for compliance with a legal obligation.
- 1.6.6 Personal data is information that relates to an identified or identifiable individual. It includes information relating to persons who can be identified indirectly from that information in combination with other information. For example, the Information Commissioner considers that vehicle registration marks are personal data (especially when combined with other information).

## **1.7 EQUALITY AND DIVERSITY**

- 1.7.1 The council's policies and procedures will be applied fairly to all irrespective of race, religion, gender, disability, sexual orientation or age. This will apply to applicants, licence holders, customers and complainants.
- 1.7.2 The licensing authority will take a very serious view of any complaints of discrimination by licensees based on these factors or of any similar incidents involving licensees and other licensees.

## **1.8 SAFEGUARDING**

- 1.8.1 The council has a duty of care to children and vulnerable persons who use licensed vehicles within the district of Hambleton.
- 1.8.2 The council recognises that all children and vulnerable persons have a right to be safe and protected from abuse and harm.
- 1.8.3 The licensing authority will take all reasonable steps to ensure that the drivers and operators of taxis and private hire vehicles pose no threat to children or vulnerable persons.
- 1.8.4 The licensing authority has the power to refuse, revoke or suspend licences after convictions for various offences or any other reasonable cause. A suspension or revocation can be given immediate effect where it appears in the interests of public safety.
- 1.8.5 Any allegations made against licence holders suspected of inflicting harm on children will be reported to the Designated Safeguarding Officer or a Deputy Officer who will ensure that all the appropriate actions are taken in line with the council's Safeguarding Policy both in regard to the subject of the alleged abuse and the perpetrator. A decision will also be made in relation to any necessary action to be taken against the licence, which could include suspension or revocation.
- 1.8.6 Any decision to refuse or revoke a licence on the basis that the individual is thought to have harmed or presented a risk of harm to a child or vulnerable adult will be referred to the DBS under the Safeguarding Vulnerable Groups Act 2006. Any such referral may result in the individual being added to a barred list and enable other licensing authorities to consider this should further applications be made.

# **PART 2: HACKNEY CARRIAGES**

## 2.1 INTRODUCTION

- 2.1.1 A hackney carriage is a public transport vehicle which is licensed to ply for hire. It is unlawful for a vehicle to be used for the carriage of passengers for immediate hire until such time as a hackney carriage licence is issued in respect of the vehicle<sup>6</sup>.
- 2.1.2 The maximum number of passengers that can be carried in a vehicle for it to be capable of being licensed as a hackney carriage is eight<sup>7</sup>.
- 2.1.3 A vehicle licensed as a hackney carriage continues to be a hackney carriage at all times and anyone driving the vehicle needs a hackney carriage driver licence<sup>8</sup>. The only exception to this general rule is for a person driving a hackney carriage in connection with any test of the mechanical condition of the vehicle or its meter<sup>9</sup>.
- 2.1.4 All hackney carriages must be intended for use predominantly, or entirely, within the district of Hambleton<sup>10</sup>.

## 2.2 VEHICLE SPECIFICATION

2.2.1 The licensing authority will only generally issue a licence in respect of a hackney carriage if:

- It is fit for its purpose, safe and comfortable for its users and any members of the public;
- It has not been subject to a Category A, B or S insurance write-off;
- It is less than 5 years old\* in the case of a new application and less than 8 years old\* in the case of a renewal application, subject to the following exceptions:
  - the maximum age will be 10 years\* in respect of vehicles licensed by Hambleton District Council prior to 31<sup>st</sup> December 2019;
  - the maximum age will be 10 years\* in respect of fully electric vehicles; and
  - all age restrictions will be disapplied in respect of vehicles designated as wheelchair accessible vehicles for the purposes of **paragraph 2.31**.

\*Note: The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C).

- ~~• It has at least four doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress);~~
- It has:
  - a front nearside door for the use of persons conveyed in the vehicle;
  - a rear nearside door for the use of persons conveyed in the vehicle;
  - a rear offside door for the use of persons conveyed in the vehicle; and
  - a separate means of ingress and egress for the driver.
- The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through<sup>11</sup>;
- It has nearside and offside exterior rear-view mirrors;

<sup>6</sup> Section 45 of the Town Police Clauses Act 1847

<sup>7</sup> Paragraph 7 of Schedule 1 to the Transport Act 1985

<sup>8</sup> *Yates v Gates* [1970] 1 All ER 754

<sup>9</sup> Paragraph 3 of Schedule 7 to the Transport Act 1985

<sup>10</sup> *R (on the application of Newcastle City Council) v Berwick-upon-Tweed Borough Council* [2008] EWHC 2369 (Admin)

<sup>11</sup> Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

- A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheelbrace, unless this requirement has been specifically disapplied by an authorised officer in instances where a manufacturer's alternative is provided;
- It is equipped with a minimum of four road wheels fitted with manufacturers' recommended size tyres;
- It has a clean and smart appearance, both externally and internally;
- It is right hand drive;
- It has a permanent roof which is watertight – standard sunroof allowed (i.e. sunroof fitted when new by manufacturer);
- It has seating arrangements in accordance with the current Construction and Use Regulations<sup>12</sup> and the manufacturer's specification (unless the modification has been approved via the Voluntary Individual Vehicle Approval (IVA) scheme);
- It has rear seat belts (irrespective of age);
- It has a separate locking luggage area or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- It has means for carrying luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- There are sufficient means by which a passenger can communicate with the driver.

## **2.3 PROPRIETORSHIP**

- 2.3.1 A person applying for a hackney carriage vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, he/she must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
- 2.3.2 Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include any person (or company) involved in the keeping, employing or letting for hire the vehicle. Where two or more proprietors are named, a licence will be issued in respect of two or more proprietors.

## **2.4 PROCESS FOR NEW APPLICATIONS**

- 2.4.1 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
  - the appropriate fee; and
  - the vehicle registration document (V5C) in the name of the proprietor/part-proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).
- 2.4.2 All applicants will be required to sign a declaration as part of their application, stating that the vehicle will be used predominantly within the district of Hambleton.

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<sup>12</sup> Road Vehicles (Construction and Use) Regulations 1986

2.4.3 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
- confirmation that the vehicle has an MOT test Certificate (required for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document);
- proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station);
- confirmation that the meter has been calibrated to the table of fares; and
- an appropriate engineer's report (only for vehicles subject to a Category C, D or N insurance write-off) verifying the standard of repairs;
- a satisfactory basic criminal record check from <https://www.gov.uk/request-copy-criminal-record> in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application).

No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or private hire operator licence issued by Hambleton District Council.

2.4.4 If the application meets all criteria laid down in the policy, a licence will normally be granted.

2.4.5 The applicant is personally responsible for the collection of the vehicle licence and plates, which will only be issued directly to the applicant or to an alternative representative who has produced written authorisation from the applicant.

2.4.6 If the authorised officer has any concerns about an application for the grant of a hackney carriage vehicle licence, it will be referred to the Licensing and Appeals Hearings Panel for a decision.

2.4.7 An appeal against a refusal to grant a hackney carriage licence lies to the Crown Court<sup>13</sup>. Any appeal must be made within 21 days following notice of a decision.

## 2.5 PROCESS FOR RENEWAL APPLICATIONS

2.5.1 Applications for renewal should be made no more than six weeks and no less than two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.

2.5.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such time as a new application for this vehicle is received and subsequently granted.

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<sup>13</sup> By virtue of section 7 of the Public Health Acts (Amendment) Act 1907

2.5.3 An Application will not be processed by the licensing authority unless it is in receipt of:

- a fully completed application form;
- the appropriate fee;

2.5.4 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
- ~~a current MOT Certificate;~~
- proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station); and
- a satisfactory basic criminal record check from <https://www.gov.uk/request-copy-criminal-record> in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners). This requirement does not apply to any applicant who is already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence or a private hire operator licence issued by Hambleton District Council.

2.5.5 If the authorised officer has any concerns about an application to renew a licence, it will be referred to the Licensing and Appeals Hearings Panel for a decision.

2.5.6 An appeal against a refusal to renew a hackney carriage vehicle licence lies to the Magistrates' Court<sup>14</sup>. Any appeal must be made within 21 days following notice of a decision.

## 2.6 CONDITIONS

2.6.1 The licensing authority can impose conditions on a hackney carriage vehicle licence. The conditions outlined in Annex E will be imposed unless the specific circumstances of an application justify a variation.

2.6.2 Any failure to comply may be referred to the Licensing and Appeals Hearings Panel for consideration.

2.6.3 An appeal against conditions attached to a licence lies to the Magistrates' Court<sup>15</sup>. Any appeal must be made within 21 days following notice of a decision.

## 2.7 TRANSFER OF LICENCE

2.7.1 If a proprietor transfers his/her interest in a vehicle to somebody else he/she must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred.

2.7.2 The new owner must then make an application to transfer the licence into his/her name.

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<sup>14</sup> By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

<sup>15</sup> By virtue of section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976

- 2.7.3 The application must be accompanied by:
- a valid vehicle insurance certificate;
  - a satisfactory basic criminal record check from <https://www.gov.uk/request-copy-criminal-record> in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
  - a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application).

No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver, vehicle or operator licence issued by Hambleton District Council.

- 2.7.4 The vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being transferred.

## **2.8 PLATES, ROOF SIGNS AND PANELS**

- 2.8.1 External Plate - an external plate provided by the licensing authority shall be securely fixed at all times on the rear of the vehicle.

- 2.8.2 Side Panel - one side panel provided by the licensing authority shall be fixed on the upper half of each of the front doors of the vehicle.

- 2.8.3 Internal Plate - the internal plate provided by the licensing authority shall be displayed at all times on the passenger side of the dashboard facing into the vehicle.

- 2.8.4 Roof Sign - a sign, capable of being illuminated, bearing the word "TAXI" facing towards the front of the vehicle shall be mounted on the roof of the vehicle. The only other text on the sign shall be the firm's name and/or telephone number.

- 2.8.5 Complaint Sign – at least two adhesive signs advising passengers how to complain to the licensing authority about any licensed driver, vehicle or operator shall be displayed in a position that can be easily read by passengers from the front and rear of the vehicle.

- 2.8.6 The licensing authority must be informed in writing should one of the licence plates or side panels become lost, stolen, damaged or defaced. The damaged or defaced plate/panel must be submitted immediately to the licensing authority along with a report of the damage and a request to replace the plate/panel.

- 2.8.7 No vehicle shall be used for public hire purposes without the required plates and panels.

- 2.8.8 The licence plates and side panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate<sup>16</sup>.

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<sup>16</sup> Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

## **2.9 SIGNAGE AND ADVERTISING**

2.9.1 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except:

- the registration plate;
- the internal licence plate as issued by Hambleton District Council;
- any sign required by statute or subordinate legislation;
- any sign indicating membership of a national motoring organisation;
- any sign requesting passengers not to smoke; and
- any sign specifically approved by an authorised officer.

2.9.2 The proprietor of a licensed hackney carriage vehicle may apply to display any signage on the vehicle by submitting a written request to the licensing authority along with a full-colour copy of the proposed signage or advertisement.

2.9.3 Each request will be considered on its individual merits, but advertisements will not be approved if they:

- contain political, ethnic, religious, sexual or controversial texts;
- display nude or semi-nude figures;
- advertise tobacco products;
- are likely to offend public taste;
- depict or refer to indecency or obscenity;
- use obscene or distasteful language;
- depict men, women or children as sex objects;
- depict direct and immediate violence to anyone shown in the advertisement or advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities;
- are proposed to be displayed on any of the windows of the vehicle.

2.9.4 Irrespective of any consent which may have been given by the licensing authority, it remains the responsibility of the proprietor to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority.

## **2.10 MECHANICAL INSPECTIONS**

2.10.1 Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.

2.10.2 When an application is submitted, the applicant will be issued with a test paper (attached at Annex K) showing a list of checks that are required to be carried out, the standards for which are shown on the reverse of the paper.

2.10.3 Before a licence is issued, the vehicle, along with the test paper, must be presented to a Hambleton-based VOSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the licensing authority.

2.10.4 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.

- 2.10.5 If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed, and the examiner will be asked to contact the licensing authority immediately.
- 2.10.6 No licence application will be granted unless the applicant can produce a valid test paper signed by a vehicle examiner of a VOSA-accredited garage to confirm that the vehicle has passed its test.
- 2.10.7 In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test must be carried out no less than 5 months into the licensing period and no more than 7 months into the licensing period. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.
- 2.10.8 An authorised officer may require any vehicle to be presented for inspection at any time. It is an offence to fail to attend for inspection as requested<sup>17</sup>. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

## **2.11 INSURANCE**

- 2.11.1 All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for public hire or reward is kept in force in respect of any hackney carriage vehicle and in relation to its use by any drivers employed by the proprietor.
- 2.11.2 On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, he/she shall within seven days of such request produce it to the licensing authority at the offices of the council<sup>18</sup>.

## **2.12 CRIMINAL RECORD CHECK (DBS)**

- 2.12.1 Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All proprietors are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that proprietors pose no threat to the public and have no links to serious criminal activity.
- 2.12.2 In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.
- 2.12.3 Basic DBS disclosures will not be required for any proprietors who are already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence or a private hire operator licence issued by Hambleton District Council.
- 2.12.4 The council's DBS Handling Policy is attached at Annex H to this policy.

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<sup>17</sup> Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>18</sup> Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976

## **2.13 CERTIFICATE OF GOOD CONDUCT**

**2.13.1** If an applicant (including any director or partner of a company or partnership) has lived overseas in the 10-year period leading up to the date of application, he/she must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here:  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

## **2.14 VEHICLE DAMAGE**

**2.14.1** Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence<sup>19</sup>.

**2.14.2** If any damage is considered by the authorised officer to be extensive enough to affect the safety or general appearance of the vehicle, a notice of suspension will be issued.

**2.14.3** Vehicles subject to a Category A, B or S insurance write-off will not be licensed as hackney carriages.

**2.14.4** Vehicles subject to a Category C, D or N insurance write-off may be licensed as hackney carriages provided the applicant or proprietor has provided an appropriate engineer's report (approved by an authorised officer of the council) verifying the standard of repairs.

## **2.15 DUAL PLATING**

**2.15.1** No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocations).

## **2.16 MECHANICAL BREAKDOWN**

**2.16.1** If, during a hiring, any vehicle becomes unfit to complete a journey:

- The driver shall be entitled to demand the fare for the distance already travelled;
- The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes;
- If the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed; and
- Any such incident must be reported to the licensing authority within one working day.

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<sup>19</sup> Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

## **2.17 COMPLAINTS**

**2.17.1** The proprietor of any hackney carriage who receives a complaint concerning the driver's conduct or about the vehicle's fitness, appearance, safety or fare levied shall inform the licensing authority, in writing, within 72 hours of the receipt of such a complaint.

## **2.18 CONVICTIONS AND OTHER SANCTIONS**

**2.18.1** The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within ~~seven days~~ 48 hours, disclose to the licensing authority in writing the details of any **arrest, criminal charge or conviction** imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). ~~Convictions include all motoring offences and fixed penalty endorsements.~~ **The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.**

**2.18.2** Any failure to comply may raise doubts as to the proprietor's suitability to hold a licence, in which case, the matter may be referred to the Licensing and Appeals Hearings Panel for consideration

## **2.19 SAFETY EQUIPMENT**

**2.19.1** There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances for use in an emergency.

## **2.20 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS**

**2.20.1** If the installation and maintenance of a liquefied petroleum gas fuel system (hereinafter referred to as an "LPG System") or other secondary fuel system (hereinafter referred to as "an alternative fuel system") is required in addition to the existing primary fuel system fitted to the vehicle, 21 days' written notice of such requirement shall be given to the licensing authority.

## **2.21 CCTV**

**2.21.1** **Subject to the exception in paragraph 2.21.2,** no CCTV system shall be installed in a hackney carriage vehicle unless it has previously been authorised in writing by the licensing authority. If authorisation is obtained, the proprietor will be required to ensure compliance with all licence conditions relating to CCTV.

**2.21.2** **No authorisation is required for the installation of external-facing cameras used for the purposes of recording accidents or incidents outside the vehicle (e.g. dashcams) provided the system does not record audio or images of any interior parts of the vehicle in which passengers may be seated.**

**2.21.3** The council's policy in relation to the use of CCTV in licensed vehicles is attached at Annex I.

## **2.22 TRAILERS**

**2.22.1** No licensed vehicle may tow any trailer unless permission has been granted by the licensing authority and a further licence plate has subsequently been issued.

**2.22.2** No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.

**2.22.3** The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.

**2.22.4** The contents of such trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects.

## **2.23 SMOKING**

**2.23.1** All hackney carriage vehicles are required to be smoke free at all times and 'No smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

## **2.24 HOLDING DRIVER LICENCE**

**2.24.1** The proprietor of any licensed hackney carriage vehicle is required to hold the hackney carriage driver licence of any person permitted to drive the vehicle. The licence should be retained by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle under his or her proprietorship<sup>20</sup>.

## **2.25 CHANGE OF ADDRESS**

**2.25.1** All hackney carriage proprietors are required to notify the licensing authority in writing of any change of his/her address during the period of the licence within seven days of such change taking place<sup>21</sup>.

## **2.26 CHANGE OF DIRECTORS/PARTNERS**

**2.26.1** Where a hackney carriage vehicle licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

## **2.27 RANKS**

**2.27.1** It is an offence to leave a hackney carriage vehicle unattended on a taxi rank<sup>22</sup>. Hackney carriages can only wait on a rank whilst standing for hire.

**2.27.2** The following hackney carriage stands have been appointed for public hire purposes in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976:

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<sup>20</sup> Section 48 of the Town Police Clauses Act 1847

<sup>21</sup> Section 44 of the Town Police Clauses Act 1847

<sup>22</sup> Section 62 of the Town Police Clauses Act 1847 and *Rodgers v Taylor* [1987] RTR 86

Market Place, Bedale	2 vehicles	24 hours a day
High Street, Northallerton	8 vehicles	24 hours a day
Zetland Street, Northallerton	2 vehicles	24 hours a day
Elder Road, Northallerton	2 vehicles	8pm – 8am
Market Place, Thirsk	3 vehicles	24 hours a day

**2.27.3** The number of vehicles standing at any rank must not exceed the number for which the rank is appointed at any time.

**2.27.4** It is not acceptable to make bookings to pick up from the rank. Ranks are to be used exclusively to stand for public hire – not to pick up bookings and not to park whilst looking for customers. If any member of the public approaches a vehicle on the rank, they are entitled to expect to be offered a public hire service.

## **2.28 METERS**

**2.28.1** The licensing authority requires all hackney carriages to be fitted with a calendar-controlled taxi meter. The meter must be maintained in good working order at all times and must be sealed and calibrated to the correct tariff by an authorised agent.

**2.28.2** All meters must meet any statutory requirements and the accuracy of any meter must be maintained.

**2.28.3** Roof signs should be wired through the meter ensuring that when the meter is activated, the illuminated roof sign is extinguished when the fare commences.

**2.28.4** The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.

## **2.29 FARES**

**2.29.1** The hackney carriage table of fares is set by the Authority and is a maximum fare that can be charged by hackney carriage drivers.

**2.29.2** It is an offence to charge in excess of the council's table of fares for any journey within the district of Hambleton<sup>23</sup>. If the hiring takes the journey outside the district of Hambleton, the driver cannot charge any more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey<sup>24</sup>.

**2.29.3** The table of fares shows the maximum charge and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows<sup>25</sup>.

## **2.30 CALCULATION OF LICENCE FEES**

**2.30.1** The costs associated with vehicle inspections, administration, the provision of hackney carriage stands and the table of fares will be recovered via the licence fees for hackney carriage licences<sup>26</sup>.

<sup>23</sup> Section 58 of the Town Police Clauses Act 1847

<sup>24</sup> Section 66 of the Local Government (Miscellaneous Provisions) Act 1976

<sup>25</sup> Section 54 of the Town Police Clauses Act 1847

**2.30.2** The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.

**2.30.3** The licence fee for each application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.

**2.30.4** Some costs are associated with specific applications and these must be recovered accordingly. For instance, the costs of the hackney carriage stands and the table of fares must be recovered only from hackney carriage vehicle licence fees whereas other costs (such as policy and service development) will apply to all licence fees.

**2.30.5** The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to mechanical tests, insurance etc.

## **2.31 ACCESSIBILITY**

**2.31.1** The licensing authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles<sup>27</sup>. For these purposes, wheelchair accessible means that it would be possible for the user of a “reference wheelchair<sup>28</sup>” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

**2.31.2** The drivers of any designated vehicles must:

- carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
- carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
- provide reasonable assistance to load the passenger’s luggage into or out of the vehicle;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- not make any additional charge<sup>29</sup>;

**2.31.3** Prior to publishing a list of designated wheelchair accessible vehicles, the licensing authority will confirm the designation in writing to each proprietor of any such vehicle.

**2.31.4** The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list<sup>30</sup>. The appeal should be made to the Magistrates’ Court and must be made within 28 days of the vehicle in question being included on the authority’s published list

**2.31.5** Hackney carriages are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability

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<sup>26</sup> Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>27</sup> Section 167 of the Equality Act 2010

<sup>28</sup> As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

<sup>29</sup> Section 165 of the Equality Act 2010

<sup>30</sup> Section 172 of the Equality Act 2010

and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.

**2.31.6** The Authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the Authority considers it important that people with impairments have access to all forms of public transportation.

**2.31.7** The Authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph 2.2 are relaxed for designated wheelchair accessible hackney carriage vehicles.

## **2.32 HORSE DRAWN CARRIAGES**

**2.32.1** Proprietors of horse-drawn carriages will be subject to any hackney carriage vehicle licence conditions excluding those specifically relating to vehicle design.

**2.32.2** A Veterinary Certificate signed by a Veterinary Surgeon stating that each horse is fit to carry out the work required of it shall be submitted to the licensing authority as part of the application process.

**2.32.3** A competent person nominated by the council (and representing the British Driving Society, the British Horse Society, the Heavy Horse Society or other body able to assess the competence of drivers) shall assess and provide a report stating that the driver is competent to drive the carriage as part of the application process.

**2.32.4** The location of the stables in which the horses are normally housed shall be notified to the licensing authority as part of the application process. Access to the stables shall be granted to authorised officers and their advisers at any time.

**2.32.5** Should the council receive a report from the RSPCA, a Veterinary Surgeon or other qualified person that the conditions under which the horses are being kept are not in the interests of the health of the animal and its capacity to pull a carriage, the licence shall be suspended by officers until satisfied that the horses are being kept in a satisfactory manner. The stables must also satisfy the fire safety requirements for stables by Fire & Rescue Service. In the event that the stables do not satisfy these requirements, the licence will be suspended until adequate fire precautions have been made.

**2.32.6** The licence will be granted for a maximum period of 12 months. Special conditions will apply.

**2.32.7** The proprietor/driver shall be limited to routes specified in writing by the licensing authority following appropriate consultation.

# **PART 3: PRIVATE HIRE VEHICLES**

### 3.1 INTRODUCTION

- 3.1.1 Private hire vehicles are licensed to perform pre-booked work only, which is obtained through a private hire operator. Private hire vehicles cannot “ply for hire” or wait on a hackney carriage stand.
- 3.1.2 A vehicle licensed as a private hire vehicle continues to be a private hire vehicle at all times and anyone driving the vehicle needs a private hire driver licence<sup>31</sup>.

### 3.2 VEHICLE SPECIFICATION

- 3.2.1 The licensing authority will generally only grant a licence for a private hire vehicle if:
- It is fit for its purpose, safe and comfortable for its users and any members of the public;
  - It has not been subject to a Category A, B or S insurance write-off;
  - It is less than 5 years old\* in the case of a new application and less than 8 years old\* in the case of a renewal application, subject to the following exceptions:
    - the maximum age will be 10 years\* in respect of vehicles licensed by Hambleton District Council prior to 31<sup>st</sup> December 2019;
    - the maximum age will be 10 years\* in respect of fully electric vehicles;
    - all age restrictions will be disapplied in respect of vehicles designated as wheelchair accessible vehicles for the purposes of paragraph ~~3.23~~ 3.27; and
    - all age restrictions will be disapplied in respect of executive vehicles, stretched limousines and novelty vehicles as defined by paragraph ~~3.24 to 3.27~~ 3.28 to 3.30.

\*Note: The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C).

- ~~• It has at least four doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress);~~
- It has:
  - a front nearside door for the use of persons conveyed in the vehicle;
  - a rear nearside door for the use of persons conveyed in the vehicle;
  - a rear offside door for the use of persons conveyed in the vehicle; and
  - a separate means of ingress and egress for the driver.
- The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through<sup>32</sup>;
- It has nearside and offside exterior rear view mirrors;
- A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheelbrace, unless this requirement has been specifically disapplied by an authorised officer in instances where a manufacturer’s alternative is provided;
- It is equipped with a minimum of four road wheels fitted with manufacturers’ recommended size tyres;
- It has a clean and smart appearance, both externally and internally;
- It is right hand drive;
- It has a permanent roof which is watertight – standard sunroof allowed (i.e., sunroof fitted when new by manufacturer);

<sup>31</sup> *Benson v Boyce* [1997] RTR 226

<sup>32</sup> Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

- It has seating arrangements in accordance with the current Construction and Use Regulations<sup>33</sup> and the manufacturer's specification (unless the modification has been approved via the Voluntary Individual Vehicle Approval (IVA) scheme);
- It has rear seat belts (irrespective of age);
- It has a separate locking luggage area or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturers' recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- It has means for carrying luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- There are sufficient means by which a passenger can communicate with the driver.

### **3.3 PROPRIETORSHIP**

- 3.3.1 A person applying for a private hire vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, he/she must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
- 3.3.2 Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include any person (or company) involved in the keeping, employing or letting for hire the vehicle. Where two or more proprietors are named, a licence will be issued in respect of two or more proprietors.

### **3.4 PROCESS FOR NEW APPLICATIONS**

- 3.4.1 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
  - the appropriate fee; and
  - the vehicle registration document (V5C) in the name of the proprietor/part-proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).
- 3.4.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
  - a current MOT Certificate for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document;
  - proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station);
  - an appropriate engineer's report (only for vehicles subject to a Category C, D or N insurance write-off) verifying the standard of repairs;
  - a satisfactory basic criminal record check from <https://www.gov.uk/request-copy-criminal-record> in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and

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<sup>33</sup> Road Vehicles (Construction and Use) Regulations 1986

- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application).

No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or private hire operator licence issued by Hambleton District Council.

- 3.4.3 If the application meets all criteria laid down in the policy, a licence will normally be granted.
- 3.4.4 The applicant is personally responsible for the collection of the vehicle licence and plates, which will only be issued directly to the applicant or to an alternative representative who has written authorisation from the applicant.
- 3.4.5 If the authorised officer has any concerns about an application for the grant of a private hire vehicle licence, it will be referred to the Licensing and Appeals Hearings Panel for a decision.
- 3.4.6 An appeal against a refusal to grant a private hire vehicle licence lies to the Magistrates' Court<sup>34</sup>. Any appeal must be made within 21 days following notice of a decision.

### 3.5 PROCESS FOR RENEWAL APPLICATIONS

- 3.5.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
- 3.5.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such time as a new application for this vehicle is received and subsequently granted.
- 3.5.3 An application will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
  - the appropriate fee;
- 3.5.4 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
  - ~~a current MOT Certificate;~~
  - proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station); and
  - a satisfactory basic criminal record check from <https://www.gov.uk/request-copy-criminal-record> in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners). This requirement does not apply to any applicant who is already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence or a private hire operator licence issued by Hambleton District Council.

<sup>34</sup> By virtue of section 48 of the Local Government (Miscellaneous Provisions) Act 1976

3.5.5 If the authorised officer has any concerns about an application to renew a licence, it will be referred to the Licensing and Appeals Hearings Panel for a decision.

3.5.6 An appeal against a refusal to renew a private hire vehicle licence lies to the Magistrates' Court<sup>35</sup>. Any appeal must be made within 21 days following notice of a decision.

### **3.6 CONDITIONS**

3.6.1 The licensing authority can impose conditions on a private hire vehicle licence. The conditions outlined in Annex D will be imposed unless the specific circumstances of an application justify a variation.

3.6.2 Any failure to comply may be referred to the Licensing and Appeals Hearings Panel for consideration.

3.6.3 An appeal against conditions attached to a licence lies to the Magistrates' Court<sup>36</sup>. Any appeal must be made within 21 days following notice of a decision.

### **3.7 TRANSFER OF LICENCE**

3.7.1 If a proprietor transfers his/her interest in a vehicle to somebody else he/she must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred.

3.7.2 The new owner may then make an application to transfer the licence into his/her name.

3.7.3 The application must be accompanied by:

- a valid vehicle insurance certificate;
- a satisfactory basic criminal record check from <https://www.gov.uk/request-copy-criminal-record> in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application).

No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver, vehicle or operator licence issued by Hambleton District Council.

3.7.4 The vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being transferred.

### **3.8 PLATES, ROOF SIGNS AND PANELS**

3.8.1 External Plate - an external plate provided by the licensing authority shall be securely fixed at all times on the rear of the vehicle.

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<sup>35</sup> By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

<sup>36</sup> By virtue of section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976

- 3.8.2 Side Panel - one side panel provided by the licensing authority shall be fixed on the upper half of each of the front doors of the vehicle.
- 3.8.3 Internal Plate - the internal plate provided by the licensing authority shall be displayed at all times on the passenger side of the dashboard facing into the vehicle.
- 3.8.4 Complaint Sign – at least two adhesive signs advising passengers how to complain to the licensing authority about any licensed driver, vehicle or operator shall be displayed in a position that can be easily read by passengers from the front and rear of the vehicle.
- 3.8.5 The licensing authority must be informed in writing should one of the licence plates or side panels become lost, stolen, damaged or defaced. The damaged or defaced plate/panel must be submitted immediately to the licensing authority along with a report of the damage and a request to replace the plate/panel.
- 3.8.6 The licence plates and side panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate<sup>37</sup>.

### **3.9 SIGNAGE AND ADVERTISING**

- 3.9.1 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except:
- the registration plate;
  - the internal licence plate as issued by Hambleton District Council;
  - any sign required by statute or subordinate legislation;
  - any sign indicating membership of a national motoring organisation;
  - any sign requesting passengers not to smoke; and
  - any sign specifically approved by an authorised officer.
- 3.9.2 At no time will the word "taxi" or "cab" or "for hire" or any word or words of similar meaning or appearances, whether alone or as part of another word be displayed on or in the vehicle.
- 3.9.3 The proprietor of a licensed private hire vehicle may apply to display any signage on the vehicle by submitting a written request to the licensing authority along with a full-colour copy of the proposed signage or advertisement.
- 3.9.4 Each request will be considered on its individual merits, but advertisements will not be approved if they:
- contain political, ethnic, religious, sexual or controversial texts;
  - display nude or semi-nude figures;
  - advertise tobacco products;
  - are likely to offend public taste;
  - depict or refer to indecency or obscenity;
  - use obscene or distasteful language;
  - depict men, women or children as sex objects;

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<sup>37</sup> Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

- depict direct and immediate violence to anyone shown in the advertisement or advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities;
- are proposed to be displayed on any of the windows of the vehicle.

3.9.5 Irrespective of any consent which may have been given by the licensing authority, it remains the responsibility of the proprietor to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority.

### **3.10 MECHANICAL INSPECTIONS**

3.10.1 Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.

3.10.2 When an application is submitted, the applicant will be issued with a test paper (attached at Annex K) showing a list of checks that are required to be carried out, the standards for which are shown on the reverse of the paper.

3.10.3 Before a licence is issued, the vehicle, along with the test paper, must be presented to a Hambleton-based VOSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the licensing authority.

3.10.4 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.

3.10.5 If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed and the examiner will be asked to contact the licensing authority immediately.

3.10.6 No licence application will be granted unless the applicant can produce a valid Test Paper signed by a vehicle examiner of a VOSA-accredited garage to confirm that the vehicle has passed its test.

3.10.7 In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test must be carried out no less than 5 months into the licensing period and no more than 7 months into the licensing period. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.

3.10.8 An authorised officer may require any vehicle to be presented for inspection at any time. It is an offence to fail to attend for inspection as requested<sup>38</sup>. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

### **3.11 INSURANCE**

3.11.1 All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for private hire purposes is kept in force in respect of any private hire vehicle and in relation to its use by any drivers employed by the proprietor.

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<sup>38</sup> Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

3.11.2 On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, the holder of this licence shall within seven days of such request produce it to the licensing authority at the offices of the council<sup>39</sup>.

### **3.12 CRIMINAL RECORD CHECK (DBS)**

3.12.1 Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All proprietors are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that proprietors pose no threat to the public and have no links to serious criminal activity.

3.12.2 In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.

3.12.3 Basic DBS disclosures will not be required for any proprietors who are already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence or a private hire operator licence issued by Hambleton District Council.

3.12.4 The council's DBS Handling Policy is attached at Annex H to this policy.

### **3.13 CERTIFICATE OF GOOD CONDUCT**

3.13.1 If an applicant (including any director or partner of a company or partnership) has lived overseas in the 10-year period leading up to the date of application, he/she must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here:  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

### **3.14 VEHICLE DAMAGE**

3.14.1 Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence<sup>40</sup>.

3.14.2 If any damage is considered by the authorised officer to be extensive enough to affect the safety or general appearance of the vehicle, a notice of suspension will be issued.

3.14.3 Vehicles subject to a Category A, B or S insurance write-off will not be licensed as private hire vehicles.

3.14.4 Vehicles subject to a Category C, D or N insurance write-off may be licensed as private hire vehicles provided the applicant or proprietor has provided an appropriate

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<sup>39</sup> Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>40</sup> Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

engineer's report (approved by an authorised officer of the council) verifying the standard of repairs.

### **3.15 DUAL PLATING**

**3.15.1** No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocations).

### **3.16 MECHANICAL BREAKDOWN**

**3.16.1** If, during a hiring, any vehicle becomes unfit to complete a journey:

- The driver shall be entitled to demand the fare for the distance already travelled;
- The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes;
- If the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed; and
- Any such incident must be reported to the licensing authority within one working day.

### **3.17 COMPLAINTS**

**3.17.1** The proprietor of any private hire vehicle who receives a complaint concerning the driver's conduct or about the vehicle's fitness, appearance, safety or fare levied shall inform the licensing authority, in writing, within 72 hours of the receipt of such a complaint.

### **3.18 CONVICTIONS AND OTHER SANCTIONS**

**3.18.1** The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within ~~seven days~~ 48 hours, disclose to the licensing authority in writing the details of any **arrest, criminal charge or conviction** imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). ~~Convictions include all motoring offences and fixed penalty endorsements.~~ **The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.**

**3.18.2** Any failure to comply may raise doubts as to the proprietor's suitability to hold a licence, in which case, the matter may be referred to the Licensing and Appeals Hearings Panel for consideration

### **3.19 SAFETY EQUIPMENT**

**3.19.1** There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances for use in an emergency.

### **3.20 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS**

**3.20.1** If the installation and maintenance of a liquefied petroleum gas fuel system (hereinafter referred to as an “LPG System”) or other secondary fuel system (hereinafter referred to as “an alternative fuel system”) is required in addition to the existing primary fuel system fitted to the vehicle, 21 days’ written notice of such requirement shall be given to the licensing authority.

### **3.21 CCTV**

**3.21.1** Subject to the exception in paragraph 3.21.2, no CCTV system shall be installed in a private hire vehicle unless it has previously been authorised in writing by the licensing authority. If authorisation is obtained, the proprietor will be required to ensure compliance with all licence conditions relating to CCTV.

**3.21.2** No authorisation is required for the installation of external-facing cameras used for the purposes of recording accidents or incidents outside the vehicle (e.g. dashcams) provided the system does not record audio or images of any interior parts of the vehicle in which passengers may be seated.

**3.21.3** The council’s policy in relation to the use of CCTV in licensed vehicles is attached at Annex I.

### **3.22 TRAILERS**

**3.22.1** No licensed vehicle may tow any trailer unless permission has been granted by the licensing authority and a further licence plate has subsequently been issued. No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.

**3.22.2** The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.

**3.22.3** The contents of such trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects.

### **3.23 SMOKING**

**3.23.1** All private hire vehicles are required to be smoke free at all times and ‘No smoking’ signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

### **3.24 CHANGE OF ADDRESS**

**3.24.1** All private hire vehicle proprietors are required to notify the licensing authority in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

### **3.25 CHANGE OF DIRECTORS/PARTNERS**

3.25.1 Where a private hire vehicle licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

### **3.26 CALCULATION OF LICENCE FEES**

3.26.1 The costs associated with vehicle inspections and administration will be recovered via the licence fees for private hire vehicle licences<sup>41</sup>.

3.26.2 The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.

3.26.3 The licence fee for each application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.

3.26.4 Some costs are associated with specific applications and these must be recovered accordingly. For instance, the costs of hackney carriage stands and the table of fares cannot be recovered from private hire vehicle licence fees whereas other costs (such as policy and service development) will apply to all licence fees.

3.26.5 The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to mechanical tests, insurance etc.

### **3.27 ACCESSIBILITY**

3.27.1 The licensing authority may maintain a list of designated wheelchair accessible hackney carriage and private hire vehicles<sup>42</sup>. For these purposes, wheelchair accessible means that it would be possible for the user of a "reference wheelchair"<sup>43</sup> to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

3.27.2 When a list of designated wheelchair accessible vehicles is kept, the drivers of any designated vehicles must:

- carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
- carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
- provide reasonable assistance to load the passenger's luggage into or out of the vehicle;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- not make any additional charge<sup>44</sup>

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<sup>41</sup> Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>42</sup> Section 167 of the Equality Act 2010

<sup>43</sup> As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

<sup>44</sup> Section 165 of the Equality Act 2010

**3.27.3** Prior to publishing a list of designated wheelchair accessible vehicles, the licensing authority will confirm the designation in writing to each proprietor of any such vehicle.

**3.27.4** The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list<sup>45</sup>. The appeal should be made to the Magistrates' Court and must be made within 28 days of the vehicle in question being included on the authority's published list.

**3.27.5** Private hire vehicles are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.

**3.27.6** The Authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the Authority considers it important that people with impairments have access to all forms of public transportation.

**3.27.7** The Authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph 3.2 are relaxed for designated wheelchair accessible private hire vehicles.

### **3.28 EXECUTIVE VEHICLES**

**3.28.1** An executive vehicle, limousine or other novelty vehicle is, in essence, a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below.

**3.28.2** There is no legal definition of executive vehicle. However, there is common acceptance that an executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. A classic car could be an executive vehicle. Vehicles qualifying for executive status must be of a high-end vehicle specification.

**3.28.3** Executive vehicles usually place more emphasis on comfort, appearance, and amenities such as technological upgrades and higher quality materials than on performance, economy, or utility. They are often built in smaller numbers than more affordable mass-market vehicles. Luxury vehicles are historically 5 or 6 passenger four-door saloons. The term was coined in the 1960s to describe cars targeted at successful professionals and middle to senior managers, often as a company car but retaining enough performance and comfort to be desirable in their own right.

**3.28.4** Executive cars could be luxury versions of family saloons; at the higher end, they are often larger models by mainstream manufacturers or the entry-level models by companies specialising in larger luxury vehicles.

**3.28.5** Proprietors of companies wishing to license such vehicles would not normally be mainstream private hire companies but would be offering chauffeur driven contracts, airports runs and other similar services where the driver would be expected to observe a strict dress code. Chauffeur driven contracts for the undertaking of a journey in an executive vehicle would generally be made by way of a written contract.

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<sup>45</sup> Section 172 of the Equality Act 2010

### **3.29 STRETCHED LIMOUSINES**

**3.29.1** For the purposes of this policy, a stretched limousine is regarded as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches [3048 millimetres]. The vehicle shall be capable of carrying up to, but not exceeding eight passengers. Each passenger seating area will be at least 400mm wide.

### **3.30 NOVELTY VEHICLES**

**3.30.1** For the purposes of this policy, a novelty vehicle is defined as follows:-

- a vehicle that has been specially constructed, adapted or converted by a low volume specialist vehicle manufacture or modifier;
- a vehicle that has been specially modified from its original design or specification;
- a vehicle that is capable of carrying up to but not exceeding 8 passengers;
- a vehicle that is intended for the carriage of fare paying passengers that, prior to the introduction of this policy, would not be licensed by the Authority as a private hire vehicle because they did not comply with one or more of the standard conditions relating to private hire vehicles; and
- Any vehicle that, in the opinion of an authorised officer, because of its specialist design/styling or origin, requires to be classed as a novelty vehicle.

### **3.31 EXEMPTIONS AND STANDARDS FOR EXECUTIVE/NOVELTY VEHICLES**

**3.31.1** It would be expected that a contract for the hire of an executive vehicle, stretched limousine or other novelty vehicle would normally be in place no less than 24 hours prior to the commencement of the journey. The vehicles would not be used to undertake standard private hire work.

**3.31.2** There are no age restrictions relating to executive vehicles, stretched limousines and other novelty vehicles but all such vehicles must meet the council's exceptionally well-maintained criteria (Annex J).

**3.31.3** The licensing authority has the power to disapply the general requirement to display a licence plate where the circumstances justify it<sup>46</sup>. Accordingly, an authorised officer may give an exemption notice to the proprietor of an executive vehicle, stretched limousine or other novelty vehicle. In these instances, the notice and the licence plate must be kept inside the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The notice and the plate must be made available for inspection to a police officer or authorised officer of the council upon request.

**3.31.4** Whilst driving an executive vehicle, stretched limousine or other novelty vehicle in accordance with an exemption in **paragraph 3.31.3**, the driver of the vehicle will also be exempt from the general requirement to wear his/her driver badge. In these instances, the badge must be kept inside the vehicle at all times whilst the driver is using the vehicle for private hire purposes and it must be made available for inspection to any passenger, police officer or authorised officer of the council upon request.

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<sup>46</sup> Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976

**PART 4:  
HACKNEY CARRIAGE  
AND PRIVATE HIRE  
DRIVERS**

## 4.1 INTRODUCTION

4.1.1 The licensing authority issues driver licences in respect of:

- hackney carriage drivers;
- private hire drivers; and
- combined hackney carriage and private hire drivers.

4.1.2 The licensing authority must be satisfied that every licensed driver of a hackney carriage or private hire vehicle is a fit and proper person to hold a licence.

4.1.3 The licensing regime should therefore ensure that licensed hackney carriage and private hire drivers are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers<sup>47</sup>.

4.1.4 There is no judicially approved test of fitness and propriety but one which has developed over time is: "Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"<sup>48</sup> If the answer to the question is an unqualified 'yes', the test is satisfied. If there are doubts, further consideration will be given as to whether or not the individual is a fit and proper person to hold a hackney carriage and/or a private hire driver licence.

4.1.5 When establishing whether or not an individual is a fit and proper person, the licensing authority will consider the relevance of any criminal convictions (see Annex A) and it may take into account any other relevant information relating to:-

- the applicant's character;
- the applicant's experience as an employed driver or hackney carriage or private hire driver;
- the applicant's criminal record;
- the applicant's driving ability;
- the applicant's knowledge of spoken/written English, the locality and rules governing licensees;
- the applicant's medical condition;
- any other matter that the licensing authority considers relevant.

4.1.6 In determining suitability, the licensing authority is entitled to take into account all matters concerning an applicant or licensee. It is not simply concerned with the individual's behaviour whilst working in a hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

4.1.7 The assessment as to whether or not a person is a fit and proper person to hold a licence requires a much broader approach to the mere consideration of any alleged misconduct at any given time. The assessment requires a prospective consideration of any action that may be warranted in the public interest, having regard to the impact of the licence holder's character on passengers and other members of the public.

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<sup>47</sup> *McCool v Rushcliffe Borough Council* [1998] 3 All E.R. 889

<sup>48</sup> *Button on Taxis Licensing Law and Practice Third Edition* (page 389) – James Button

## 4.2 PROCESS FOR NEW APPLICATIONS

4.2.1 An application will not be processed unless the licensing authority is in receipt of:

- a fully completed application form;
- the appropriate fee;
- the applicant's full driving licence issued by the DVLA (or a full driving licence issued by an EEA state);
- a digital photograph of the applicant, taken by a member of the licensing authority;
- prescribed documentation to confirm that the applicant has a right to work in the UK (see Annex L).

4.2.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- an enhanced criminal record check from the Disclosure and Barring Service (see paragraph 4.12) - if the licence has not been determined within four months of the issue date shown on the disclosure certificate, a further criminal record check must be obtained;
- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application);
- a certificate to confirm that the applicant has passed a practical driving assessment approved by an authorised officer (a standard assessment is acceptable for most drivers but anyone wishing to drive wheelchair accessible vehicles must undergo a suitable enhanced/upgrade assessment);
- a medical assessment as detailed in paragraph 4.7 (the assessment must have been carried out no more than one month prior to the date of application – furthermore, if the licence has not been determined within four months of the date shown on the medical assessment, a further assessment must be obtained);
- a certificate to confirm that the applicant has undertaken appropriate safeguarding training in the last three years (to be approved by an authorised officer as detailed in paragraph 4.8);
- a certificate to confirm that the applicant has undertaken appropriate customer care training (with an element of disability awareness) approved by the licensing authority; and
- a record of passing a written test delivered by Hambleton District Council on the applicant's knowledge of the locality and the rules governing licensees.

4.2.3 An appeal against a refusal to grant a hackney carriage or private hire driver licence lies to the Magistrates' Court<sup>49</sup>. Any appeal must be made within 21 days following notice of a decision.

## 4.3 PROCESS FOR RENEWAL APPLICATIONS

4.3.1 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the driver will cease to be a licensed driver until such a time as a new application is received and subsequently granted.

4.3.2 An application will not be processed unless the licensing authority is in receipt of a fully completed application form and the appropriate fee.

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<sup>49</sup> By virtue of section 59(2) and section 52 of the Local Government (Miscellaneous Provisions) Act 1976 respectively

4.3.3 An appeal against a refusal to renew a hackney carriage and/or private hire driver licence lies to the Magistrates' Court<sup>50</sup>. Any appeal must be made within 21 days following notice of a decision.

#### **4.4 DURATION**

4.4.1 All hackney carriage and private hire driver licences will expire three years from the date of the grant of the licence. A licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy<sup>51</sup>.

#### **4.5 CONDITIONS**

4.5.1 The licensing authority can impose conditions on any private hire driver licence (see Annex B for standard conditions) and all hackney carriage drivers are subject to the Hackney Carriage Byelaws (see Annex F).

4.5.2 An appeal against conditions attached to a driver's licence lies to the Magistrates' Court<sup>52</sup>. Any appeal must be made within 21 days following notice of a decision.

#### **4.6 DVLA DRIVING LICENCE**

4.6.1 An applicant for a hackney carriage or private hire driver licence must have held a driving licence for at least 12 months. Full driving licences issued by EEA states are acceptable<sup>53</sup>.

4.6.2 All applicants are required to provide a DVLA check code (obtained via <https://www.gov.uk/check-driving-information> or by calling 0300 083 0013) to allow the licensing authority to view the applicant's driving record. The code must be provided on application and at 12-month intervals thereafter.

#### **4.7 MEDICALS**

4.7.1 The licensing authority considers it appropriate for hackney carriage and private hire drivers to have more stringent medical standards than those applicable to normal car drivers because they:

- carry members of the general public who have expectations of a safe journey;
- are on the road for longer hours than most car drivers; and
- may have to assist disabled passengers and handle luggage.

4.7.2 All medical assessments are to be to the standard of the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers.

4.7.3 A medical form obtained from Hambleton District Council must be completed by the applicant's GP or by another doctor with access to the applicant's medical history.

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<sup>50</sup> By virtue of section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>51</sup> Section 53(1) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(2) of the Deregulation Act 2015

<sup>52</sup> By virtue of section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>53</sup> Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as amended by the Driving Licences (Community Driving Licence) Regulations 1996

4.7.4 Further medical assessments are required:

- every three years until the applicant has attained the age of 65 years<sup>54</sup>; and
- annually once the applicant has attained the age of 65 years<sup>55</sup>.

4.7.5 The driver shall notify the licensing authority in writing as soon as practicable and in any event within seven days of his/her becoming aware of any medical condition suffered by him/her which may affect his/her ability to drive and operate a hackney carriage/private hire vehicle.

## 4.8 SAFEGUARDING TRAINING

4.8.1 The hackney carriage and private hire industry can play an important role in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. However, this is only the case if licensed drivers are aware of (and alert to) the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

4.8.2 Licensed drivers are required to undertake safeguarding training in order to help:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

4.8.3 No licence will be granted to any new applicant unless a certificate has been produced to the licensing authority confirming that the applicant has undertaken appropriate training as approved by an authorised officer.

4.8.4 Appropriate training must be undertaken by all licensed drivers by no later than 31<sup>st</sup> March 2019 and every three years thereafter. Failure to comply may bring into question the licence holder's status as a fit and proper person.

## 4.9 CUSTOMER CARE

4.9.1 All drivers are required to undergo customer care training within 12 months of prior to being granted a licence to drive hackney carriages and/or private hire vehicles. Failure to comply may bring into question the licence holder's status as a fit and proper person.

~~4.9.2~~ The customer care course must include an element of disability awareness and equality.

## 4.10 DUTY TO CARRY PASSENGERS IN WHEELCHAIRS

4.10.1 The licensing authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles<sup>56</sup> (see paragraph ~~2.28~~ 2.31 for hackney carriage vehicles and paragraph ~~3.23~~ 3.27 for private hire vehicles).

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<sup>54</sup> In line with DfT Best Practice Guidance

<sup>55</sup> In line with the Group 2 medical standards applied by DVLA

4.10.2 The driver of any designated vehicle must:

- carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
- carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
- provide reasonable assistance to load the passenger's luggage into or out of the vehicle;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- not make any additional charge<sup>57</sup>.

4.10.3 The licensing authority may exempt drivers from the duties to assist passengers in wheelchairs if it is satisfied that it is appropriate to do so on medical or physical grounds<sup>58</sup>.

4.10.4 Any person wishing to apply for an exemption certificate must make a request in writing and should provide evidence in the form of a letter or report from a general practitioner.

4.10.5 Where a driver has been exempted from these duties, they must display at all times the exemption notice in the designated vehicle they are driving.

#### **4.11 DUTY TO CARRY ASSISTANCE DOGS**

4.11.1 Guide dogs are working animals (not pets) and their owners rely on them for both independence and mobility. Guide dogs have up to two years of intensive training and are monitored closely throughout their working lives. In addition, guide dog owners are given training on how to maintain the extremely high standards of grooming which the dogs require, and the dogs are regularly checked by vets. In terms of travel, guide dogs are trained to sit at their owner's feet at all times, not to bother other people and not to climb on seats.

4.11.2 Licensed hackney carriage drivers are under a duty to carry guide, hearing and other assistance dogs in their taxis without additional charge<sup>59</sup>. Similar rules apply to drivers and operators of private hire vehicles<sup>60</sup>.

4.11.3 Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption from this duty on medical grounds. A notice of any exemption granted by the licensing authority must be displayed in the vehicle while the exempted driver is using it.

4.11.4 If any other driver fails to comply with these duties, they will be guilty of a criminal offence and, on conviction, will be liable to a fine of up to £1,000 (level 3 on the standard scale).

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<sup>56</sup> Section 167 of the Equality Act 2010

<sup>57</sup> Section 165 of the Equality Act 2010

<sup>58</sup> Section 166 of the Equality Act 2010

<sup>59</sup> Section 168 of the Equality Act 2010

<sup>60</sup> Section 170 of the Equality Act 2010

## **4.12 CRIMINAL RECORD CHECK (DBS)**

- 4.12.1 A criminal record check is an important safety measure, particularly for those working closely with children and the vulnerable. Drivers are subject to an Enhanced Disclosure through the Disclosure and Barring Service (DBS).
- 4.12.2 The licensing authority requires criminal record checks to be carried out every ~~three years~~ **six months** and therefore ~~new disclosures will, in many cases, be obtained during each application process. In all other circumstances, licensed drivers must ensure that a new disclosure certificate is provided to the licensing authority before the previous version becomes three years old. Failure to do so~~ **Any licensed driver's failure to obtain a criminal record check as required** will generally result in the licence being suspended or revoked.
- 4.12.3 DBS checks are carried out by North Yorkshire County Council on behalf of Hambleton District Council. Applicants can make an application online but they must verify their identity with the licensing authority before the application can be processed. Further information is available on the council's website or upon request.
- 4.12.4 The disclosure may include details of spent and unspent convictions, cautions, reprimands, final warnings and any other information held in police records that is considered relevant by the police (e.g. details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations).
- 4.12.5 The council's DBS Handling Policy is attached at Annex H to this policy.

## **4.13 DBS UPDATE SERVICE**

- 4.13.1 The DBS Update service allows applicants to subscribe to a premium service in order for their DBS Certificate to be kept up to date. More information is available via [www.gov.uk/dbs](http://www.gov.uk/dbs).
- 4.13.2 Once subscribed, applicants will be able to give prospective employers (within the same workforce) or Licensing Authorities permission to access a web portal, which allows a check to be carried out as to whether or not there have been any changes to the data listed on the most recent disclosure certificate.
- 4.13.3 If there is no change to the data, the licensing authority can make a decision based on the information contained on the existing disclosure certificate. If, however, the web portal indicates a change to the data, a new certificate would need to be obtained.
- 4.13.4 All licensed drivers must evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months.

## **4.14 CERTIFICATE OF GOOD CONDUCT**

- 4.14.1 If an applicant has lived overseas in the 10-year period leading up to the date of application, he/she must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here:

#### **4.15 SMOKING**

**4.15.1** Legislation was introduced in August 2007<sup>61</sup> to prevent smoking in the workplace. A licensed vehicle is deemed to be a workplace and as such drivers must not smoke in any licensed vehicle and must not permit passengers to smoke whilst being carried in the vehicle. Failure to comply with this may lead to a criminal prosecution, fixed penalty and/or a referral to the Licensing Committee.

#### **4.16 DISPLAY OF BADGES**

**4.16.1** One driver's badge issued by the licensing authority shall be displayed on the driver's person at all times when the vehicle is available for hire so that it is visible. A second badge issued by the licensing authority shall be prominently displayed at all times in a position visible to passengers in the front and rear passenger seats.

#### **4.17 DEPOSIT OF LICENCE**

**4.17.1** All hackney carriage drivers and combined hackney carriage/private hire drivers are required to deposit their licence with the proprietor of the vehicle being driven. The licence should be retained by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle under his or her proprietorship<sup>62</sup>. This requirement only applies where the driver and the proprietor are not the same person.

#### **4.18 RETURN OF BADGE**

**4.18.1** The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the licensing authority the driver's badges issued to him/her by the licensing authority when granting this licence.

#### **4.19 DRESS CODE**

**4.19.1** Whilst the Authority does not wish to impose a dress code by way of conditions to any licence, it expects a high standard will be maintained at all times. Licensed drivers will be expected to dress appropriately and to pay particular attention to their personal hygiene.

#### **4.20 DRIVER CONDUCT**

**4.20.1** All licensed drivers are expected to:

- comply with all licence conditions, byelaws and the requirements in this policy;
- drive with care and due consideration for other road users and pedestrians; and
- not consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.

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<sup>61</sup> Health Act 2006

<sup>62</sup> Section 48 of the Town Police Clauses Act 1847

- 4.20.2** Licensed drivers are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way.
- 4.20.3** Under no circumstances should licensed drivers take the law into their own hands.
- 4.20.4** Drivers are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 4.20.5** Licensed drivers are expected to work cooperatively with officers of the licensing authority and North Yorkshire Police. Any failure to behave in a civil and respectful manner towards officers who are carrying out their duties may raise serious concerns over a driver's suitability to act as a hackney carriage and/or private hire driver.
- 4.20.6** Licensed drivers must not have sexual relationships with passengers or attempt to engage in a relationship with a passenger. Similarly, licensed drivers must not have any form of communication with a passenger which could be regarded as sexually suggestive.
- 4.20.7** Any failure to comply may raise doubts as to the driver's status as a fit and proper person, in which case, the matter may be referred to the Licensing and Appeals Hearings Panel for consideration.
- 4.20.8** A hearing of the Panel can take a number of weeks to arrange and therefore the licensing authority has made alternative arrangements for the consideration of urgent matters in the interests of public safety. Where the relevant officer is satisfied that there is an immediate risk to public safety and an immediate revocation might be considered appropriate, the matter may be referred to a senior officer for urgent review.
- 4.20.9** Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to revoke or refuse to renew a hackney carriage and private hire driver's licence for any reasonable cause and the power can be given immediate effect in the interests of public safety. This applies to decisions made by the Licensing and Appeals Hearings Panel and/or by a senior officer with delegated powers.

## **4.21 CONVICTIONS AND OTHER SANCTIONS**

- 4.21.1** Any licensed driver must at the earliest opportunity, and in any case, within **48 hours** ~~seven days~~, disclose to the licensing authority in writing the details of any arrest, criminal charge or conviction imposed upon him or her. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.
- 4.21.2** Any failure to disclose such information may raise doubts over the driver's honesty and suitability to hold a licence, regardless of the outcome. Any failure to comply may be referred to the Licensing and Appeals Hearings Panel for consideration.

## **4.22 SEAT BELTS**

- 4.22.1** The law relating to the use of seatbelts differs slightly in connection with private hire and hackney carriage vehicles.

**4.22.2** A private hire driver is required to wear a seat belt when he/she is not carrying passengers.

**4.22.3** There is no legal requirement for a driver to wear a seat belt whilst using a licensed hackney carriage vehicle for public hire purposes, provided the vehicle is displaying the correct plates and signage etc.

**4.22.4** Although exemptions apply to both hackney carriage and private hire drivers at certain times, all drivers are advised to wear a seat belt even when there is no legal obligation to do so.

**4.22.5** It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

#### **4.23 METERS & FARES (HACKNEY CARRIAGE)**

**4.23.1** The licensing authority requires all hackney carriages to be fitted with a calendar-controlled taxi meter (see paragraph ~~2.25~~ **2.28**).

**4.23.2** The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.

**4.23.3** The driver cannot charge in excess of the council's table of fares for any journey within the district of Hambleton. If the hiring takes the journey outside the district of Hambleton, the driver cannot charge any more than the table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

**4.23.4** The table of fares represents the maximum charge but drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

#### **4.24 CHANGE OF ADDRESS**

**4.24.1** All licensed drivers are required to notify the licensing authority in writing of any change of their address during the period of the licence within seven days of such change taking place.

#### **4.25 CALCULATION OF LICENCE FEES**

**4.25.1** The costs associated with the issue and administration of hackney carriage and private hire driver licences can be recovered via the licence fee<sup>63</sup>.

**4.25.2** The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.

**4.25.3** The licence fee for each application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.

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<sup>63</sup> Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976

**4.25.4** Some costs are associated with specific applications and these must be recovered accordingly. For instance, the costs of the hackney carriage stands and the table of fares must be recovered only from hackney carriage vehicle licence fees whereas other costs (such as policy and service development) will apply to all licence fees.

**4.25.5** The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to criminal record checks, medicals or knowledge tests.

#### **4.26 NATIONAL REGISTER OF REFUSALS AND REVOCATIONS (NR3)**

**4.26.1** A National Register of Taxi Licence Refusals and Revocations (NR3) is held allowing all licensing authorities to record details of where a hackney carriage or private hire driver licence has been refused or revoked. This enables licensing authorities to gather vital intelligence about an applicant's past behaviour.

**4.26.2** Hambleton District Council provides information for the national register and carries out searches of NR3 in order to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

**4.26.3** Where a driver licence is revoked, or an application is refused, the council will record this decision on NR3.

**4.26.4** Hambleton District Council will conduct a search of the register for all applicants and further details will be sought from the relevant authority if any information is recorded.

**4.26.5** Any request from another authority for information held by Hambleton District Council will be considered on its own merits, taking into account the data subject's rights and the responsibilities of a taxi driver. A record of every decision in this regard will be made to detail:

- the date of the request;
- the name(s) searched;
- whether any information was provided;
- if information was provided, why it was provided;
- if information was not provided, why it was not provided; and
- how and when the decision (and any information) was communicated to the requesting authority.

# **PART 5: PRIVATE HIRE OPERATORS**

## 5.1 INTRODUCTION

5.1.1 A private hire vehicle can only be despatched to a customer by a licensed private hire operator.

5.1.2 Although private hire operators will not necessarily drive members of the public, they will be in possession of information about the whereabouts of some members of the public and therefore the licensing authority must be satisfied that every private hire operator is a fit and proper person to hold a licence.

5.1.3 When establishing whether or not an individual is a fit and proper person, the licensing authority will consider the relevance of any criminal convictions and it may take into account any other relevant information relating to:-

- the applicant's character;
- the applicant's experience as a private hire operator;
- the applicant's criminal record;
- the applicant's knowledge of spoken/written English, the locality and rules governing licensees; and
- any other matter that the licensing authority considers relevant.

5.1.4 In instances where the private hire operator is a company or partnership, the licensing authority will apply the 'fit and proper' test to each of the directors or partners in that company or partnership.

## 5.2 PROCESS FOR NEW APPLICATIONS

5.2.1 Applications will not be processed by the licensing authority unless it is in receipt of:

- a fully completed application form; and
- the appropriate fee;

5.2.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- A copy of the private hire operator's policy on employing ex-offenders involved with taking bookings and dispatching vehicles;
- a satisfactory basic criminal record check from <https://www.gov.uk/request-copy-criminal-record> in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
- a certificate of good conduct (only if the applicant, including any director or partner, has lived overseas in the 10 year period leading up to the date of application).

No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or vehicle licence issued by Hambleton District Council.

5.2.3 An appeal against a refusal to grant a private hire operator licence lies to the Magistrates' Court<sup>64</sup>. Any appeal must be made within 21 days following notice of a decision.

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<sup>64</sup> By virtue of section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976

### **5.3 PROCESS FOR RENEWAL APPLICATIONS**

- 5.3.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
- 5.3.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the operator licence will cease to have effect until such a time as a new application is received and subsequently granted.
- 5.3.3 All renewal applications must be accompanied by the appropriate fee.

5.3.4 A licence will not be renewed unless, in addition to the above, the licensing authority is in receipt of a satisfactory basic criminal record check in respect of all individual applicants or, in the case of a company or partnership, any director or partner. A criminal record check will not be required for any applicant who is already regarded as a fit and proper person, evidenced by his or her possession of a hackney carriage/private hire driver licence issued by Hambleton District Council.

### **5.4 DURATION**

- 5.4.1 All private hire operator licences will expire five years from the date of the grant of the licence. A licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy<sup>65</sup>.

### **5.5 CRIMINAL RECORD CHECK (DBS)**

5.5.1 Although private hire operators may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All operators are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that operators pose no threat to the public and have no links to serious criminal activity.

5.5.2 In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.

5.5.3 Basic DBS disclosures will not be required for any operators who have already been deemed suitable, evidenced by their possession of a hackney carriage/private hire driver or vehicle licence issued by Hambleton District Council.

5.5.4 The council's DBS Handling Policy is attached at Annex H to this policy.

### **5.6 CERTIFICATE OF GOOD CONDUCT**

5.6.1 If an applicant (including any director or partner of a company or partnership) has lived overseas in the 10-year period leading up to the date of application, he/she must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

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<sup>65</sup> Section 55(2) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(3) of the Deregulation Act 2015

## 5.7 CONVICTIONS AND OTHER SANCTIONS

5.7.1 Any licensed private hire operator (including any directors or partners where applicable) must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge or conviction imposed upon him or her. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.

5.7.2 Any failure to comply may raise doubts as to the operator's status as a fit and proper person, in which case, the matter may be referred to the Licensing and Appeals Hearings Panel for consideration.

## 5.8 BOOKING AND DISPATCH STAFF

5.8.1 Individuals responsible for taking bookings and dispatching vehicles on behalf of a private hire operator do not require a licence. However, the private hire operator must be satisfied that any such individual will not present an undue risk to the public.

5.8.2 Private hire operators must formulate a policy on assessing the suitability of any person taking bookings and dispatching vehicles on their behalf prior to undertaking any such role. The policy must:

- require all booking and dispatch staff to provide a basic DBS disclosure from <https://www.gov.uk/request-copy-criminal-record> (this requirement will not apply to any staff members who have already been deemed suitable, evidenced by their possession of a hackney carriage/private hire driver or vehicle licence issued by Hambleton District Council); and
- outline the standards against which any prospective employee will be considered in relation to criminal convictions.

5.8.3 In assessing the suitability of booking and dispatch staff, the private hire operator must have sight of, and have regard to a basic DBS disclosure that is no more than three months old at the time of the assessment.

5.8.4 A record of any suitability assessments must be kept and maintained in a register of all staff responsible for taking bookings and/or dispatching vehicles. The register should contain as a minimum:

- the name and address of each member of booking and dispatch staff;
- a record of the private hire operator's most recent suitability assessment for each member of staff; and
- the certificate number and issue date of the basic DBS disclosure that was considered.

5.8.5 A template policy, along with a template assessment form, has been provided at Annex M to assist private hire operators with compliance. The templates have been produced only as a guide and therefore operators are not obligated to adopt these documents in their existing state. Ultimately, it is the operator's responsibility to set and uphold appropriate standards in relation to staff undertaking booking and dispatch duties.

5.8.6 If a private hire operator fails to adopt an appropriate policy, assess the suitability of staff and maintain a register in accordance with the licence conditions, it may raise serious doubts about their suitability to hold a licence, in which case, the matter may be referred to the Licensing and Appeals Hearings Panel for consideration.

## **5.9 CHANGE OF DIRECTORS/PARTNERS**

**5.9.1** Where a private hire operator licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

## **5.10 CALCULATION OF LICENCE FEES**

**5.10.1** The costs associated with private hire operator licences will be recovered via the licence fees<sup>66</sup>.

**5.10.2** The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.

**5.10.3** The licence fee for each application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.

**5.10.4** The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to criminal record checks, insurance etc.

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<sup>66</sup> Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

# **PART 6: ENFORCEMENT**

## **6.1 INTRODUCTION**

- 6.1.1 This policy sets out the standards and guidance that will be applied by the licensing authority when acting in its role as regulator and enforcement agency for hackney carriage and private hire licensing in respect of drivers, proprietors and operators in the district of Hambleton.
- 6.1.2 The policy applies to enforcement and regulation affecting businesses and members of the public.

## **6.2 OVERALL AIM OF THE ENFORCEMENT POLICY**

- 6.2.1 The aim of the licensing authority is to undertake its regulatory and enforcement role in a fair, open and consistent manner. In doing this it will act in accordance with the guidance and standards set out in this policy.

In particular, the licensing authority will:

- Consult with parties subject to regulation and enforcement by the licensing authority about the standards it sets in undertaking this role;
  - Work with individuals and businesses to assist them in complying with their legal duties and obligations;
  - Ensure its staff are appropriately trained and apply the policy and standards professionally and consistently;
  - Make information about the policy and the standards widely available to the public and businesses within the district;
  - Monitor compliance with the policy and review it from time to time in consultation with parties subject to its application; and
  - Comply with the various requirements and standards of external legislation, guidance, corporate policy and good practice.
- 6.2.2 The Authority has a statutory duty to ensure that drivers, vehicles and operators are appropriately licensed and carry out their trade in accordance with relevant legislation, byelaws, statutory notices and conditions. The means by which this is achieved is through enforcement.

## **6.3 GUIDING PRINCIPLES**

- 6.3.1 In undertaking its regulatory and enforcement role, the licensing authority will have regard to the following guiding principles:
- Any decision regarding enforcement action will be impartial and objective, and will not be affected by race, gender, sexual orientation or religious beliefs of any alleged offender, complainant or witness;
  - The licensing authority believes the vast majority of individuals and businesses wish to comply with the legal requirements placed upon them and should be assisted in doing so;
  - In dealing with any enforcement situation, the licensing authority's actions will be proportionate to the scale, seriousness and intentionality of any non-compliance;
  - There will be consistency of enforcement whilst recognising individual circumstances which may modify the appropriate action to be taken in each case;

- Except in the most serious cases where advice/warnings have not been heeded, adequate opportunity will be given to rectify non-compliance before formal legal action is commenced;
- Enforcement is seen as a final means of securing compliance with the appropriate standards, and not as an end in itself;
- Prosecution will normally only be considered where it is in the public interest to do so and in serious or blatant cases, or where other approaches have failed;
- Regard shall be had to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action (including Human Rights Act 1998, the Regulators' Code and any relevant enforcement policies); and
- Regard shall be had to the council's equal opportunities and customer care policies.

## 6.4 STANDARDS

6.4.1 The licensing authority will always endeavour to meet the highest standards of service in undertaking its regulatory and enforcement function. The following specific level of service standards will be applied:

- Matters relating to enforcement and regulation will be dealt with promptly, with enquiries and complaints receiving a first response within three working days;
- Except in the case of necessary and approved covert investigations, officers will announce themselves on arrival at premises and show identification unless they are already well known to the person;
- Officers will provide their name and a contact telephone number to those persons or businesses with whom they are in contact concerning a regulatory or enforcement matter;
- Requests for service relating to enforcement or regulatory matters will normally only be dealt with if the name and address of the complainant is given. Any such identification will be treated in confidence, but may need to be disclosed should formal legal proceedings be taken against the person or business to which the complaint relates. Anonymous complaints may, however, be investigated if they relate to protection of children or other vulnerable groups, or matters relating to serious safety issues etc or where the issue complained of can be determined by the Enforcement Officers themselves without further involvement of the complainant;
- Officers will be professional, courteous and helpful in their conduct of regulatory or enforcement matters, and wherever possible will seek to work with individuals and businesses towards compliance;
- Officers will endeavour to provide advice in a clear and simple manner and where any corrective or remedial work is necessary, an explanation will be given as to why it is necessary, and over what timescale it is required;
- Officers generally seek an informal resolution to cases of non-compliance except where immediate formal enforcement action is required;
- Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken; and
- Where there is known to be involvement of any other enforcement agency, or any case involves joint enforcement arrangements, the licensing authority will consult with that other agency prior to taking any formal enforcement action.

## 6.5 ENFORCEMENT ACTIVITIES

6.5.1 Enforcement activities will fall into the following broad areas:

- Undertaking routine inspections of vehicles and operator premises;
- Undertaking proactive inspections, sometimes with other agencies;
- Responding to requests for service, complaints or information provided by the public, businesses and others;
- Offering general and specific advice to applicants, licensees and the public about the requirements of the licensing regime; and
- Taking action and, where necessary, imposing sanctions in response to breaches or the requirements of the licensing regime.

6.5.2 Records of enforcement action will be kept.

6.5.3 Where there is known to be involvement of any other enforcement agency or any case involves joint enforcement arrangements, the licensing authority will consult with that other agency prior to taking any enforcement action.

## 6.6 THE ENFORCEMENT ACTIONS AVAILABLE

6.6.1 Decisions about licence applications and enforcement will be consistent, balanced and fair and be made by reference to approved standards. This will ensure the safety of the public is adequately protected. The seriousness of any infringement is the starting point for action to be taken in particular circumstances. Final action taken will depend on any modifying or mitigating factors present.

6.6.2 After having due regard to all relevant information and evidence, the following enforcement options will be considered:

- To take no action;
- To take informal action;
- To issue a written warning;
- To issue a simple caution;
- To review a licence;
- To suspend or revoke a licence;
- Prosecution.

6.6.3 **No Action** – this course of action is only considered appropriate where, in the authorised officer's opinion, all relevant statutes and guidelines are satisfactorily complied with.

6.6.4 **Informal Action** – informal actions, such as offering advice (which can be written), are generally used by Enforcement Officers to secure good conduct by licence holders. Such enforcement action may be appropriate in any of the following circumstances:

- If the behaviour or offence does not warrant more formal action;
- Consideration of the history of the licensee results in reasonable expectation that informal action will achieve future compliance;
- Confidence in the licensee is high; and
- Consequences of non-compliance will not pose a significant risk to public safety.

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a more formal approach. Such decisions will be at the decision-making officer's discretion.

6.6.5 **Written Warnings** – this action will be taken where it is considered important to formally document the breach. The written document will be evidence that the licensee knew about the issue should it arise again and may override any mitigation.

6.6.6 **Simple Cautions** – where there is a criminal offence, but the public interest does not require a prosecution, a simple caution may be an appropriate course of action as an alternative to prosecution. The aim of a simple caution is to:

- offer a proportionate response to low-level offending where the offender has admitted the offence;
- deliver swift, simple and effective justice that carries a deterrent effect;
- record an individual's criminal conduct for possible reference in future criminal proceedings or in criminal record or other similar checks;
- reduce the chances of them re-offending; and
- increase the amount of time officers spend dealing with more serious crime and reduce the amount of time officers spend completing paperwork and attending court, whilst simultaneously reducing the burden on the courts<sup>67</sup>.

6.6.7 **Licence Review** – licence holders may be required to appear before a hearing of the Licensing and Appeals Hearings Panel in order that the Panel can consider appropriate measures on a case by case basis. This may arise whenever there are concerns over the individual or business concerned. The Licensing and Appeals Hearings Panel can decide to take one or more of the enforcement actions mentioned in this section of the policy.

6.6.8 **Suspension/Revocation** – this action may affect the livelihood of the licensee and will not be undertaken lightly.

A suspension or revocation of a driver licence generally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. However, if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

A suspension or revocation of a private hire operator licence takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

The licensing authority has the power to suspend or revoke a hackney carriage or private hire vehicle licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976. This can be as a result of any non-compliance or for any other reasonable cause. There is a right of appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

The licensing authority also has the power to suspend a vehicle licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 if an authorised officer is not satisfied as to the fitness of the hackney carriage or as to the accuracy

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<sup>67</sup> Simple Cautions for Adult Offenders - Ministry of Justice (April 2015)

of its taximeter. There is no immediate right of appeal under this provision and, if the officer is not satisfied as to the fitness of the vehicle or the accuracy of its taximeter within two months, the licence will be deemed to be revoked. It is only at this point that there is a right of appeal to the Magistrates' Court within 21 days of receiving notice of the revocation<sup>68</sup>.

Revocation is unlikely to be used as a sanction without affording the licensee the right to a fair hearing.

6.6.9 **Prosecution** - the decision to prosecute is a serious matter and will require consultation with the ~~Principal Licensing Officer and the council's Legal Manager~~ relevant senior officers.

Licence holders will be prosecuted for serious breaches of legislation such as:-

- Driving a licensed vehicle without the appropriate driver licence;
- Driving a motor vehicle without valid insurance;
- Driving an unlicensed vehicle for public or private hire purposes;
- Illegally plying for hire;
- Refusing to carry a guide, hearing or other assistance dog (if not exempted);
- Unauthorised alteration to a taximeter;
- Exceeding the number of passengers permitted;
- Refusal to carry a passenger without reasonable cause;
- Permitting or facilitating any of the above offences; or
- Any other offence that is considered serious in the opinion of an authorised officer.

The decision to prosecute is a significant one. Prosecution will, ~~in general, be restricted to these circumstances~~ be considered where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and/or the public is put at serious risk.

The circumstances that are likely to justify prosecution may be characterised by one or more of the following:

- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it;
- Where there appears to have been reckless disregard for the safety of passengers or other road users;
- Where there have been repeated breaches of legal requirements;
- Where a particular type of offence is prevalent;
- Where a particular contravention has caused serious public alarm;
- Where the offence involves the threat of violence against any person, or obstruction of an officer of the council;
- Where false information, either in written or verbal form, is deliberately provided to the licensing authority or to an investigating officer;
- Where the victim is part of a vulnerable group e.g. children, elderly persons;
- Where the offender has repeatedly ignored advice;
- Where there is a widespread disregard of the law and appropriate notice has been given to the public or the business community that legal proceedings will be considered for future breaches; or
- Where some other significant public purpose would be served.

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<sup>68</sup> Section 60(3) of the Local Government (Miscellaneous Provisions) Act 1976

## 6.7 APPEALS

- 6.7.1 Appeals against decisions of the Licensing and Appeals Hearings Panel may be made to the Magistrates' Court or the Crown Court where appropriate.
- 6.7.2 Any notifications of enforcement action will include written information about how to appeal. This will explain how, where and within what time period an appeal may be brought and on what grounds. It will also confirm, where appropriate, that the enforcement action is suspended pending the outcome of any appeal. In some instances, suspension of a driver or vehicle licence can be given immediate effect.

## 6.8 COMPLAINTS ABOUT LICENSEES

- 6.8.1 Members of the general public are able to make complaints to the licensing authority about the conduct and/or service received from licensees. **Complaints can be made:**
- By post to Hambleton District Council, Licensing, Civic Centre, Stone Cross, Rotary Way, Northallerton, North Yorkshire, DL6 2UU;
  - By email to [licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk); or
  - Online via [hambletondc-self.achieveservice.com](http://hambletondc-self.achieveservice.com)
- 6.8.2 The licensing authority will adhere to the following procedure:
- Ascertain the facts regarding the complaint and decide if actionable;
  - Register the complaint and refer to an investigating officer;
  - Contact the complainant within 5 working days;
  - Investigate the complaint;
  - Make a decision; and
  - Inform all parties of that decision.
- 6.8.3 Licensees who are the subject of a complaint will be informed of the nature of the complaint and, if necessary, given sufficient notice to attend any interview.
- 6.8.4 The outcome of the investigation will be implemented in accordance with this policy.
- 6.8.5 Disputes between licensees should be resolved between themselves and not through this procedure.
- 6.8.6 If there is evidence relating to alleged criminal offences, this will be referred to North Yorkshire Police.

## 6.9 COMPLAINTS ABOUT THE SERVICE

- 6.9.1 Any dissatisfaction with the actions of an officer of the council will be dealt with under the council's Feedback Procedure, copies of which are available from offices of the council, by accessing the council's website ([www.hambleton.gov.uk](http://www.hambleton.gov.uk)) or by telephoning Hambleton District Council on 01609 779977.

## ~~6.10 POLICY REVIEW~~

- ~~6.10.1 The implications and effectiveness of this policy will be regularly monitored.~~
- ~~6.10.2 This policy will be reviewed where appropriate to reflect changes indicated by the internal monitoring arrangements, by legislation or by guidance issued by Central Government.~~

~~6.10.3 Views of the policy and its implementation will be sought to ensure it continues to meet the principles of good enforcement.~~

**GUIDELINES RELATING TO APPLICANT SUITABILITY  
AND THE RELEVANCE OF CRIMINAL CONVICTIONS**

**1 General**

- 1.1 The licensing authority will utilise the following guidelines when determining applications for licences. However, each case will be considered on its individual merits and, where the circumstances demand, the committee or officer may depart from the guidelines.
- 1.2 A person with a conviction for a serious offence would normally be expected to remain free of conviction for an appropriate period and show adequate evidence that they are suitable to hold a licence (the onus is on the applicant to produce such evidence).
- 1.3 Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is suitable to hold a licence.
- 1.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction<sup>69</sup>.
- 1.5 Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions<sup>70</sup> and therefore all criminal convictions can be taken into account in assessing suitability. The licensing authority will therefore have regard to all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending.
- 1.6 Case law has established that the impact of losing (or not being granted) a licence on the applicant and their family is not a relevant consideration for the licensing authority to take into account<sup>71</sup>. The licensing authority must focus on the impact of the individual’s character on members of the public. Personal circumstances and any perceived financial hardship will not be considered relevant for these purposes.
- 1.7 One common misunderstanding is that, if the offence was not committed when the individual was driving a licensed vehicle, it is less serious. The same misunderstanding exists for offences committed in licensed vehicles but not when passengers were aboard. However, this is not relevant. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. Any behaviour that puts any member of the general public at risk will be considered relevant.
- 1.8 If an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority may consider:
- How relevant the offences are to the licence being applied for;
  - How serious the offences were;
  - When the offences were committed;
  - The date of conviction;

<sup>69</sup> *Nottingham City Council v. Mohammed Farooq* (1998)

<sup>70</sup> The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002

<sup>71</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin) and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

- The circumstances of the individual concerned;
- The sentence imposed by the court;
- The applicant's age at the time of conviction;
- Any patterns of offending;
- Any other character check considered reasonable (e.g. personal references); and
- Any other factors that might be relevant.

1.9 These guidelines will apply equally to existing licence holders as they do to new applicants in determining suitability. Therefore, if a new applicant would be refused on the basis of their individual circumstances, a revocation would be an appropriate sanction for an existing licence holder under the exact same circumstances.

## 2 Misleading information

2.1 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence.

2.2 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## 3 Violence

3.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence.

~~3.2 An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life. In other cases, anyone of a violent disposition will normally be refused to be licensed until at least five years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.~~

3.2 A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Crimes resulting in death; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

3.3 A licence will not normally be granted where the applicant has a conviction for ~~the one of the below offences~~ an offence involving violence against another person and the conviction is less than 10 years prior to the date of application:

- ~~• Arson;~~
- ~~• Malicious wounding or grievous bodily harm which is racially aggravated;~~
- ~~• Actual bodily harm which is racially aggravated;~~
- ~~• Grievous bodily harm with intent;~~
- ~~• Robbery;~~
- ~~• Possession of firearm;~~
- ~~• Riot;~~
- ~~• Assault Police;~~

- ~~• Racially aggravated common assault;~~
- ~~• Violent disorder;~~
- ~~• Resisting arrest;~~
- ~~• Any similar offences (including attempted or conspiracy to commit) which replace the above.~~

3.4 Allegations of violence will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on the balance of probability that the applicant is a fit and proper person.

#### 4 Public order and criminal damage

4.1 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than seven years prior to the date of application:

- Racially aggravated criminal damage;
- Racially aggravated offence; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

4.2 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than five years prior to the date of application:

- ~~• Common assault;~~
- ~~• Battery;~~
- ~~• Assault occasioning actual bodily harm;~~
- ~~• Affray;~~
- S5 Public Order Act 1986 offence (harassment, alarm or distress);
- S4 Public Order Act 1986 offence (fear of provocation of violence);
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
- Obstruction;
- Criminal damage; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

~~3.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.~~

~~3.8 Allegations of violence will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on the balance of probability that the applicant is a fit and proper person.~~

#### 5 Possession of a weapon

5.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. A licence will not normally be granted if an applicant has been convicted of such an offence in the last ~~5~~ seven years.

#### 6 ~~Sexual offences~~ Safeguarding and exploitation

6.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual

irrespective of whether the victim or victims were adults or children, they will not generally be licensed. This includes sexual offences, slavery, child sexual abuse, exploitation, grooming, indecent exposure, soliciting and psychological, emotional or financial abuse, but this is not an exhaustive list.

~~5.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused.~~

~~5.2 An application will normally be refused where the applicant has a conviction for an offence such as:~~

- ~~• Rape;~~
- ~~• Assault by penetration;~~
- ~~• Offences involving children or vulnerable adults;~~
- ~~• Sexual assault;~~
- ~~• Indecent assault;~~
- ~~• Exploitation of prostitution;~~
- ~~• Trafficking for sexual exploitation;~~
- ~~• Possession of indecent photographs, child pornography etc;~~
- ~~• Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver; or~~
- ~~• Any similar offences (including attempted or conspiracy to commit) which replace the above.~~

~~5.3 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than 10 years prior to the date of application:~~

- ~~• Indecent exposure;~~
- ~~• Soliciting (kerb crawling); or~~
- ~~• Any similar offences (including attempted or conspiracy to commit) which replace the above.~~

6.2 The licensing authority will not normally grant a licence to any applicant who is currently on the adult's or children's barred lists maintained by the DBS.

6.3 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

6.4 Allegations of sexual offences will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

## **7 Dishonesty**

7.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

**7.2** A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than **seven** years prior to the date of application:

- Theft;
- Burglary;
- Fraud;
- Benefit fraud;
- Handling or receiving stolen goods;
- Forgery;
- Conspiracy to defraud;
- Obtaining money or property by deception;
- Other deception;
- Taking a vehicle without consent; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

**7.3** A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

## **8 Drugs**

**8.1** A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered. A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than **ten** years prior to the date of application:

**8.2** A licence will not normally be granted where the applicant has a conviction for an offence related to the possession of drugs and the conviction is less than **five** years prior to the date of application. Consideration will be given to the nature and quantity of the drugs.

**8.3** If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of five years free from drug taking after detoxification treatment. In these circumstances, the applicant may have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

**8.4** A licence will not normally be granted if an applicant has more than one conviction for a drug related offence.

## **9 Discrimination**

**9.1** A licence will not normally be granted where the applicant has a conviction involving or connected with discrimination in any form and the conviction is less than seven years prior to the date of application.

## **10 Driving Motoring Offences**

**10.1** A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

- 10.2** A licence will not normally be granted where the applicant has a conviction for an offence such as:
- Causing death by dangerous driving;
  - Causing death by careless driving whilst under the influence of drink or drugs;
  - Causing death by driving whilst unlicensed, disqualified or uninsured; or
  - Any similar offences.
- 10.3** A serious view is taken of convictions for driving with no insurance. A licence will not normally be granted to an applicant who has been convicted of driving without insurance less than 5 years prior to the date of application.
- 10.4** As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. A licence will not normally be granted to an applicant who has a drink/drug driving conviction less than 7 years prior to the date of application. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
- 10.5** Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them;
  - fail to see road signs;
  - fail to maintain proper lane position and steady speed;
  - are more likely to 'tailgate' the vehicle in front;
  - react more slowly, take longer to brake and longer to stop;
  - are more likely to enter unsafe gaps in traffic; and
  - feel more stressed and frustrated.
- 10.6** There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 10.7** A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.
- 10.8** Convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances, it may be appropriate to issue a licence for a shorter period of time than the standard duration and it may also be appropriate to issue a warning as to future driving conduct. If a significant history of offences is disclosed, applications will normally be refused.
- 10.9** Applicants and licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three year period will normally be refused or revoked and will not normally be granted a licence until at least three years have elapsed from the date of the last offence.
- 10.10** Applicants who have been disqualified from driving will not normally be granted a licence unless they have held a licence for at least three years following the expiry of the period of disqualification without receiving any further penalty points.

**10.11** Allegations of erratic or dangerous driving will be investigated as and when appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

## **11 Licensing offences**

**11.1** Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of at least three years has passed since conviction.

**11.2** A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

## **12 Other offences**

**12.1** Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

## **13 Non-conviction information**

**13.1** If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration will be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.

**13.2** An admission of guilt is required before a caution can be issued and therefore cautions will be taken into consideration in the same way that they would if there was a conviction. The same applies to fixed penalties and community resolutions. Each case will be considered on its own merits including the details and nature of the offence.

## **14 Licensed drivers Licence holders**

**14.1** If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

**14.2** Applicants who hold a licence with another licensing authority should not automatically assume that their application will be granted by Hambleton District Council. Each case will be decided on its own merits.

**14.3** Licensees who are licensed by one or more other authorities should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **15 Summary**

**15.1** To summarise, a criminal history in itself may not automatically result in refusal and a conviction for a serious crime need not bar an applicant permanently from becoming licensed. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

- 15.2** While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.
- 15.3** Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to sustain such change.

**PRIVATE HIRE DRIVER LICENCE CONDITIONS****Conduct of Driver**

1. The driver shall:-
  - (a) give all reasonable assistance with passengers' luggage;
  - (b) at all times be clean, respectable in his/her dress and person and behave in a civil and orderly manner;
  - (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or leaving the vehicle driven by him/her;
  - (d) not without the express consent of the hirer, drink or eat in the vehicle;
  - (e) not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
  - (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle while he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

**Passengers**

2. The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.
3. The driver shall not allow there to be conveyed in the front of a vehicle beside him/her any child below the age of 10 years.
4. The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

**Lost Property**

5. The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
6. If any property accidentally left in a vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/she shall take it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to a convenient police station and leave it in the custody of the officer in charge on his giving a receipt for it.

**Written Receipts**

7. The driver shall if requested by the hirer of a vehicle provide a written receipt for the fare paid.

**Animals**

8. The driver shall not convey in a vehicle any animal in their custody and shall ensure that any animal in the custody of any passenger is conveyed in the rear of the vehicle.

**Prompt Attendance**

9. The driver of a vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

## **Arrest/Convictions**

10. ~~The driver shall, as soon as practicable and in any event within seven days from the date of any arrest, criminal charge or conviction, disclose to the licensing authority in writing all relevant information including, where applicable, details of the sentence or fine imposed on him/her. As the acceptance of simple cautions, fixed penalties and community resolutions involve an admission of guilt, they should be disclosed and may be taken into consideration by the licensing authority as if it was a conviction.~~  
The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her.

## **Criminal Record Checks**

11. The holder of this licence shall evidence continuous registration with the DBS update service along with any necessary consent to enable the licensing authority to routinely check for new information every six months during the period of the licence.

## **Taxi Meter**

12. Where a vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

## **Fare to be Demanded**

13. The driver shall not demand from any hirer of a vehicle, a fare in excess of any previously agreed fare for that hiring between the hirer and operator, or if the vehicle is fitted with a taxi meter, and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.

## **Road Safety**

14. The driver shall not drive a vehicle in such a manner as to be dangerous or potentially dangerous to passengers, other road users or the public.

## **Driver's Badges**

15. One driver's badge issued by the licensing authority shall be displayed on the driver's person at all times when the vehicle is available for hire so that it is visible. A second badge issued by the licensing authority shall be prominently displayed at all times in a position visible to passengers in the front and rear passenger seats.

## **Customer Care**

- ~~15. The licensee shall (within 12 months of the commencement of the licence) have completed and provided written evidence to the licensing authority of completion of a course on customer care (including disability) approved by the licensing authority.~~

## **Medical Condition**

16. The driver shall notify the licensing authority in writing as soon as practicable and in any event within seven days of his/her becoming aware of any medical condition suffered by him/her which may affect his/her ability to drive and operate a hackney carriage/private hire vehicle.

### **Change of Address**

17. The licensee shall notify the licensing authority in writing of any change of their address during the period of the licence within seven days of such change taking place.

### **Wheelchair Accessible Vehicles**

18. The driver shall not drive a wheelchair accessible vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
19. The licence does not authorise the driver to drive any wheelchair accessible vehicles licensed by Hambleton District Council unless an appropriate practical assessment (approved by an authorised officer) has been passed and a certificate has been obtained and submitted to an authorised officer.

**PRIVATE HIRE OPERATOR LICENCE CONDITIONS****Records**

1. The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book (the pages of which are numbered consecutively) or by an alternative method approved in writing by the licensing authority. The operator shall enter or cause to be entered in the record, before the commencement of each journey, the following details of every booking of a private hire vehicle accepted by him/her:
  - a) The time and date of the booking and how made (e.g. telephone/personal call);
  - b) The name and address of the hirer;
  - c) The date and time of pick-up;
  - d) The point of pick-up;
  - e) The destination;
  - f) The number of passengers to be carried;
  - g) The agreed fare;
  - h) The time at which a driver was allocated for the booking;
  - i) The registration number of the vehicle allocated for the booking;
  - j) The name and licence number of the driver allocated for the booking; and
  - k) Any remarks (including the details of any sub-contract).
2. The operator shall keep records of the particulars of all private hire vehicles operated by him/her, including details of the owners, registration numbers and drivers of such vehicles, together with any radio or other communication call signs used.
3. All records kept by the operator shall be preserved for a period of not less than two years following the date of the last entry.

**Standard of Service**

4. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:
  - (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
  - (b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
  - (c) ensure that any waiting area provided by the operator has adequate seating facilities;
  - (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

**Complaints**

5. The operator shall immediately upon receipt notify the licensing authority in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposed to take in respect thereof.

### **Change of Address**

6. The operator or, if the operator is a company, its company secretary, shall notify the licensing authority in writing of any change of his/her address or telephone number during the period of the licence within seven days of such change taking place.

### **Change of Directors or Partners**

7. Where this licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

### **Convictions and Sanctions**

8. ~~The operator or, if the operator is a company, any of its directors, shall within seven days from the date of any convictions disclose to the licensing authority in writing details of the conviction and the sentence imposed on him/her.~~ The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her (or, in the case of a company or partnership, on any of the directors or partners).

### **Criminal Record Checks**

9. The licensee (including any director or partner of a company or partnership) shall produce:
  - an annual basic disclosure from the Disclosure & Barring Service; and
  - if the relevant individual has lived overseas in the previous 10-year period, a 'Certificate of Good Conduct' from the relevant country or the relevant embassy in the UK

This requirement will not apply in respect of any individuals in possession of a current hackney carriage/private hire driver or vehicle licence issued by Hambleton District Council.

### **Booking and Dispatch Staff**

10. The licensee shall formulate and apply a policy on assessing the suitability of any person taking bookings and dispatching vehicles on their behalf prior to undertaking any such role. The policy must:
  - require all booking and dispatch staff to produce an annual basic DBS disclosure (this requirement will not apply to any staff members who are in possession of a hackney carriage/private hire driver or vehicle licence issued by Hambleton District Council); and
  - outline the standards against which any prospective employee will be considered in relation to criminal convictions.
11. The licensee shall keep and maintain a register of all staff responsible for taking bookings and/or dispatching vehicles. The register should contain as a minimum:
  - the name and address of each member of booking and dispatch staff;
  - a record of the private hire operator's most recent suitability assessment for each member of staff; and
  - the certificate number and issue date of the basic DBS disclosure that was considered (the issue date must be no more than three months old at the time of the assessment).

### **Operator Licence**

12. The operator shall display the operator licence issued by the Local Authority in a conspicuous position at the premises from which he/she operates his/her private hire business.

### **Equipment and Facilities for Disabled Persons**

13. (a) any specialist equipment provided for disabled persons shall be maintained and kept in good working order;
- (b) all persons using this equipment shall be fully aware and trained in its function and use.

**PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

1. The proprietor must ensure that the vehicle complies in all respects with the requirements of any Act and Regulation in relation to the use of the motor vehicle and any Code of Practice or policy implemented by the council.
2. The exterior licence plate and side panels shall be properly fixed externally to the vehicle bodywork in the positions required by the licensing authority and the internal plate to the passenger side of the dashboard and displayed at all times in accordance with the reasonable instructions of the authorised officer of the council. The exterior licence plate and side panels must be maintained and kept in such condition that the information contained thereon is clearly visible to public view and the interior plate must remain clearly visible to passengers travelling in the vehicle at all times. The exterior licence plate shall be fixed in such a manner as to be easily removable by an authorised officer of the council or a police officer. Any defects to the plate should be reported to the licensing authority for repair.
3. The holder of this licence shall cause to be affixed and maintained in a conspicuous position, in accordance with the directions of the licensing authority, any sign or notice as required from time to time by the licensing authority.
4. All wheelchair accessible vehicles shall display the recognised disability symbol.
5. The holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons.
6. The private hire vehicle, including all fittings and specialist equipment, must be well maintained and kept in good working order.
7. The interior and exterior of the private hire vehicle shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements shall be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery should be reasonably well maintained and free from unsightly repairs, stains and burns.
8. Where the vehicle is converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce to the licensing authority a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order.
9. The holder of this licence shall:
  - a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
  - b) cause the interior of the vehicle to be kept wind and water-tight;
  - c) provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
  - d) ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle;

- e) cause the seats in the passenger compartment to be properly cushioned and covered;
  - f) ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority;
  - g) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
  - h) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the licensing authority; and
  - i) ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
10. The holder of this licence shall not allow the specification of the private hire vehicle to be varied without the written consent of the licensing authority.
  11. No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
  12. The word "taxi" or "cab" or any similar word which, in the opinion of the licensing authority, may imply that the vehicle is a hackney carriage shall not appear on the vehicle.
  13. Where the vehicle is fitted with a taximeter, the meter must be maintained in good working order at all times.
  14. The holder of this licence shall give notice in writing to the licensing authority of any change of address or telephone number during the period of the licence within seven days of such change taking place.
  15. ~~The holder of this licence, upon receipt of a caution, a fixed penalty notice, or upon conviction, shall disclose the details of such in writing to the licensing authority as soon as practicable and in any event within seven days.~~ The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her (or, in the case of a company or partnership, on any of the directors or partners).
  16. Where this licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.
  17. The holder of this licence shall only permit the private hire vehicle to be driven by a driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
  18. Seat belts shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition.

19. No CCTV system shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority.
20. No cameras shall be installed in the vehicle without prior written consent from the licensing authority. The number and location of cameras shall not be varied without the prior written consent of the licensing authority.
21. Where a CCTV system has been approved and installed, an advisory notice, approved by the licensing authority, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
22. The proprietor shall ensure that the CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by authorised officer of the licensing authority and/or North Yorkshire Police.
23. Upon request for image retrieval by an officer of the licensing authority or a police officer the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within seven days of the request.
24. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within seven days of any authorised request for any image retrieval.
25. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

**HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS**

1. The proprietor must ensure that the vehicle complies in all respects with the requirements of any Act and Regulation in relation to the use of motor vehicle and any Code of Practice or policy implemented by the council.
2. The exterior licence plate, side panels and roof sign shall be properly fixed externally to the vehicle bodywork in the positions required by the licensing authority and the internal plate to the passenger side of the dashboard and displayed at all times in accordance with the reasonable instructions of the authorised officer of the council. The exterior licence plate, side panels and roof sign must be maintained and kept in such condition that the information contained thereon is clearly visible to public view and the interior plate must remain clearly visible to passengers travelling in the vehicle at all times. The exterior licence plate shall be fixed in such a manner as to be easily removable by an authorised officer of the council or a police officer. Any defects to the plate should be reported to the licensing authority for repair.
3. The holder of this licence shall cause to be affixed and maintained in a conspicuous position, in accordance with the directions of the licensing authority, any sign or notice as required from time to time by the licensing authority.
4. All wheelchair accessible vehicles shall display the recognised disability symbol.
5. The holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons.
6. The hackney carriage, including all fittings and specialist equipment, must be well maintained and kept in good working order.
7. The interior and exterior of the hackney carriage shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements shall be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery shall be reasonably well maintained and free from unsightly repairs, stains and burns.
8. Where the vehicle is converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce to the licensing authority a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order.
9. The holder of this licence shall:-
  - a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
  - b) cause the interior of the vehicle to be kept wind and water tight;
  - c) provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
  - d) ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle;

- e) cause the seats in the passenger compartment to be properly cushioned and covered;
  - f) ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority;
  - g) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
  - h) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the licensing authority; and
  - i) ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
10. The holder of this licence shall not allow the specification of the hackney carriage to be varied without the written consent of the licensing authority.
  11. No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
  12. The proprietor shall ensure that a copy of the fare table in the form approved by the licensing authority, from time-to-time, is exhibited inside the vehicle at all times in a place approved by the licensing authority and that it is not concealed from view while the vehicle is being used for hire or rendered illegible.
  13. The meter must be maintained in good working order at all times and shall be set to display the hackney carriage fare table approved by the council.
  14. ~~The holder of this licence, upon receipt of a caution, a fixed penalty notice or upon conviction, shall disclose the details of such in writing to the licensing authority as soon as practicable and in any event within seven days.~~ The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her (or, in the case of a company or partnership, on any of the directors or partners).
  15. Where this licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.
  16. The holder of this licence shall only permit the hackney carriage vehicle to be driven by a driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
  17. Seat belts shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition.
  18. The proprietor shall ensure the vehicle is fitted with a taximeter of a type approved by the licensing authority and shall be calendar controlled, locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver.

19. The taximeter shall be calibrated to a level no greater than the current maximum tariff agreed by the licensing authority and sealed to prevent unauthorised adjustment. A calibration certificate signed by the meter installer shall be provided to the licensing authority to verify the tariff at which the meter has been set.
20. The proprietor shall ensure that a copy of the current maximum fare table supplied by the licensing authority is on display inside the hackney carriage at all times and that the table is clearly visible to passengers when the vehicle is for hire. In cases where the meter has been calibrated to a tariff lower than that agreed by the licensing authority, this table of fares must also be on display and clearly visible to passengers.
21. Taximeters shall be positioned so that passengers in the vehicle can easily read the display.
22. The proprietor shall cause the taximeter to be maintained in a sound mechanical condition at all times.
23. No CCTV system shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority.
24. No cameras shall be installed in the vehicle without prior written consent from the licensing authority. The number and location of cameras shall not be varied without the prior written consent of the licensing authority.
25. An advisory notice, approved by the licensing authority, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
26. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by authorised officer of the licensing authority and/or North Yorkshire Police.
27. Upon request for image retrieval by an officer of the licensing authority or a police officer the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within seven days of the request.
28. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within seven days of any authorised request for any image retrieval.
29. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

## **BYELAWS FOR HACKNEY CARRIAGES**

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the District of Hambleton with respect to Hackney Carriages in the District of Hambleton.

### **INTERPRETATION**

1. Throughout these Byelaws “the Council” means the Council of the District of Hambleton and “the District” means the District of Hambleton.

### **PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED**

2.
  - a) The Proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto in positions approved by the Council.
  - (b) A proprietor or driver of a Hackney Carriage shall:-
    - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
    - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### **PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED**

3. The proprietor of a Hackney Carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the carriage both externally and internally, including the fittings and furniture generally, to be kept in a clean condition, well maintained and in every way fit for public service;

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
- (j) provide efficient interior lighting.

**PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES**

4. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
5. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
6. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
7. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
8. The proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage:-
  - (a) any greater number of persons than the number of persons specified on the plate affixed to the carriage;
  - (b) any child under the age of 10 years on any front passenger seat.
9. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge on the outermost garment in or adjacent to the lapel position and in such a manner as to be plainly visible.
10. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

**PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, FIXING THE CHARGES TO BE MADE IN RESPECT OF**

11. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
12. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
  - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Chief Executive, Council Offices, Stone Cross, Northallerton and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
  - (b) be entitled to receive from any person to whom the property shall be re delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

**CONVEYANCE OF DEAD BODY OR PERSON SUFFERING FROM INFECTIOUS OR CONTAGIOUS DISEASE**

13. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage any person having any highly infectious or contagious disease or the body of any person shall immediately thereafter notify the Chief Environmental Health Officer of the Council.

**PENALTIES**

14. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

GIVEN under the Common Seal of the District Council this 19th Day of December 1986

**HACKNEY CARRIAGE TABLE OF FARES****HAMBLETON**  
DISTRICT COUNCIL**Hackney Carriage Table of Fares**

1 January 2019

<b>Initial Charge</b>	<b>Unit Distance Charge</b>	<b>Waiting Time</b>
First mile, or part thereof	Each additional 1/10 mile or part thereof	Each period of 45 seconds or part thereof
£3.50	£0.20	£0.20
<b>Extra Charges</b>		
a) Between 12am (Midnight) and 7am		Additional 50%
b) Between 6pm and 12am (Midnight) on Christmas Eve and New Year's Eve		Additional 50%
c) Christmas Day		Additional 200%
d) New Year's Day		Additional 100%
e) Other Public Holidays		Additional 50%
<b>Call Out or Summoning Charge</b>		
Maximum to be added to any journey where the vehicle has been called out or summoned from another location (only chargeable if agreed at time of booking)		£5.00 (not subject to additional charges)
<b>Soiling Charge</b>		
Payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means		£60.00 (maximum charge)
<b>Extras</b>		
For carriage of persons in excess of four, where licensed to do so		£1.00 per person

**Notes**

- The meter must be engaged for every journey, whether the vehicle has been pre-booked or not.
- The driver cannot charge in excess of this table of fares for any journey within the district of Hambleton. If the hiring takes the journey outside the district of Hambleton, the driver cannot charge any more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.
- These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

## **DBS HANDLING POLICY**

### **1 BACKGROUND**

- 1.1 Hambleton District Council requires all applicants for hackney carriage and private hire driver licences to obtain enhanced criminal record disclosure certificates prior to the determination of their applications.
- 1.2 The certificate displays details of all cautions, convictions and police warnings, irrespective of whether they would otherwise be considered 'spent' under the Rehabilitation of Offenders Act 1974.
- 1.3 The licensing authority must be satisfied that every licensed driver is a fit and proper person to hold a driver licence and the criminal record history forms a key part of the checks carried out to make such a decision.
- 1.4 Enhanced disclosure certificates are obtained from the DBS (the Disclosure and Barring Service).
- 1.5 The DBS will issue a single copy of the disclosure certificate directly to the applicant and therefore applicants will have the opportunity to review and challenge any incorrect information prior to it becoming known to the licensing authority.
- 1.6 Applicants must submit their copy of the disclosure certificate as soon as possible after receipt (and, in any case, within 28 days) to enable determination of their hackney carriage/private hire driver application.
- 1.7 Where an applicant fails to submit the certificate within 28 days, the certificate will be deemed too old to be considered accurate and the applicant will be required to apply for a new disclosure certificate.
- 1.8 Exceptions may be made to the requirement in paragraph 1.7 if the circumstances justify it (e.g. following a challenge of incorrect data).

### ~~2 DBS UPDATE SERVICE~~

- ~~2.1 The DBS Update service allows applicants to subscribe to a premium service in order for their DBS Certificate to be kept up to date. More information is available via [www.gov.uk/dbs](http://www.gov.uk/dbs).~~
- ~~2.2 Once subscribed, applicants will be able to give prospective employers (within the same workforce) or Licensing Authorities permission to access a web portal, which allows a check to be carried out as to whether or not there have been any changes to the data listed on the most recent disclosure certificate.~~
- ~~2.3 If there is no change to the data, the licensing authority can make a decision based on the information contained on the existing disclosure certificate. If, however, the web portal indicates a change to the data, a new certificate would need to be obtained.~~

~~2.4 Use of the service is entirely discretionary and therefore applicants are not under any obligation to subscribe.~~

## **2 FILTERING OF CERTAIN CONVICTIONS**

**2.1** Convictions will not appear on disclosure certificates if all of the following statements are true:

- The date of conviction is at least 11 years ago (5.5 years if under 18 at the time of the offence);
- It is the applicant's only offence;
- The applicant did not receive a custodial sentence;
- The offence does not appear on a statutory list of excluded offences.

**2.2** Cautions will no longer appear on disclosure certificates if the date of the caution was at least six years ago (two years if under 18 at the time of the offence) and the offence does not appear on a statutory list of excluded offences.

**2.3** Excluded offences (referred to in paragraphs 3.1 and 3.2) can be broadly grouped as follows:

- Kidnapping, abduction, false imprisonment, trafficking
- Murder, manslaughter, violent offences and harassment
- Harm of children and other vulnerable persons
- Indecency
- Firearms
- Production or supply of drugs
- Causing death by dangerous/intoxicated driving
- Sexual offences
- Terrorism
- Burglary

## **3 HANDLING OF DISCLOSURES**

**3.1** Hambleton District Council complies fully with the DBS Code of Practice<sup>72</sup> and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or any other information revealed.

**3.2** The licensing authority is committed to the fair treatment of all users and potential users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

**3.3** The licensing authority has a written policy on dealing with applications from ex-offenders, which is made available to all applicants at the outset of the application process. The licensing authority actively promotes equality of opportunity for all and welcomes applications from all, including those with criminal records.

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<sup>72</sup> Home Office Revised Code of Practice for Disclosure and Barring Service Registered Persons (November 2015)

- 3.4** Applications are determined in accordance with any relevant legislation and the council's policies relating to hackney carriage and private hire drivers. Applicants for hackney carriage and private hire driver licences are exempt from the Rehabilitation of Offenders Act 1974. This means that convictions are never "spent" and must be disclosed on the application form for such licences.
- 3.5** A criminal record does not, however, mean that an applicant will automatically be refused a licence. Each application is considered on its individual merits.
- 3.6** The council's overriding consideration is always the protection of the public. A statutory declaration is requested as part of the application process. If the licensing authority decides to refuse an application, written reasons for this decision will be provided. Any applicant who is aggrieved at such a decision has the right of appeal to the Magistrates' Court.
- 3.7** All criminal record documentation is kept in accordance with the DBS requirements relating to secure storage. If a disclosure indicates no criminal record this will be recorded on an applicant's file and the disclosure documentation will be destroyed. Disclosures with entries will be retained in secure storage until the application has been determined and any subsequent appeal is disposed of.
- 3.8** Should this take longer than six months, a special application will be made to the DBS to extend the period of retention.

## **THE USE OF CCTV IN LICENSED VEHICLES**

### **1 General Policy**

- 1.1 This policy applies to private hire and hackney carriage vehicles (referred to as “licensed vehicles”).
- 1.2 Vehicle proprietors must notify the licensing authority in writing of their intention to install a CCTV system in a licensed vehicle prior to installing any such system.
- 1.3 For the purposes of this policy, “a CCTV system” does not include a system with only external-facing cameras used for the purposes of recording accidents or incidents outside the vehicle (e.g. dashcams) provided the system does not record audio or images of any interior parts of the vehicle in which passengers may be seated.
- 1.4 Upon installation, the relevant vehicle licence will be subject to additional conditions to ensure that the CCTV system is appropriately installed and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.
- 1.5 This policy details the minimum standards that will normally be expected to be met.
- 1.6 Each case will be determined on its own merits and exceptions may be made at the discretion of an authorised officer if the circumstances justify making such an exception.

### **2 Minimum System Specification**

- 2.1 The licensing authority has specified minimum criteria that it would expect a CCTV system to satisfy in order for the system to be installed in licensed vehicles.
- 2.2 The proprietor must meet the current Information Commissioner data protection requirements.
- 2.3 The CCTV system shall be capable of date and time system identification stamping.
- 2.4 The CCTV system shall be capable of recording and storing images for a minimum period of 14 days.
- 2.5 The CCTV system shall be capable of capturing images that, in low light conditions, are of sufficient quality to enable identification of any person travelling in the vehicle and of such quality that they can be used for prosecution purposes.
- 2.6 The CCTV system shall provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- 2.7 The CCTV system shall provide that, where the system uses a DVD recorder, the system is protected from shock.

- 2.8 The CCTV system must be marked with the EMC (Electro Magnetic Certification), which signifies that it meets the European Industry Standard.
- 2.9 Any audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or drivers) consider it necessary).
- 2.10 Audio recording must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of any audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

### **3 Licence Holder Responsibilities**

- 3.1 The licence holder must provide evidence that the CCTV system complies with the licensing authority's minimum recommended specification.
- 3.2 The licence holder shall ensure that notification is lodged with the Information Commissioner's Office to cover the purposes for which the CCTV system is used.
- 3.3 Notices informing passengers of the CCTV must be displayed inside the vehicle where they can be easily viewed by passengers.
- 3.4 The licence holder shall take reasonable steps to ensure that there is no unauthorised access to data recorded by the CCTV.

### **EXCEPTIONALLY WELL MAINTAINED CRITERIA**

To be considered “exceptionally well maintained” for the purposes of paragraph ~~3.27.2~~ **3.31.2** in respect of executive vehicles, stretched limousines and other novelty vehicles, the vehicle must be kept in accordance with the following provisions:

#### **INTERIOR**

- All seats shall be of manufacturers’ original design, should all match and should be securely fitted with no dirt, stains, holes or tears. No loose covers are permitted.
- Front and rear seat belts should be clean and in good working condition. All anchorage point covers should be properly fitted and should match original trim.
- All panels should be clean, properly fitted and should match original trim.
- Carpets should be as manufacturers’ original, clean, with no stains or holes and securely fitted.
- All instrument and accessory covers should be securely fitted and should match original trim.
- All ashtrays should be fitted and should match original trim.
- Headlining should be clean, free from stains, holes and tears and be as originally fitted.
- All window winder handles should be as originally fitted, clean and easy to operate.
- All door handles and arm rests should be secure, clean and as originally fitted.
- Brake, clutch and accelerator pedal rubbers should be fitted and in good condition.
- The inside of the vehicle should be free from loose or trailing wires.
- The boot should be tidy with a clean, unstained carpet/cover to manufacturers’ specification. All panelling should be secure, clean and in good condition.
- In hatchback vehicles the boot cover should be to original specifications, in good condition with both lifting straps fitted. A cargo guard should also be fitted in estate vehicles.
- Gear lever gaiters (where fitted) should be to manufacturers’ specifications and in good condition.
- A rear-view mirror should be properly fitted and in good condition.
- All manufacturers’ fittings should be as original (i.e. speaker covers, etc).
- All interior lights should be in proper working order with appropriate covers securely fitted.
- Window locks and handles (where provided by the manufacturer) should be in good working order
- Except where manufacturers’ specifications prevent it, all windows should be in good working order so as to be opened and closed from the inside of the vehicle.

## EXTERIOR

- All bodywork should be clean, free from rust, dents, scrapes, scratches or loose panels.
- No paintwork should have different shades or colours on areas which are visible to the public.
- All wheel trims should match and be fitted according to manufacturers' specifications.
- Aerials where fitted should be in good condition and free from rust.
- Door or wing mirrors should be in good condition, no broken glass or surrounds.
- Front and rear registration plates should be clean, clear and unbroken.
- Front and rear bumpers should be in first class condition, no rust, dents, scrapes (including any over-riders and end surrounds) and should be securely fitted.
- Mud flaps (if fitted) should be maintained.
- There should be no broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted).
- Radiator grills should be secure and of original specification.
- Front and rear (where fitted) windscreen wiper heads and arms should be in good condition, no rust and properly fitted.
- Door and boot locks should be fitted and in good working order.
- Doors should be easily opened and closed from the outside and inside.
- All door handles should be properly fitted, easily operated and of original colour specification.
- All road wheels should be clean and free from rust. They must be of the same size and construction on the same axle. There must be no cuts, cord exposed, blemishes or other damage to the side walls.
- The tyres should be of an approved rating and the pressures should be as specified by the manufacturer. The wheels should be secured and should not have any damage, distortion or buckling.



### Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1978

**IMPORTANT: Read Standards of Inspection Overleaf**

Chassis No:	Inspection Form Reference:		Class of Inspection: <input type="checkbox"/> Hackney Carriage <input type="checkbox"/> Private Hire
Vehicle Registration:	Make and Model:	Year of Manufacture:	
Plate No:	Mileage:	Colour:	

All Hackney Carriage and Private Hire Vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2.

Failure to meet such standards would constitute an automatic fail of the Hackney Carriage and Private Hire Vehicles Inspection.

In addition, the inspection should be failed if any of the reasons overleaf apply.

Item Tested	Pass (✓)	Fail (x)	Reasons for Failure (see overleaf for guidance)
<b>MOT</b>			
MOT requirements			
<b>Lighting Equipment</b>			
Front and rear lamps			
Headlamps			
Stop lamps			
Rear reflectors			
Direction indicators			
<b>Steering and suspension</b>			
Steering control			
Steering mechanism/system			
Power steering			
Transmission			
Wheel bearings			
Front suspension			
Rear suspension			
Shock absorbers			
<b>Brakes</b>			
Controls/ABS warning system			
Condition of service brake system			
Condition of parking brake system			
Service brake performance			
Parking brake performance			
<b>Tyres and wheels</b>			
Tyre type			
Tyre condition (including spare)			
Road wheels			
<b>Seat belts</b>			
Mountings			
Conditions			
<b>General</b>			
Driver's view of the road, mirrors			
Horn			
Exhaust system			
Fuel system			
Exhaust emissions			
Body interior			
Luggage space			
Fire extinguisher and first aid kit			
Meter – test and seal			
Licence plates/discs (if applicable)			
Roof sign and For Hire sign (HC only)			
Body exterior			
Doors			
Seats			
Electrical wiring and equipment			
Speedo			
Oil and water leaks			
<b>Wheelchair accessible vehicles</b>			
Restraints and seatbelts			
Ramps			
Lifts			

See overleaf...

## Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1978

### Standards of Inspection

Lighting Equipment	Possible Reasons for Failure
Front and rear lamps	Lights inoperable or of insufficient intensity. Incorrect bulbs fitted. Lamps not properly aligned. Lamp flickers when tapped lightly by hand.
Headlamps	
Stop lamps	
Rear reflectors	
Direction indicators	
Steering and suspension	Possible Reasons for Failure
Steering control	Inoperable, worn or faulty steering or suspension. Jagged edges on steering wheel rim.
Steering mechanism/system	
Power steering	
Transmission	
Wheel bearings	
Front suspension	
Rear suspension	
Shock absorbers	
Brakes	Possible Reasons for Failure
Controls/ABS warning system	Any of the systems do not operate effectively and/or safely.
Condition of service brake system	
Condition of parking brake system	
Service brake performance	
Parking brake performance	
Tyres and wheels	Possible Reasons for Failure
Tyre type	Damaged, worn, substandard or otherwise illegal tyres. Spare wheel, jack and wheelbrace (or manufacturers' alternative) not provided and secured.
Tyre condition (including spare)	
Road wheels	
Seat belts	Possible Reasons for Failure
Mountings	Damaged, worn or incorrectly operating seatbelts. Insufficient seatbelts.
Conditions	
General	Possible Reasons for Failure
Driver's view of the road, mirrors	Loose, damaged, missing or defective mirrors.
Horn	Defective horn.
Exhaust system	Missing, insecure or inadequate heat shield.
Fuel system	Leaks, excessive wear, damaged or insecure pipes, missing filler cap.
Exhaust emissions	Excessive smoke emission.
Body interior	Excessive corrosion/damage, unsightly appearance, staining, sharp edges.
Body exterior	Excessive corrosion/damage, unsightly appearance, poor repair/paint match, sharp edges.
Luggage space	No separation from passenger seating area.
Fire extinguisher and first aid kit	First aid kit or fire extinguisher is missing, out of date or in a poor/contaminated condition.
Meter – test and seal	Meter not linked to roof sign. Meter not sealed.
Licence plates/discs	Damaged/illegible/insecure plate. Licence plate details do not match registration details.
Roof sign and For Hire sign (HC only)	Insecure sign, inconsistent/insufficient illumination, excessive damage to wiring.
Doors	Defective locks, windows, door lights, damaged/missing door seals.
Seats	Insecure seats or excessive dirt, stains, holes or tears.
Electrical wiring and equipment	Evidence of overheating. Heavily contaminated with oil.
Speedo	Speedometer inoperative or defective.
Oil and water leaks	Evidence of oil or water leaks including sun roof/windows.
Wheelchair accessible vehicles	Possible Reasons for Failure
Restraints and seatbelts	Restraints/seatbelts missing, anchorage insecure, webbing frayed, locking ineffective
Ramps	Inappropriate/insufficient ramps, non-slip provision worn, risk of obstruction or trip hazard.
Lifts	Wiring defects, leaks, insufficient safety barriers, safe working load not displayed.

I hereby certify that the above vehicle has been inspected to the standards above and has/has not\* been found to be roadworthy to be used as a hackney carriage/private hire vehicle\* at the time of inspection.

\*delete as appropriate

Signed \_\_\_\_\_ (Tester/Inspector)

Name (in capitals) \_\_\_\_\_ Date \_\_\_\_\_

Garage Name and Address:

VTS (Vehicle Testing Station) Number:

Authorised Examiner Number:

**WARNING: IN MY OPINION, THE VEHICLE IS DANGEROUS TO DRIVE BECAUSE OF THE FOLLOWING DEFECT:**

\*If the test is failed, please contact the Licensing Team on 01609 787079 or 01609 787017

**RIGHT TO WORK IN THE UK****List A**

**If the applicant produces one of the following documents, there are no restrictions on their right to work in the UK so, once the licensing authority has undertaken the necessary check, it will not need to repeat the check when the licence holder subsequently applies to renew their licence**

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued...

## List B

If the applicant produces one of the following documents, there are restrictions on their right to work in the UK and therefore the licensing authority cannot issue the licence beyond the expiry date of the permission to work. The immigration status must be checked for every renewal.

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
5. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Evidence and Enquiry Unit Employer Checking Service. The licence may be granted for six months from the date of the Certificate of Application Positive Verification Notice.
6. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service. The licence may be granted for six months from the date of the Positive Verification Notice.
7. A Positive Verification Notice issued by the Home Office Evidence and Enquiry Unit Employer Checking Service to the council, which indicates that the named person may stay in the UK and is permitted to do the work in question because they have an in-time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision Positive Verification Notice.

## Template Policy for Private Hire Operator Bookings and Dispatch Staff

### Notes:

It is the private hire operator's responsibility to set and uphold appropriate standards in relation to staff undertaking booking and dispatch duties. Any failure to do so may raise doubts as to the operator's suitability to hold a licence. This policy has been provided as a template to assist private hire operators. A template form for assessing staff suitability is also attached.

### 1. Introduction

- 1.1 In accordance with Hambleton District Council's Hackney Carriage and Private Hire Licensing Policy and the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards, private hire operators are required to formulate a policy on assessing the suitability of any person responsible for taking bookings and dispatching vehicles on their behalf.
- 1.2 Individuals responsible for taking bookings and dispatching vehicles on behalf of a private hire operator do not require a licence. However, any such members of staff are placed in a position of trust and will have access to information relating to passengers and therefore may pose a significant risk to public safety.
- 1.3 In order to manage any risk to the public and to the safeguarding of children and vulnerable adults, the private hire operator must be satisfied that any such individual is suitable to undertake duties of this nature.

### 2. Purpose

2.1 The objectives of the policy are:

- To enable the private hire operator to demonstrate that staff responsible for taking bookings and dispatching vehicles do not pose a risk to the public;
- To provide guidelines for the private hire operator to make reasonable, consistent and informed decisions on the suitability of staff;
- To provide guidance to applicants seeking employment with the private hire operator; and
- To promote public confidence in the private hire operator's service.

### 3. Criminal record checks

3.1 Applicants or employees responsible for taking bookings and dispatching vehicles on behalf of the private hire operator are required to produce an annual basic disclosure from the Disclosure & Barring Service (DBS) in order for the private hire operator to satisfy itself that the individual poses no threat to the public and has no links to serious criminal activity. Basic disclosures can be obtained from:

<https://www.gov.uk/request-copy-criminal-record>

3.2 If the applicant has lived overseas in the 10-year period leading up to the date of application, they must produce a criminal record check or 'certificate of good conduct' from the relevant country or the relevant embassy in the UK. Information on the application process is available here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

3.3 In all cases, the basic DBS disclosure and/or certificate of good conduct must be less than three months old at the time that it is provided to the private hire operator for consideration.

3.4 No criminal record check or certificate of good conduct will be required for any individuals in possession of:

- a hackney carriage/private hire driver licence issued by Hambleton District Council,
- a hackney carriage vehicle licence issued by Hambleton District Council,
- a private hire vehicle licence issued by Hambleton District Council; or
- a private hire operator licence issued by Hambleton District Council.

3.5 The private hire operator will ensure compliance with data protection requirements in accordance with guidance provided by the Information Commissioner's Office and the DBS.

#### **4. Convictions and other sanctions**

4.1 Any applicant and employee responsible for taking bookings and dispatching vehicles must disclose to the private hire operator in writing within 48 hours the details of any arrest, criminal charge or conviction imposed upon him or her. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.

#### **5. Register of staff**

5.1 The private hire operator shall keep and maintain a register of all staff responsible for taking bookings and/or dispatching vehicles. The register will contain as a minimum:

- the name and address of each member of booking and dispatch staff;
- a record of the private hire operator's most recent suitability assessment for each member of staff; and
- the certificate number and issue date of the basic DBS disclosure that was considered

5.2 The register shall be made available for inspection on request by an authorised officer of Hambleton District Council subject to data protection requirements.

#### **6. Assessment of suitability**

6.1 The private hire operator will consider the suitability of all applicants and employees with responsibilities for taking bookings and dispatching vehicles. The suitability assessment must be carried out annually.

6.2 The private hire operator will need to have sight of a recent basic DBS disclosure (no more than three months old) when assessing the suitability of an applicant or employee.

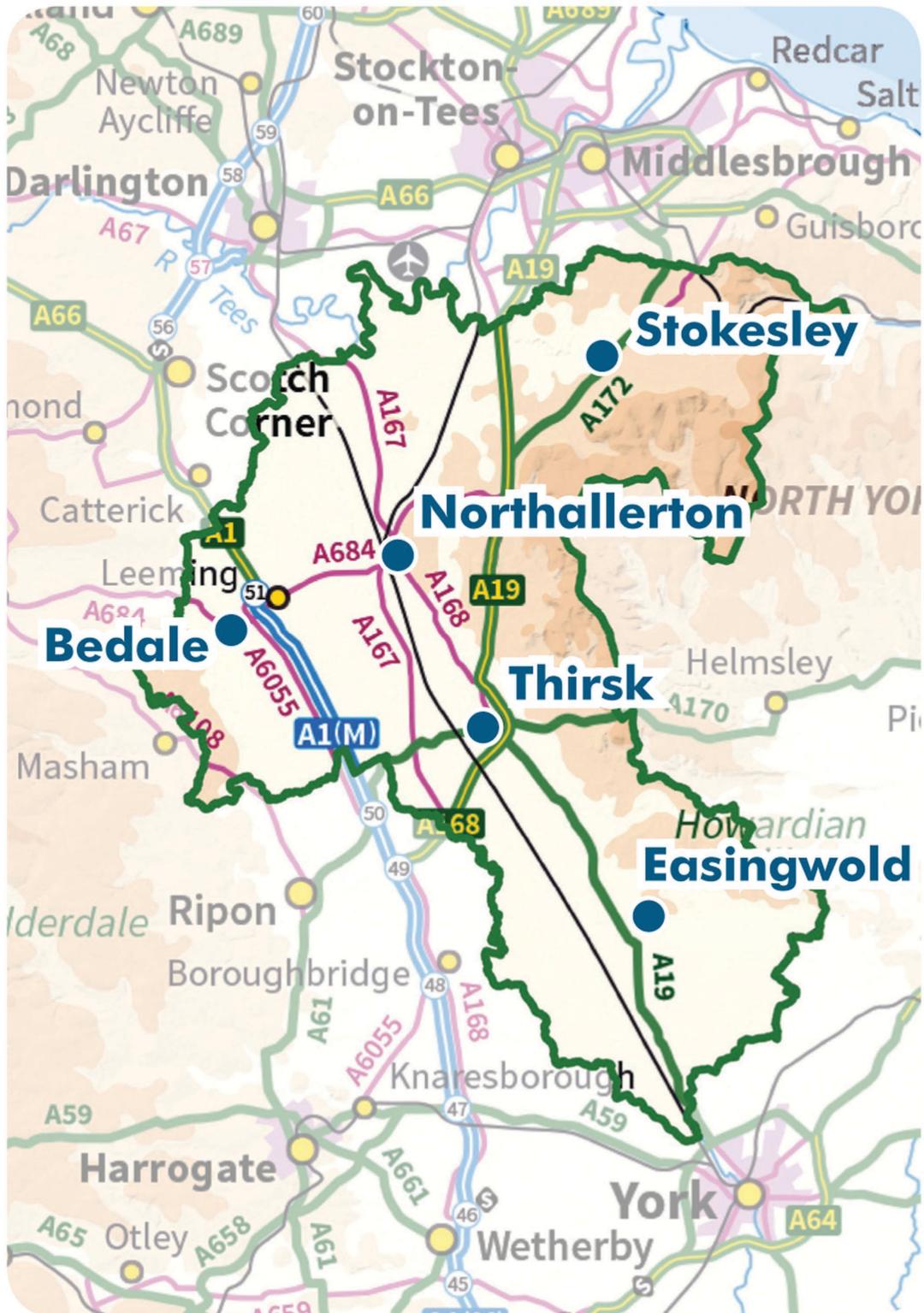
6.3 The private hire operator will make a record of each individual suitability assessment on the form provided at the end of this policy and the following guidelines will be applied in each instance:

- Crimes resulting in death  
Where an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause death or serious injury, they will not be employed.
- Exploitation  
Where an applicant has been convicted of a crime with any connection to abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be employed. This includes slavery, sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. This is not an exhaustive list.
- Offences involving violence  
Where an applicant has a conviction connected with any offence of violence, they will not be employed until at least 10 years have elapsed since the completion of any sentence imposed.
- Possession of a weapon  
Where an applicant has a conviction for possession of a weapon or any other weapon-related offence, they will not be employed until at least seven years have elapsed since the completion of any sentence imposed.
- Sexual offences  
Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, they will not be employed. In addition to the above, the private hire operator will not employ an individual who is currently on the Sex Offenders Register.
- Dishonesty  
Where an applicant has a conviction for any offence where dishonesty is an element of the offence, they will not be employed until at least seven years have elapsed since the completion of any sentence imposed.
- Drugs  
Where an applicant has any conviction in connection with the supply of drugs, or possession with intent to supply, they will not be employed until at least 10 years have elapsed since the completion of any sentence imposed.
- Discrimination  
Where an applicant has a conviction in connection with discrimination in any form, they will not be employed until at least seven years have elapsed since the completion of any sentence imposed.

## Private Hire Operator Booking & Dispatch Staff Assessment

Applicant Details	
Name	
Address	
Basic DBS disclosure number	
Date of issue	
Assessor Details (by or on behalf of Private Hire Operator)	
Name	
Address	
Date of assessment	
Assessment of Applicant Suitability	
<input type="checkbox"/> I confirm that I have considered the contents of the applicant's basic DBS disclosure within three months of the issue date.	
<input type="checkbox"/> I confirm that I have considered the applicant's suitability in line with the private hire operator's policy on employing ex-offenders and I am satisfied that the policy requirements have been satisfied.	
<input type="checkbox"/> I confirm that the applicant has been informed of the requirement to disclose any convictions to the private hire operator within 48 hours.	
<input type="checkbox"/> I confirm that arrangements have been made for a further assessment to be carried out no more than 12 months from today's date.	
<input type="checkbox"/> I confirm that a record of this assessment shall be kept and maintained in a register held by the private hire operator and made available for inspection by an authorised officer of the licensing authority.	
Date next DBS check due	
Assessor's signature	
Notes	

**MAP OF HAMBLETON**



<b>Part 1: Introduction</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
1.1.10	New reference to the Statutory Taxi and Private Hire Vehicle Standards (July 2020).	Policing and Crime Act 2017
1.5	New paragraph relating to regular monitoring and review of the policy.	N/A
1.6.6	New paragraph detailing the Information Commissioner's interpretation of personal data.	Information Commissioner's Office (ICO)
1.8.6	New paragraph relating to DBS referrals.	4.14-4.16 of the Statutory Standards
<b>Part 2: Hackney Carriages</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
2.2.1	Amended bullet point to provide clarity on vehicle specification (door requirements).	N/A
2.4.3	New paragraph requiring any applicant for a new hackney carriage vehicle licence to obtain a basic DBS disclosure (and/or a certificate of good conduct).	7.2 of the Statutory Standards
2.5.4	New paragraph requiring any applicant for the renewal of a hackney carriage vehicle licence to obtain a basic DBS disclosure (and/or a certificate of good conduct).	7.2 of the Statutory Standards
2.6.2	Information provided in the event of any failure to comply with conditions.	N/A
2.7.3	Amended paragraph to ensure that new proprietors are subject to basic DBS disclosure/certificate of good conduct checks on application for transfer.	7.2 of the Statutory Standards.
2.8.5	New requirement for hackney carriage vehicle proprietors to display information for passengers on how to make complaints to the licensing authority.	4.31 of the Statutory Standards.
2.12	New paragraph to provide more information relating to the basic DBS disclosure requirements for hackney carriage vehicle proprietors.	7.2 of the Statutory Standards
2.13	New paragraph to provide more information relating to the new certificate of good conduct requirements for hackney carriage vehicle proprietors.	7.6 of the Statutory Standards
2.18	Amended paragraph to extend self-reporting requirements to include sanctions other than convictions and to reduce the timeframe for any such disclosure from 7 days to 48 hours.	4.12 of the Statutory Standards
2.21	Amended to clarify that dashcams are excluded from the scope of the CCTV provisions.	N/A
2.26	New requirement for companies and partnerships to notify the licensing authority of any changes to directors or partners.	7.5 of the Statutory Standards
<b>Part 3: Private Hire Vehicles</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
3.2.1	Amended bullet point to provide clarity on vehicle specification (door requirements).	N/A
3.4.2	New paragraph requiring any applicant for a new private hire vehicle licence to obtain a basic DBS disclosure (and/or a certificate of good conduct).	7.2 of the Statutory Standards
3.5.4	New paragraph requiring any applicant for the renewal of a private hire vehicle licence to obtain a basic DBS disclosure (and/or a certificate of good conduct).	7.2 of the Statutory Standards

3.6.2	Information provided in the event of any failure to comply with conditions.	N/A
3.7.3	Amended paragraph to ensure that new proprietors are subject to basic DBS disclosure/certificate of good conduct checks on application for transfer.	7.2 of the Statutory Standards.
3.8.4	New requirement for private hire vehicle proprietors to display information for passengers on how to make complaints to the licensing authority.	4.31 of the Statutory Standards
3.12	New paragraph to provide more information relating to the new basic DBS disclosure requirements for private hire vehicle proprietors.	7.2 of the Statutory Standards
3.13	New paragraph to provide more information relating to the new certificate of good conduct requirements for private hire vehicle proprietors.	7.6 of the Statutory Standards
3.18	Amended paragraph to extend self-reporting requirements to include sanctions other than convictions and to reduce the timeframe for any such disclosure from 7 days to 48 hours.	4.12 of the Statutory Standards
3.21	Amended to clarify that dashcams are excluded from the scope of the CCTV provisions.	N/A
3.24	New paragraph detailing the requirement for private hire vehicle proprietors to notify the licensing authority of any change of address within seven days (already a licence condition but now included within the policy itself for clarity and consistency).	N/A
3.25	New requirement for companies and partnerships to notify the licensing authority of any changes to directors or partners.	7.5 of the Statutory Standards
<b>Part 4: Hackney Carriage and Private Hire Drivers</b>		
Ref	Revision	Source
4.2.2	Clarification on age of safeguarding certificate in accordance with existing requirements.  New requirement to produce customer care training certificate prior to a licence being granted (currently required within 12 months).	N/A
4.8.4	Removal of obsolete timeframes brought about by the previous policy amendments relating to the introduction of safeguarding training requirements.	N/A
4.9	Customer care course to become a requirement before a licence is granted (as suitable online courses are now available).	N/A
4.12.2	Amended paragraph to indicate that criminal record checks will be required every six months (currently every three years).	6.2 of the Statutory Standards
4.13	New paragraph (taken from Annex H in the existing policy) to provide guidance relating to the DBS Update Service and to impose a new obligation on all licensed drivers to register with the update service.	Annex H of HDC policy and 6.2 of the Statutory Standards
4.20.8 & 4.20.9	Confirmation of existing arrangements for senior officers to revoke licences with immediate effect where necessary in the interests of public safety.	Licensing Committee decision - 5 <sup>th</sup> February 2019
4.21	Amended paragraph to reduce the timeframe for any self-reporting requirements from 7 days to 48 hours.	4.12 of the Statutory Standards
4.24	New paragraph detailing the requirement for licensed drivers to notify the licensing authority of any change of address within seven days.	N/A
<b>Part 5: Private Hire Operators</b>		
Ref	Revision	Source
5.1.4	New paragraph extending the private hire operator 'fit and proper' test	8.5 of the Statutory

	to all directors and partners in respect of companies and partnerships.	Standards
5.2.2	New requirement for private hire operators to produce: - a policy on the suitability of booking and dispatch staff; and - a basic DBS disclosure (and/or a certificate of good conduct) in respect of all directors and partners for companies and partnerships.	8.5 and 8.12 of the Statutory Standards
5.3.4	Confirmation that the requirements relating to basic DBS disclosure also apply to the renewal process.	N/A
5.5	Guidance provided on the specification and rationale for private hire operator criminal record checks.	8.1 to 8.5 of the Statutory Standards
5.6	Guidance provided on criminal record checks for applicants and licensees who have lived overseas.	4.35 of the Statutory Standards
5.7	New paragraph detailing the requirement for private hire operators to notify the licensing authority of any convictions or other sanctions (already a licence condition in respect of convictions but now included within the policy itself for clarity and consistency).	4.12 of the Statutory Standards
5.8	New paragraph detailing requirement for private hire operators to produce a policy and maintain a register in relation to suitability assessments on booking and dispatch staff.	8.8 to 8.12 of the Statutory Standards
5.9	New requirement for companies and partnerships to notify the licensing authority of any changes to directors or partners.	8.5 of the Statutory Standards
<b>Part 6: Enforcement</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
6.8.1	More details provided to advise how to make complaints against licensees.	4.31 of the Statutory Standards
6.10	Removal of details relating to regular reviews of the enforcement policy (information incorporated into new paragraph 1.5 to provide for regular reviews of the entire policy as opposed to only the enforcement section).	N/A
<b>Annex A: Guidelines Relating to Applicant Suitability</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
3	Minimum free-from-conviction period increased to 10 years (from seven years in some cases) for all violence against the person offences.	Annex A of the Statutory Standards
4	New section created to consider public order and criminal damage convictions separately from violence (no change proposed to the free-from-conviction periods in the existing policy).	N/A
5	Minimum free-from-conviction period increased to seven years (from five years) for possession of weapon offences.	Annex A of the Statutory Standards
6	Paragraph amended to indicate that licences will not normally be granted to applicants with any convictions relating to safeguarding and exploitation (renamed from “sexual offences”) or any applicant appearing on one of the DBS barred lists.	6.2 and Annex A of the Statutory Standards
7	Minimum free-from-conviction period increased to seven years (from five years) for dishonesty offences.	Annex A of the Statutory Standards
8	Minimum free-from-conviction period increased to 10 years (from five years) for offences relating to the supply of drugs and increased to five years (from three years) for offences relating to the possession of drugs.	Annex A of the Statutory Standards
9	New section created requiring applicants and licence holders to remain free from conviction for at least seven years after any conviction relating to discrimination.	Annex A of the Statutory Standards

10	“Driving offences” renamed to “Motoring offences” to more accurately describe the wide range of convictions (e.g. insurance, failure to disclose information etc).	N/A
14	“Licensed drivers” renamed to “Licence holders” to accommodate vehicle proprietors and operators.	N/A
<b>Annex B: Private Hire Driver Licence Conditions</b>		
Ref	Revision	Source
10	Reworded condition reducing the timeframe for self-reporting requirements from 7 days to 48 hours.	4.12 of the Statutory Standards
11	New condition requiring all licensed drivers to register with the DBS update service.	6.2 of the Statutory Standards
15	Customer care course condition removed and, instead, required prior to the grant of a licence (as suitable online courses are now available).	N/A
18	New condition requiring licensed drivers to notify the licensing authority of any change of address within seven days.	N/A
<b>Annex C: Private Hire Operator Licence Conditions</b>		
Ref	Revision	Source
7	New condition requiring companies and partnerships to notify the licensing authority of any changes to directors or partners.	8.5 of the Statutory Standards
8	Reworded condition reducing the timeframe for self-reporting requirements from 7 days to 48 hours.	4.12 of the Statutory Standards
9	New condition requiring private hire operators (including directors and partners in respect of companies and partnerships) to undergo annual basic DBS disclosure checks.  Provision made for criminal record checks for individuals who have lived overseas.	8.2-8.5 of the Statutory Standards  4.35 of the Statutory Standards
10	New condition requiring private hire operators to produce a policy on the suitability of booking and dispatch staff.	8.12 of the Statutory Standards
11	New condition requiring private hire operators to keep and maintain a register of booking and dispatch staff.	8.8 of the Statutory Standards
<b>Annex D: Private Hire Vehicle Licence Conditions</b>		
Ref	Revision	Source
15	Reworded condition reducing the timeframe for self-reporting requirements from 7 days to 48 hours.	4.12 of the Statutory Standards
16	New condition requiring companies and partnerships to notify the licensing authority of any changes to directors or partners.	7.5 of the Statutory Standards
<b>Annex E: Hackney Carriage Vehicle Licence Conditions</b>		
Ref	Revision	Source
14	Reworded condition reducing the timeframe for self-reporting requirements from 7 days to 48 hours.	4.12 of the Statutory Standards
15	New condition requiring companies and partnerships to notify the licensing authority of any changes to directors or partners.	7.5 of the Statutory Standards

<b>Annex H: DBS Handling Policy</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
2	Information relating to the DBS Update Service removed from Annex H and placed in a more prominent place within the main body of the policy (at paragraph 4.13), along with some additional information to provide guidance ahead of the proposed amendments to the DBS check frequency.	N/A
<b>Annex I: The Use of CCTV in Licensed Vehicles</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
1.3	Confirmation that dashcams are excluded from the scope of the CCTV policy.	N/A
2.9 - 2.10	New paragraphs relating to CCTV audio recordings.	7.12 of the Statutory Standards
<b>Annex L: Right to Work in the UK</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
List B: 5, 6 & 7	Amended to reflect current Home Office guidance on right to work in the UK.  Note: From 1 July checks will change, and all EEA nationals will be required to demonstrate they have a right to work through evidence of their immigration status, rather than their nationality, using the online service. There will be a small number of exceptions and these will be detailed in further guidance. New guidance on how to conduct right to work checks on EEA nationals from 1 July will be provided in advance of this date.	Home Office: An Employer's Guide to Right to Work Checks (17 March 2021)
<b>Annex M: Private Hire Operator Booking and Dispatch Staff</b>		
<b>Ref</b>	<b>Revision</b>	<b>Source</b>
N/A	New Annex to provide templates for private hire operators to produce policies and forms relating to the suitability of staff undertaking booking and dispatch duties.	N/A