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AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 3 February 2016

Dear Councillor

NOTICE OF MEETING

Meeting **LICENSING COMMITTEE**
Date **Thursday, 11 February 2016**
Time **1.30 pm**
Venue **Main Committee Room, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

To:	Councillors	Councillors
	Mrs I Sanderson (Chairman)	K G Hardisty
	R A Baker (Vice-Chairman)	D Hugill
	P Bardon	R Kirk
	M A Barningham	J Noone
	D M Blades	C Patmore

Other Members of the Council for information

PLEASE NOTE THAT, ON THE RISING OF THE MEETING, THERE WILL BE MEMBER TRAINING ON THE LICENSING HEARINGS PANEL - ROLE AND PROCEDURES

AGENDA

Page No

1. MINUTES

To confirm the minutes of the meeting held on 24 November 2015 (LC.7 - LC.10) and the meetings of the Licensing and Appeals Hearings Panel held on 2 December 2015 (LHP.5 – LHP.7 and LHP.8 – LHP.10), previously circulated.

2. APOLOGIES FOR ABSENCE

3. GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

1 - 30

Report of the Executive Director

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

31 - 124

Report of the Executive Director

5. 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 February 2016

From: Executive Director

Subject: **GAMBLING ACT 2005 STATEMENT OF PRINCIPLES**

All Wards
Scrutiny Committee

1.0 PURPOSE AND BACKGROUND

- 1.1 The purpose of this report is to ask Members to seek Full Council's approval of the revised Gambling Act 2005 Statement of Principles.

2.0 INFORMATION AND ANALYSIS

- 2.1 A revised Statement of Principles (attached at Annex A) was approved by the Licensing Committee on 24th November 2015.
- 2.2 In accordance with section 154(2)(c) of the Gambling Act 2005, the responsibility for formulating the Statement of Principles cannot be delegated to the Licensing Committee and any decision in this respect must be taken by Full Council.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to recommend that Full Council approve the revised Gambling Act 2005 Statement of Principles.

MICK JEWITT

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110216 Gambling Act 2005 Policy

GAMBLING ACT 2005
DRAFT STATEMENT OF PRINCIPLES

FEBRUARY 2016

1.0	INTRODUCTION.....	2
1.1	Hambleton.....	2
1.2	Consultation.....	2
1.3	Declaration.....	3
2.0	RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES	4
2.1	Responsible Authorities.....	4
2.2	Interested Parties.....	4
3.0	LICENSING AUTHORITY FUNCTIONS	6
3.1	Responsibilities.....	6
3.2	Exchange of Information.....	6
3.3	Decision Making	6
3.4	Committee	7
4.0	LICENSING OBJECTIVES.....	9
4.1	Overview	9
4.2	Preventing Crime and Disorder.....	9
4.3	Ensuring That Gambling is Conducted in a Fair and Open Way.....	9
4.4	Protecting Children and Other Vulnerable Persons.....	9
5.0	PREMISES LICENCES.....	10
5.1	Meaning of Premises.....	10
5.2	Premises 'Ready for Gambling'.....	11
5.3	Premises Licence Considerations.....	11
5.4	Conditions.....	11
5.5	Plans.....	12
5.6	Local Risk Assessments.....	13
5.7	Planning.....	14
5.8	Reviews.....	14
6.0	PREMISES LICENCE TYPES.....	16
6.1	Adult Gaming Centres.....	16
6.2	Family Entertainment Centres.....	16
6.3	Casinos.....	17
6.4	Bingo Premises.....	17
6.5	Betting Premises.....	18
6.6	Track Betting Premises.....	18
7.0	OTHER AUTHORISATIONS.....	20
7.1	Family Entertainment Centre Gaming Machine Permits.....	20
7.2	Automatic Entitlement for up to 2 Gaming Machines on Licensed Premises.....	20
7.3	Licensed Premises Gaming Machine Permit (3 or More Machines).....	20
7.4	Prize Gaming Permits.....	21
7.5	Club Gaming and Club Machine Permits.....	22
7.6	Small Society Lotteries.....	23
7.7	Temporary Use Notices.....	23
7.8	Occasional Use Notices.....	24
7.9	Travelling Fairs.....	24
7.10	Provisional Statements.....	24
8.0	ENFORCEMENT.....	26
8.1	Exercise of Powers.....	26
8.2	Complaints.....	26

1.0 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 'A'.
- 1.1.2 Hambleton covers an area of 1,311.17 km² most of which, 1,254.90 km², is green space. In 2011, Hambleton had an estimated population of 89,140.
- 1.1.3 There are currently 12 licensed premises located within the district of Hambleton (11 betting premises and 1 track betting premises).
- 1.1.4 Authorisation is frequently sought for small society lotteries and for gaming machines to be made available in premises licensed to sell or supply alcohol.

1.2 CONSULTATION

- 1.2.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The revised statement must then be re-published.
- 1.2.2 The Gambling Act requires that the following parties are consulted by Licensing Authorities:-
 - The Chief Officer of Police.
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the authority's area.
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.
- 1.2.3 Hambleton District Council consulted widely upon this Statement prior to publication. A list of those persons consulted is attached as Annex B.
- 1.2.4 The consultation for this statement revision was for the period from ***** until *****. Copies of the statement were placed in the public libraries within the district as well as being available at the Civic Centre.
- 1.2.5 The full list of comments made and the consideration by the council of those comments is available upon request to: The Licensing Team, Hambleton District Council, Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU.
- 1.2.6 The statement was approved at a meeting of the full Council on ***** and was published on www.hambleton.gov.uk on *****.
- 1.2.7 It should be noted that this Statement of Gambling Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

1.3 DECLARATION

- 1.3.1 In producing the final Statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

2.0 RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES

2.1 RESPONSIBLE AUTHORITIES

- 2.1.1 Responsible authorities are public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences.
- 2.1.2 Section 157 of the Act gives the council discretion to designate, in writing, a body which is competent and most appropriate to advise the authority about the protection of children from harm.
- 2.1.3 The council has had consideration of the following principles:
- The need for the body to be responsible for an area covering the whole of the licensing authority's area
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 2.1.4 In accordance with the Act, and with regard to the Guidance and the above principles, this authority designates the Local Safeguarding Children Board for this purpose.
- 2.1.5 The Responsible Authorities are:
- The council's Licensing Team
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - The council's Planning Team
 - The Gambling Commission
 - The Local Safeguarding Children Board
 - Her Majesty's Commissioners of Customs and Excise
 - The council's Environmental Health Team
- 2.1.6 The contact details of all the Responsible Authorities under the Act are available via the council's website.

2.2 INTERESTED PARTIES

- 2.2.1 Similarly to responsible authorities, interested parties can make representation to the licensing authority in relation to applications for, and in relation to, premises licences.
- 2.2.2 A person is an interested party in relation to an application for, or in respect of, a premises licence if, in the opinion of the council:-
- the person lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - has business interests that might be affected by the authorised activities; or
 - represents persons who satisfy either of the above bullet points.

- 2.2.3 When determining whether a person is an interested party, the council will apply the following principles:-
- Each case will be decided upon its merits;
 - The council will not apply a rigid rule to its decision making;
 - The council will consider the examples of considerations provided in the Guidance; and
 - The council will consider the Guidance that the term "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 2.2.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the Councillor/MP represents the ward likely to be affected.
- 2.2.5 Likewise, Parish Councils likely to be affected will be considered to be interested parties.
- 2.2.6 Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 2.2.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.
- 2.2.8 Anyone wishing to make a representation concerning an application will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 4.0 of this statement.

3.0 LICENSING AUTHORITY FUNCTIONS

3.1 RESPONSIBILITIES

3.1.1 The council is responsible for the licensing of premises where gambling activities are to take place.

3.1.2 The following functions are administered by the council:-

- Premises Licences (betting, bingo, gaming centres and casinos)
- Provisional Statements
- Club Gaming Permits and/or Club Machine Permits
- Licensed Premises Gaming Machine Permits
- Notifications from alcohol licensed premises for the use of two or fewer gaming machines
- Family Entertainment Centre Gaming Machine Permits
- Prize Gaming Permits
- Small Society Lottery Registrations
- Occasional Use Notices
- Temporary Use Notices
- the provision of information to the Gambling Commission regarding details of licences issued
- maintaining registers of the permits and licences that are issued under these functions

3.1.3 Licensing authorities are not responsible for licensing remote gambling. This is regulated by the Gambling Commission via operating licences.

3.2 EXCHANGE OF INFORMATION

3.2.1 The council will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to the Guidance on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

3.2.2 Should any protocols be established as regards information exchange with other bodies then they will be made available.

3.3 DECISION MAKING

3.3.1 In making decisions about premises licences and temporary use notices, the council will, in accordance with section 153 of the Act, aim to permit the use of premises for gambling insofar as it considers it:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

- 3.3.2 Moral objections to gambling, as well as unmet demand, are not valid reasons to reject applications for premises licences (except as regards any 'no casino resolution' - see section 6.3 on Casinos).

3.4 COMMITTEE

- 3.4.1 The council has established a Licensing Committee to administer the wide range of licensing decisions and functions for which it is responsible.
- 3.4.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them. A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities.
- 3.4.3 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to officers. In these instances, a record of the decision will be available to view on the council's website. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or full Committee, or full Council if considered appropriate in the circumstances of any particular case.
- 3.4.4 Ward Councillors will not sit on a Sub-Committee involving an application within their ward.
- 3.4.5 Where a Councillor who is a member of the Licensing Sub-Committee is making, or has made, representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.
- 3.4.6 The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
- 3.4.7 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the council's website as soon as possible after the decision has been confirmed.
- 3.4.8 The council's licensing officers will deal with all other licensing applications either where no representations have been received, or where representations have been received and withdrawn, or it is agreed by the parties that a hearing is not necessary.
- 3.4.9 "Frivolous" or "vexatious" representations need not be taken into consideration by the council. Whether a representation is frivolous or vexatious is a matter of fact, however, matters which this licensing authority may consider in deciding whether a representation is frivolous or vexatious include the following:-

- Who is making the representation and whether there is a history of making applications that are not relevant;
- Whether it raises a relevant issue; or
- Whether it raises issues specifically to do with the premises that are the subject of the application.

3.4.10 Where representations are rejected, the person making the representation will be given written reasons as to why this is the case. There is no right of appeal against a determination that representations are not admissible.

4.0 LICENSING OBJECTIVES

4.1 OVERVIEW

4.1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.1.2 The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

4.2 PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER OR BEING USED TO SUPPORT CRIME

4.2.1 The Gambling Commission takes a leading role in preventing gambling from being a source of crime but licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors.

4.3 ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

4.3.1 The Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail in section 6.6 of this statement.

4.4 PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING

4.4.1 The Guidance explains that this objective means preventing children from taking part in gambling, as well as the restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children. The council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc. With regards to the location of premises, the council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling.

4.4.3 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition, for regulatory purposes, it will assume this group includes:-

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

5.0 PREMISES LICENCES

5.1 MEANING OF PREMISES

- 5.1.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building, however, could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit, premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. Licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 5.1.2 The Guidance states that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 5.1.3 The council will take particular care when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and will have regard to the following principles:-
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
 - Customers should be able to participate in the activity named on the premises licence.
- 5.1.4 Other factors that may be taken into account when considering applications are:-
- Is there a separate registration for business rates for the premises?
 - Is the premises' neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?

5.2 PREMISES 'READY FOR GAMBLING'

- 5.2.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 5.2.2 If the construction of any premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 5.2.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at any premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- Whether the premises ought to be permitted to be used for gambling; and
 - Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 5.2.4 Applicants should note that the council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 5.2.5 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

5.3 PREMISES LICENCE CONSIDERATIONS

- 5.3.1 In determining applications the council has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives.

5.4 CONDITIONS

- 5.4.1 Any conditions attached to licences will be proportionate and will be:-
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 5.4.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 5.4.3 The council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Guidance.

5.4.4 The council will also ensure that where category C, or above, machines are on offer in premises to which children are admitted:-

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only persons aged 18 years or over are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.4.5 These considerations will apply to premises including buildings where multiple premises licences are applicable.

5.4.6 This council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. The council will consider the impact upon the objective "protecting children and other vulnerable persons from being harmed or exploited by gambling" and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

5.4.7 The council cannot attach to premises licences:-

- any condition which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winnings or prizes.

5.4.8 The Secretary of State has set out conditions to be attached to all premises licences in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007. Conditions under these Regulations fall into two categories:

- mandatory conditions that must be attached to premises licences; and
- default conditions that attach to the premises licence unless the licensing authority decides to exclude them.

5.5 PLANS

5.5.1 Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to coordinate future premises inspection activity.

5.5.2 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

- 5.5.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 5.5.4 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the premises boundary does not need to be defined.
- 5.5.5 The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

5.6 LOCAL RISK ASSESSMENTS

- 5.6.1 The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015, and have introduced significant new responsibilities for operators in relation to their premises.
- 5.6.2 From 6 April 2016 all non-remote licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. These risk assessments should be submitted to the licensing authority when submitting applications for new premises licences and also when varying existing premises licences.
- 5.6.3 The licensing authority will expect operators to identify the local risk factors surrounding the premises and consider matters such as:-
- whether neighbouring facilities may present risks when located near gambling premises (e.g. schools, hospitals, community centres, homeless centres);
 - whether the premises is located in an area of deprivation;
 - whether the premises is located in an area which is subject to high levels of crime and/or disorder.
- 5.6.4 Operators should also include control measures to mitigate the risks that have been identified. Control measures could include:-
- Staff training with regards to excessive gambling;
 - Updated policies and procedures;
 - The use of security personnel;
 - Age verification schemes;
 - Installation of CCTV;
 - Provision of signage relating to gambling care;
 - The layout of the premises to ensure staff have, where possible, unobstructed views of persons using the premises.

5.7 PLANNING

5.7.1 When dealing with a premises licence application for finished buildings, the council will not take into account whether those buildings have, or comply with, the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

5.8 REVIEWS

5.8.1 A request for a review of a premises licence can be made by interested parties or responsible authorities.

5.8.2 A request for review may be rejected if:

- The authority regards the request as frivolous or vexatious;
- The request does not raise any new grounds to those raised during the consideration of a previous application for the grant, variation or review of the licence;
- The request does not raise any issue which is relevant to the principles which the authority is required to consider in granting a premises licence application
- The authority is satisfied that any review resulting from the request would certainly not lead to the suspension, revocation or alteration of the licence.

5.8.3 In deciding whether to carry out a review, the council will have regard to the Guidance, this statement of principles and the relevance of the request with the licensing objectives.

5.8.4 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

5.8.5 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

5.8.6 Reviews will be carried out as soon as possible after the 28-day period for making representations has passed. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

5.8.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well

as any relevant representations. In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises.

5.8.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:-

- The licence holder;
- The applicant for review;
- The Commission;
- Any person who made representations;
- The chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

6.0 PREMISES LICENCE TYPES

6.1 ADULT GAMING CENTRES

6.1.1 The holder of an adult gaming centre premises licence may make available for use gaming machines in accordance with Section 172(1) of the Act and regulations.

6.1.2 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

6.1.3 The council may consider measures to meet the licensing objectives such as:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

6.1.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

6.2 FAMILY ENTERTAINMENT CENTRES

6.2.1 The holder of a family entertainment centre premises licence may make available for use gaming machines in accordance with Section 172(2) of the Act and regulations.

6.2.2 In terms of accessing a family entertainment centre, no customer shall be able to access the premises directly from:-

- a casino;
- an adult gaming centre; or
- a betting premises, other than a track

6.2.3 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

6.2.4 This licensing authority may consider measures to meet the licensing objectives such as:-

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;

- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare; and
- Measures/training for staff on how to deal with suspected truant school children on the premises.

6.2.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Where premises wish to provide category D gaming machines only, it may do so under the benefit of a Family Entertainment Centre Gaming Machine Permit (refer to section 7.1).

6.3 CASINOS

6.3.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the full Council.

6.3.2 In terms of accessing a casino premises:-

- The principal access entrance to the premises must be from a street;
- No entrance to a casino shall be from premises that are used wholly or mainly by children and/or young persons; and
- No customer shall be able to enter a casino directly from any other premises which holds a gambling premises licence.

6.4 BINGO PREMISES

6.4.1 The council will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

6.4.2 This authority notes the Guidance regarding the unusual circumstances in which the splitting of any pre-existing premises into two adjacent premises might be permitted.

6.4.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6.4.4 In terms of accessing a bingo premises, no customer shall be able to access the premises directly from:-

- a casino;
- an adult gaming centre; or
- a betting premises, other than a track.

6.4.5 Where category B and/or category C machines are available in premises to which children are admitted, applicants will be expected to ensure that:-

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to this area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

6.5 BETTING PREMISES (OTHER THAN TRACKS)

6.5.1 Some betting premises may make available for use machines that accept bets on live events, such as a sporting event, as a substitute for placing a bet over the counter. When considering the number/nature/circumstances of betting machines an operator wants to offer, the council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

6.5.2 In terms of accessing betting premises:-

- Access must be from a street or from another premises with a betting premises licence; and
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services.

6.6 TRACK BETTING PREMISES

6.6.1 The council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. The council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

6.6.2 The council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

6.6.3 The council may consider measures to meet the licensing objectives such as:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and

- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 6.6.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 6.6.5 Where the applicant holds a pool betting operating licence and intends to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 6.6.6 The council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 6.6.7 In terms of general access to a track betting premises, no customer shall be able to access the premises directly from a casino or an adult gaming centre.

7.0 OTHER AUTHORISATIONS

7.1 FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 7.1.1 Where an operator wishes to provide gaming machines at any premises that does not hold a premises licence, he/she may apply to the licensing authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 7.1.2 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 7.1.3 It should be noted that a licensing authority cannot attach conditions to this type of permit.

7.2 AUTOMATIC ENTITLEMENT FOR UP TO 2 GAMING MACHINES ON PREMISES LICENSED TO SELL ALCOHOL

- 7.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically be entitled to make available 2 gaming machines of categories C and/or D. The holder of the premises licence (issued under the Licensing Act 2003) merely needs to notify the licensing authority in writing, pay the prescribed fee and comply with any relevant codes of practice.
- 7.2.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

7.3 LICENSED PREMISES GAMING MACHINE PERMIT

- 7.3.1 If the holder of a premises licence (issued under the Licensing Act 2003 to authorise the sale of alcohol for consumption on the premises) wishes to make available more

than 2 gaming machines, an application will need to be made for a permit. The licensing authority must consider the application based upon:-

- the licensing objectives;
- any guidance issued by the Gambling Commission issued under Section 25 of the Act; and
- such matters as they think relevant.

7.3.2 The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that can monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

7.3.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.

7.3.4 The council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

7.3.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

7.4 PRIZE GAMING PERMITS

7.4.1 In applying for a Prize Gaming Permit, the applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law; and
- the steps to be taken to protect children from harm.

7.4.2 In making its decision on an application for a prize gaming permit, the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

7.4.3 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

7.5 CLUB GAMING AND CLUB MACHINE PERMITS

7.5.1 Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit to enable the premises to provide:-

- 3 gaming machines of categories B, C or D;
- equal chance gaming; and
- games of chance as set out in regulations.

7.5.2 Members' Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit to enable the premises to provide:-

- 3 gaming machines of categories B, C or D.

Note: Commercial Clubs may not make category B3A gaming machines available for use.

7.5.3 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

7.5.4 The Guidance also notes that licensing authorities may only refuse an application on the grounds that:-

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years;
- an objection has been lodged by the Commission or the police.

7.5.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which the council can refuse a permit are:-

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

7.5.6 There are statutory conditions imposed on club gaming permits to ensure that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

7.6 SMALL SOCIETY LOTTERIES

7.6.1 A lottery promoted wholly on behalf of a non-commercial society whose proceeds do not exceed £250,000 in a calendar year is referred to as a small society lottery (Schedule 11, Part 4 of the Act defines a small society lottery in more detail). Small Society Lotteries are exempt from registration with the Gambling Commission, but are required to be registered with the local authority.

7.7 TEMPORARY USE NOTICES

7.7.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

7.7.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

7.7.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

7.7.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

7.7.5 As recommended in the Gambling Commission's Guidance to Licensing Authorities, the council would expect to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

7.8 OCCASIONAL USE NOTICES

- 7.8.1 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

7.9 TRAVELLING FAIRS

- 7.9.1 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the council is responsible for deciding whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 7.9.2 The council will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 7.9.3 There is a statutory maximum period of 27 days per calendar year for land being used as a fair. This applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

7.10 PROVISIONAL STATEMENTS

- 7.10.1 Developers may wish to apply for provisional statements before entering into a contract to buy, or lease, property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 7.10.2 Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:-
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 7.10.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 7.10.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 7.10.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of

a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:-

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

7.10.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application*.

*Note: This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

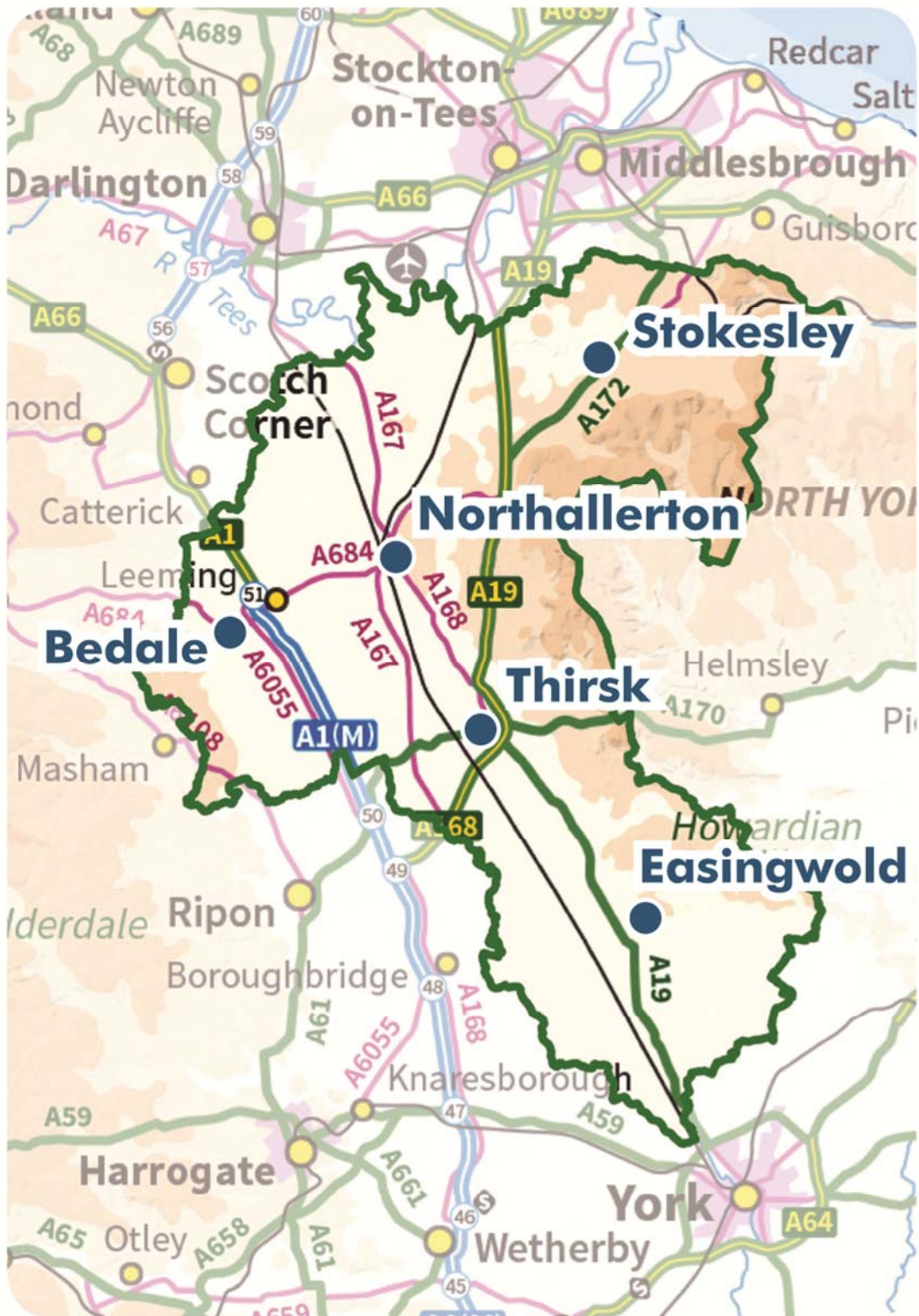
8.0 ENFORCEMENT

8.1 EXERCISE OF POWERS

- 8.1.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 8.1.2 The council recognises that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed. The council has regard to these principles in relation to its responsibilities and also has regard to the requirements of the Regulators' Code (to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business).
- 8.1.3 The main enforcement and compliance role for the council is to ensure compliance with the authorisations for which it is responsible. The Gambling Commission is the enforcement body for operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are also the responsibility of the Gambling Commission.

8.2 COMPLAINTS

- 8.2.1 The council will investigate complaints against premises for which it has responsibility in relation to matters relating to gambling. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- 8.2.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence review, the licensing authority may initially arrange a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections. Similarly, it will not override the right of any licence holder to decline to participate in a conciliation meeting.

MAP OF HAMBLETON

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PERSONS AND BODIES CONSULTED

Chief Constable
 County Fire and Rescue Officer
 North Yorkshire Children Safeguarding Board
 Director of Public Health
 Local Planning Authority
 North York Moors National Park
 North Yorkshire Trading Standards Service
 Environmental Health Service, Hambleton District Council
 Hambleton District Council's Ward Councillors
 HM Customs and Excise
 Bedale Town Council
 Easingwold Town Council
 Northallerton Town Council
 Stokesley Town Council
 Thirsk Town Council
 Existing Licence Holders
 Hambleton Citizens' Advice Bureau
 Barnados North East
 NSPCC
 Association of British Bookmakers
 Bingo Association
 British Amusement Catering Trade Association
 British Casino Association
 Remote Gambling Association
 British Horseracing Authority
 British Greyhound Racing Board
 Carousel Games
 Casino Operators Association
 Business in Sport and Leisure
 Gambling Commission
 Independent Betting Adjudication Service
 The Lotteries Council
 GamCare
 Gam-anon
 Gamestec Leisure Ltd
 National Casino Industry Forum
 The Racecourse Association
 Responsible Gambling Trust
 The Jockey Club
 Gamblers Anonymous

HAMBLETON DISTRICT COUNCIL

Report To: Licensing Committee
11 February 2016

From: Executive Director

Subject: **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

All Wards
Scrutiny Committee

1.0 PURPOSE AND BACKGROUND

- 1.1 The purpose of this report is to consider the responses to a consultation in relation to the draft Hackney Carriage and Private Hire Licensing Policy.
- 1.2 A preliminary consultation was carried out in October 2015 to gauge the opinion of licensed drivers, proprietors and operators prior to the final drafting of the proposed policy.
- 1.3 The responses to the preliminary consultation were considered by the Licensing Committee on 24 November 2015 and Members subsequently authorised a full consultation on the proposed revisions.

2.0 INFORMATION AND ANALYSIS

- 2.1 The existing policy (known as the Vehicle and Driver Licensing Policy) was last updated in October 2012 and a significant portion of the policy is now out of date following changes made by the government.
- 2.2 The revised policy seeks to:
 - raise standards;
 - reduce unnecessary burdens on businesses;
 - incorporate government changes;
 - provide additional guidance;
 - promote transparency;
 - remove duplication; and
 - improve the layout.
- 2.3 The draft policy is attached at Annex A.
- 2.4 On 8 December 2015, a newsletter (attached at Annex B) was sent to all licensed drivers, proprietors and operators along with a summary of the proposed changes (attached at Annex C). The draft policy was also advertised on the council's website and comments were invited from any interested parties.
- 2.5 Of the 157 trade consultees, 153 offered no response (97.5%). No other interested parties responded to the consultation. The council received a total of four responses as follows:
 - Four respondents objected to the proposed 10-year age limit on vehicles.
 - One respondent made enquiries about the proposal to increase the number of mechanical tests for vehicles over three years old.
 - One respondent enquired about the proposal in relation to DVSA assessments.

- 2.6 Based on the outcome of the consultation, it would appear that the vast majority of the trade is in support of the proposed changes. The only apparent point of contention relates to the proposed 10-year age limit on licensed vehicles. This matter was raised by just 2.5% of the consultees. Members are advised to consider the responses in the context of the consultation as a whole. The justification for the proposed age limit can be obtained from the aforementioned summary of proposed changes (attached at Annex C).
- 2.7 The four responses to the consultation are attached at Annex D, Annex E, Annex F and Annex G.
- 2.8 A further explanation in relation to the responses has been provided at Annex H.
- 2.9 As a result of the consultation, one amendment has been proposed to the draft policy in order to allow drivers of wheelchair accessible vehicles to use alternative qualifications to the DVSA enhanced assessment provided it has been specifically approved by an authorised officer.
- 2.10 The proposed amendments to the draft policy are in **bold** as follows:

Paragraph 4.8.1

*"The licensing authority will not normally grant a driver licence to any individual unless they have successfully completed a Driver and Vehicle Standards Agency (DVSA) taxi assessment. The standard assessment is acceptable for most drivers but anyone wishing to drive wheelchair accessible vehicles must pass the enhanced assessment (or the upgrade assessment where appropriate) **or an alternative qualification approved in writing by an authorised officer**".*

Condition 17

*"The licence does not authorise the driver to drive any wheelchair accessible vehicles licensed by Hambleton District Council unless a DVSA enhanced assessment (**or an alternative qualification approved in writing by an authorised officer**) has been passed and a certificate has been obtained and submitted to an authorised officer. The driver shall not drive a vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons".*

3.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES

- 3.1 The revision of the policy will have no significant financial implications for the council. The potential financial implications for licence holders have been considered in the drafting of the policy and the benefits are believed to outweigh the costs.

4.0 RECOMMENDATIONS

- 4.1 Members are asked to consider the responses and to seek Full Council's approval of the draft policy with or without amendments.

MICK JEWITT

Background papers: None
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110216 Taxi Policy

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (DRAFT)

NOVEMBER 2015

Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Simon Fisher, Principal Licensing Officer	19/10/2015

1	INTRODUCTION.....	4
1.1	Hambleton.....	5
1.2	Legislation.....	5
1.3	Objectives.....	6
1.4	Applying the Policy.....	6
1.5	Personal Data.....	6
1.6	Equality and Diversity.....	6
1.7	Safeguarding Children.....	7
2	HACKNEY CARRIAGES.....	8
2.1	Introduction.....	9
2.2	Vehicle Specification.....	9
2.3	Proprietorship.....	10
2.4	Process for New Applications.....	10
2.5	Process for Renewal Applications.....	11
2.6	Conditions.....	12
2.7	Transfer of Licence.....	12
2.8	Plates, Signs and Panels.....	12
2.9	Mechanical Inspections.....	13
2.10	Insurance.....	13
2.11	Vehicle Damage.....	14
2.12	Dual Plating.....	14
2.13	Mechanical Breakdown.....	14
2.14	Complaints.....	14
2.15	Convictions.....	14
2.16	Safety Equipment.....	15
2.17	Liquefied Petroleum Gas Fuel System.....	15
2.18	CCTV.....	15
2.19	Trailers.....	15
2.20	Smoking.....	15
2.21	Holding Driver Licence.....	16
2.22	Change of Address.....	16
2.23	Ranks.....	16
2.24	Meters.....	16
2.25	Fares.....	17
2.26	Calculation of Licence Fees.....	17
2.27	Accessibility.....	17
2.28	Horse Drawn Carriages.....	18
3	PRIVATE HIRE VEHICLES.....	19
3.1	Introduction.....	20
3.2	Vehicle Specification.....	20
3.3	Proprietorship.....	21
3.4	Process for New Applications.....	21
3.5	Process for Renewal Applications.....	22
3.6	Conditions.....	22
3.7	Transfer of Licence.....	23

3.8	Plates, Signs and Panels.	23
3.9	Mechanical Inspections.	23
3.10	Insurance.....	24
3.11	Vehicle Damage.	24
3.12	Dual Plating.	24
3.13	Mechanical Breakdown.	25
3.14	Complaints.	25
3.15	Convictions.....	25
3.16	Safety Equipment.	25
3.17	Liquefied Petroleum Gas Fuel System.....	25
3.18	CCTV.....	25
3.19	Trailers.....	26
3.20	Smoking.....	26
3.21	Calculation of Licence Fees.	26
3.22	Accessibility.....	27
3.23	Executive Vehicles.	27
3.24	Stretched Limousines.....	28
3.25	Novelty Vehicles.....	28
3.26	Exemptions and Standards for Executive/Novelty Vehicles.....	28
4	HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS	30
4.1	Introduction.....	31
4.2	Process for New Applications.....	31
4.3	Process for Renewal Applications.....	32
4.4	Duration....	32
4.5	Conditions.	33
4.6	DVLA Driving Licence	33
4.7	Medicals.....	33
4.8	DVSA Practical Driving Assessment	33
4.9	Customer Care.....	34
4.10	Duty to Carry Assistance Dogs	34
4.11	Criminal Record Check (DBS).....	35
4.12	Smoking..	35
4.13	Deposit of Licence.....	35
4.14	Return of Badge	36
4.15	Dress Code	36
4.16	Driver Conduct	36
4.17	Seat Belts.	36
4.18	Meters.....	37
4.19	Calculation of Licence Fees.	37
5	PRIVATE HIRE OPERATORS.	38
5.1	Introduction.....	39
5.2	Process for New Applications.....	39
5.3	Process for Renewal Applications.....	39
5.4	Duration....	40
5.5	Calculation of Licence Fees.	40

6.0	ENFORCEMENT.....	41
6.1	Introduction.....	42
6.2	Overall Aim of the Enforcement Policy.....	42
6.3	Guiding Principles.	42
6.4	Standards.....	43
6.5	Enforcement Activities.....	44
6.6	The Enforcement Actions Available.....	44
6.7	Appeals... ..	47
6.8	Complaints About Licensees.....	47
6.9	Complaints About the Service....	47
6.10	Policy Review....	47
ANNEX A	APPLICANT SUITABILITY AND CRIMINAL CONVICTIONS.....	48
ANNEX B	PRIVATE HIRE DRIVER LICENCE CONDITIONS.....	55
ANNEX C	PRIVATE HIRE OPERATOR LICENCE CONDITIONS	57
ANNEX D	PRIVATE HIRE VEHICLE LICENCE CONDITIONS	59
ANNEX E	HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS.....	62
ANNEX F	BYELAWS FOR HACKNEY CARRIAGES.....	65
ANNEX G	HACKNEY CARRIAGE TABLE OF FARES.....	68
ANNEX H	DBS HANDLING POLICY.....	69
ANNEX I	CCTV IN LICENSED VEHICLES.....	72
ANNEX J	EXCEPTIONALLY WELL MAINTAINED CRITERIA.....	74
ANNEX K	HACKNEY CARRIAGE AND PRIVATE HIRE INSPECTION FORM.....	76
ANNEX L	MAP OF HAMBLETON.....	78

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 L.
- 1.1.2 Hambleton covers an area of 1,311.17 km² most of which, 1,254.90 km², is green space. In 2011, Hambleton had an estimated population of 89,140¹.
- 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 Authority will apply when making decisions about new applications and licences currently in force.
- 1.1.8 The Regulators' Code² 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, regard has been given to advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance³.

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
 - Road Traffic Act 1988
 - Transport Act 1985

¹ 2011 Census Results

² Department for Business, Innovation & Skills – Better Regulation Delivery Office – July 2013

³ Department for Transport – March 2010

- 1.2.2 The council adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by a resolution dated 26 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 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 policy⁴ and, if the objectives can still be met, the licensing authority may exercise its discretion to depart from the general policy.

1.5 PERSONAL DATA

- 1.5.1 The council will hold personal data (about applicants, licensees, complainants etc) in connection with its licensing function.
- 1.5.2 The council will comply with its obligations under data protection legislation.
- 1.5.3 The council's aim is to minimise the unnecessary disclosure of personal data.
- 1.5.4 Personal data will only be obtained, kept or used as authorised by statute.

1.6 EQUALITY AND DIVERSITY

- 1.6.1 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 for licences, customers and complainants.
- 1.6.2 The licensing authority will take a very serious view of any complaints of discrimination by licensees against customers based on these factors or of any similar incidents involving licensees and other licensees.

⁴ Turner J in *R v Crown Court at Sheffield, ex p Consterdine* (1998)

1.7 SAFEGUARDING CHILDREN

- 1.7.1 The council has a duty of care to children and vulnerable persons who use licensed vehicles within the district of Hambleton.
- 1.7.2 The council recognises that all children and vulnerable persons have a right to be safe and protected from abuse and harm.
- 1.7.3 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.
- 1.7.4 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.
- 1.7.5 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.

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 vehicle⁵.
- 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 eight⁶.
- 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 licence⁷. 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 meter⁸.
- 2.1.4 All hackney carriages must be intended for use predominantly, or entirely, within the district of Hambleton⁹.

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 is less than 10 years old at the time of the application. The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C). This specification will take effect in relation to any grant or renewal application received on or after 1st January 2017. The age restriction will be disapplied if the vehicle is capable of carrying passengers in wheelchairs.
 - 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);
 - The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through¹⁰;
 - 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;

⁵ Section 45 of the Town Police Clauses Act 1847

⁶ Paragraph 7 of Schedule 1 to the Transport Act 1985

⁷ *Yates v Gates* [1970] 1 All ER 754

⁸ Paragraph 3 of Schedule 7 to the Transport Act 1985

⁹ *R (on the application of Newcastle City Council) v Berwick-upon-Tweed Borough Council* [2008] EWHC 2369 (Admin)

¹⁰ Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

- 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 manufacturer's specification and current Construction and Use Regulations applicable to the vehicle;
- It has rear seat belts (irrespective of age);
- It has a separate locking luggage area (i.e. boot) 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.
- 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;
 - 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); and
 - confirmation that the meter has been calibrated to the table of fares.

- 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 is minded to refuse a licence, the application and any supporting documentation 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 Court¹¹. 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 a time as a new application for this vehicle is received and subsequently granted.
- 2.5.3 Applications 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; and
 - 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).
- 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 licence lies to the Magistrates' Court¹². Any appeal must be made within 21 days following notice of a decision.

¹¹ By virtue of section 7 of the Public Health Acts (Amendment) Act 1907

¹² By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

2.6 CONDITIONS

- 2.6.1 The licensing authority can impose conditions on a hackney carriage licence. The conditions outlined in Annex E will be imposed unless the specific circumstances of an application justify a variation.
- 2.6.2 An appeal against conditions attached to a licence lies to the Magistrates' Court¹³. 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.
- 2.7.3 The application must be accompanied by a valid vehicle insurance certificate.
- 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, 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 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.
- 2.8.6 No vehicle shall be used for public hire purposes without the required plates and panels.
- 2.8.7 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 plate¹⁴.

¹³ By virtue of section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976

¹⁴ Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

2.9 MECHANICAL INSPECTIONS

- 2.9.1 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.
- 2.9.2 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.
- 2.9.3 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.
- 2.9.4 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.
- 2.9.5 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.
- 2.9.6 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.
- 2.9.7 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.
- 2.9.8 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 requested¹⁵. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

2.10 INSURANCE

- 2.10.1 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.
- 2.10.2 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 council¹⁶.

¹⁵ Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

¹⁶ Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976

2.11 VEHICLE DAMAGE

- 2.11.1 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 occurrence¹⁷.
- 2.11.2 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.

2.12 DUAL PLATING

- 2.12.1 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).

2.13 MECHANICAL BREAKDOWN

- 2.13.1 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.

2.14 COMPLAINTS

- 2.14.1 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.

2.15 CONVICTIONS

- 2.15.1 The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within seven days, disclose to the licensing authority in writing the details of any 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.

¹⁷ Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

2.16 SAFETY EQUIPMENT

- 2.16.1 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.

2.17 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS

- 2.17.1 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.

2.18 CCTV

- 2.18.1 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.
- 2.18.2 The council's policy in relation to the use of CCTV in licensed vehicles is attached at Annex I.

2.19 TRAILERS

- 2.19.1 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.
- 2.19.2 No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.
- 2.19.3 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.
- 2.19.4 The contents of such trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects.

2.20 SMOKING

- 2.20.1 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.

2.21 HOLDING DRIVER LICENCE

- 2.21.1 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 proprietorship¹⁸.

2.22 CHANGE OF ADDRESS

- 2.22.1 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 place¹⁹.

2.23 RANKS

- 2.23.1 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:

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

- 2.23.2 The number of vehicles standing at any rank must not exceed the number for which the rank is appointed at any time.
- 2.23.3 It is an offence to leave a hackney carriage vehicle unattended on a taxi rank²⁰. Hackney carriages can only wait on a rank whilst standing for hire.
- 2.23.4 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.

2.24 METERS

- 2.24.1 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.
- 2.24.2 All meters must meet any statutory requirements and the accuracy of any meter must be maintained.
- 2.24.3 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.

¹⁸ Section 48 of the Town Police Clauses Act 1847

¹⁹ Section 44 of the Town Police Clauses Act 1847

²⁰ *Rodgers v Taylor* [1987] RTR 86

- 2.24.4 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.

2.25 FARES

- 2.25.1 The hackney carriage table of fares is set by the Authority and is a maximum fare that can be charged by hackney carriage drivers.
- 2.25.2 It is an offence to charge in excess of the council's table of fares for any journey within the district of Hambleton²¹. 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 journey²².
- 2.25.3 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 allows²³.

2.26 CALCULATION OF LICENCE FEES

- 2.26.1 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 licences²⁴.
- 2.26.2 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.
- 2.26.3 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.
- 2.26.4 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.
- 2.26.5 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.

2.27 ACCESSIBILITY

- 2.27.1 Hackney carriages 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.

²¹ Section 58 of the Town Police Clauses Act 1847

²² Section 66 of the Local Government (Miscellaneous Provisions) Act 1976

²³ Section 54 of the Town Police Clauses Act 1847

²⁴ Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

- 2.27.2 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.
- 2.27.3 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 hackney carriage vehicles capable of carrying passengers in wheelchairs.
- 2.27.4 Unless an exemption applies, all licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge (see paragraph 4.10).

2.28 HORSE DRAWN CARRIAGES

- 2.28.1 Proprietors of horse-drawn carriages will be subject to any hackney carriage vehicle licence conditions excluding those specifically relating to vehicle design.
- 2.28.2 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.
- 2.28.3 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.
- 2.28.4 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.
- 2.28.5 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.
- 2.28.6 The licence will be granted for a maximum period of 12 months.
- 2.28.7 Special conditions will apply.
- 2.28.8 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 licence²⁵.

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 is less than 10 years old at the time of the application. The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C). This specification will take effect in relation to any grant or renewal application received on or after 1st January 2017. The age restriction will be disapplied if the vehicle is capable of carrying passengers in wheelchairs.
 - 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);
 - The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through²⁶;
 - 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);
 - It has seating arrangements in accordance with manufacturers’ specification and current Construction and Use Regulations²⁷ applicable to the vehicle;
 - It has rear seat belts (irrespective of age);
 - It has a separate locking luggage area (i.e., boot) 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;

²⁵ *Benson v Boyce* [1997] RTR 226

²⁶ Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

²⁷ Road Vehicles (Construction and Use) Regulations 1986

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; and
 - 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).
- 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 is minded to refuse a licence, the application and any supporting documentation 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' Court²⁸. Any appeal must be made within 21 days following notice of a decision.

²⁸ By virtue of section 48 of the Local Government (Miscellaneous Provisions) Act 1976

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 a time as a new application for this vehicle is received and subsequently granted.
- 3.5.3 Applications 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; and
 - 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).
- 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' Court²⁹. 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 An appeal against conditions attached to a licence lies to the Magistrates' Court³⁰. 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 must then make an application to transfer the licence into his/her name.

²⁹ By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

³⁰ By virtue of section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976

- 3.7.3 The application must be accompanied by a valid vehicle insurance certificate.
- 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, 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.
- 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 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.
- 3.8.5 No vehicle shall be used for private hire purposes without the required plates and panels.
- 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 plate³¹.

3.9 MECHANICAL INSPECTIONS

- 3.9.1 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.
- 3.9.2 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.
- 3.9.3 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.
- 3.9.4 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.

³¹ Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

- 3.9.5 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.
- 3.9.6 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.
- 3.9.7 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.
- 3.9.8 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 requested³². If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

3.10 INSURANCE

- 3.10.1 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.
- 3.10.2 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 council³³.

3.11 VEHICLE DAMAGE

- 3.11.1 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 occurrence³⁴.
- 3.11.2 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.

3.12 DUAL PLATING

- 3.12.1 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).

³² Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

³³ Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976

³⁴ Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

3.13 MECHANICAL BREAKDOWN

3.13.1 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.

3.14 COMPLAINTS

3.14.1 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.

3.15 CONVICTIONS

3.15.1 The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within seven days, disclose to the licensing authority in writing the details of any 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.

3.16 SAFETY EQUIPMENT

3.16.1 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.

3.17 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS

3.17.1 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.

3.18 CCTV

3.18.1 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.

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

3.19 TRAILERS

- 3.19.1 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.
- 3.19.2 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.
- 3.19.3 The contents of such trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects.

3.20 SMOKING

- 3.20.1 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.

3.21 CALCULATION OF LICENCE FEES

- 3.21.1 The costs associated with vehicle inspections and administration will be recovered via the licence fees for private hire vehicle licences³⁵.
- 3.21.2 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.
- 3.21.3 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.
- 3.21.4 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.
- 3.21.5 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.

³⁵ Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

3.22 ACCESSIBILITY

- 3.22.1 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.
- 3.22.2 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.
- 3.22.3 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 private hire vehicles capable of carrying passengers in wheelchairs.
- 3.22.4 Unless an exemption applies, all licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge (see paragraph 4.10).

3.23 EXECUTIVE VEHICLES

- 3.23.1 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.
- 3.23.2 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.
- 3.23.3 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.
- 3.23.4 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.
- 3.23.5 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.

3.24 STRETCHED LIMOUSINES

3.24.1 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.

3.25 NOVELTY VEHICLES

3.25.1 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.

3.26 EXEMPTIONS AND STANDARDS FOR EXECUTIVE/NOVELTY VEHICLES

3.26.1 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.

3.26.2 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).

3.26.3 The licensing authority has the power³⁶ to disapply the general requirement to display a licence plate where the circumstances justify it. 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.

3.26.4 Whilst driving an executive vehicle, stretched limousine or other novelty vehicle subject to the exemption in paragraph 3.26.2, the driver of the vehicle will 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.

³⁶ Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976

3.26.5 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.

3.26.6 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.

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 passengers³⁷.

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?"³⁸ 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.

4.2 PROCESS FOR NEW APPLICATIONS

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

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

³⁷ *McCool v Rushcliffe Borough Council* [1998] 3 All E.R. 889

³⁸ *Button on Taxis Licensing Law and Practice Third Edition* (page 389) – James Button

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 (DBS);
- 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 medical form as detailed in paragraph 4.7;
- a record of passing a written test prepared and delivered by Hambleton District Council on the applicant's knowledge of the locality and the rules governing licensees;
- a certificate issued by the DVSA confirming that the applicant has passed a practical driving assessment.

4.2.3 An appeal against a refusal to grant a hackney carriage or private hire driver licence lies to the Magistrates' Court³⁹. Any appeal must be made within 21 days following notice of a decision.

4.3 PROCESS FOR RENEWAL APPLICATIONS

4.3.1 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.

4.3.2 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.

4.3.3 All renewal applications must be accompanied by the requisite fee and, if the applicant's driving licence has been issued by an EEA state, the original licence must be submitted.

4.3.4 An appeal against a refusal to renew a hackney carriage and/or private hire driver licence lies to the Magistrates' Court⁴⁰. 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 policy⁴¹.

³⁹ By virtue of section 59(2) and section 52 of the Local Government (Miscellaneous Provisions) Act 1976 respectively

⁴⁰ By virtue of section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976

⁴¹ Section 53(1) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(2) of the Deregulation Act 2015

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' Court⁴². 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 acceptable⁴³.
- 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;
 - they are on the road for longer hours than most car drivers; and
 - they may have to assist disabled passengers and handle luggage.
- 4.7.2 All medicals 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, if that is not possible, by another doctor with access to the applicant's medical history.
- 4.7.4 Further medical certificates are required:
- every three years until the applicant has attained the age of 65 years⁴⁴; and
 - annually once the applicant has attained the age of 65 years⁴⁵.

⁴² By virtue of section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976

⁴³ Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as amended by the Driving Licences (Community Driving Licence) Regulations 1996

⁴⁴ In line with DfT Best Practice Guidance

⁴⁵ In line with the Group 2 medical standards applied by DVLA

4.8 DVSA PRACTICAL DRIVING ASSESSMENT

- 4.8.1 The licensing authority will not normally grant a driver licence to any individual unless they have successfully completed a Driver and Vehicle Standards Agency (DVSA) taxi assessment. The standard assessment is acceptable for most drivers but anyone wishing to drive wheelchair accessible vehicles must pass the enhanced assessment (or the upgrade assessment where appropriate) or an alternative qualification approved in writing by an authorised officer.
- 4.8.2 The assessment lasts for about 40 minutes. At the start of the test, applicants will be asked to read a number plate from a distance of approximately 20 metres and they will not be permitted to take the driving part of the assessment if they fail the eyesight test.
- 4.8.3 The standard assessment will include:
- a manoeuvre where the driver will be asked to turn the vehicle to face the opposite direction;
 - around 10 minutes of driving without being given turn-by-turn directions by the examiner;
 - stops at the side of the road as if a passenger is getting in or out;
 - related questions (e.g. what to do if a passenger leaves property in the vehicle);
 - questions from the Highway Code;
 - identifying traffic signs and road markings; and
 - an emergency stop.
- 4.8.4 Drivers will fail the test if they make 10 or more faults or if they make any serious or dangerous faults.
- 4.8.5 The wheelchair exercise (contained within the enhanced assessment and the upgrade assessment) will require the driver to demonstrate their ability to:
- safely load and unload the wheelchair in the vehicle;
 - use the wheelchair brakes to secure and release it;
 - fasten the seat belts or safety harness; and
 - secure any wheel belts or clamps fitted to the vehicle.

4.9 CUSTOMER CARE

- 4.9.1 All drivers are required to undergo customer care training within 12 months of 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. The customer care course must include an element of disability awareness and equality.

4.10 DUTY TO CARRY ASSISTANCE DOGS

- 4.10.1 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.

4.10.2 Licensed hackney carriage drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge⁴⁶. Similar rules apply to drivers and operators of private hire vehicles⁴⁷.

4.10.3 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.

4.10.4 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).

4.11 CRIMINAL RECORD CHECK (DBS)

4.11.1 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).

4.11.2 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 online or upon request.

4.11.3 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).

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

4.12 SMOKING

4.12.1 Legislation was introduced in August 2007⁴⁸ 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, or permit passengers to smoke whilst being carried in the vehicle. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

4.13 DEPOSIT OF LICENCE

4.13.1 All licensed 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

⁴⁶ Section 37 of the Disability Discrimination Act 1995

⁴⁷ Section 37A of the Disability Discrimination Act 1995

⁴⁸ Health Act 2006

proprietorship⁴⁹. This requirement only applies where the driver and the proprietor are not the same person.

4.14 RETURN OF BADGE

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

4.15 DRESS CODE

4.15.1 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.

4.16 DRIVER CONDUCT

4.16.1 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.

4.16.2 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.

4.17 SEAT BELTS

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

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

4.17.3 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.

4.17.4 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.

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

⁴⁹ Section 48 of the Town Police Clauses Act 1847

4.18 METERS

- 4.18.1 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.
- 4.18.2 All meters must meet any statutory requirements and the accuracy of any meter must be maintained.
- 4.18.3 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.
- 4.18.4 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.
- 4.18.5 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 this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.
- 4.18.6 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.

4.19 CALCULATION OF LICENCE FEES

- 4.19.1 The costs associated with the issue and administration of hackney carriage and private hire driver licences can be recovered via the licence fee⁵⁰.
- 4.19.2 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.
- 4.19.3 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.
- 4.19.4 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.
- 4.19.5 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, DVSA tests or knowledge tests.

⁵⁰ Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976

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.

5.2 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;
 - 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 basic criminal record check from www.disclosurescotland.co.uk. A basic 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.
- 5.2.3 An appeal against a refusal to grant a private hire operator licence lies to the Magistrates' Court⁵¹. Any appeal must be made within 21 days following notice of a decision.

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.

⁵¹ By virtue of section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976

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 policy⁵².

5.5 CALCULATION OF LICENCE FEES

- 5.5.1 The costs associated with private hire operator licences will be recovered via the licence fees⁵³.
- 5.5.2 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.
- 5.5.3 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.
- 5.5.4 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.

⁵² Section 55(2) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(3) of the Deregulation Act 2015

⁵³ 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 identified in the Environmental Health Service Enforcement Strategy and Policy.
- 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, Code for Crown Prosecutors, EHS Enforcement Policy and Strategy); 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 courts⁵⁴.
- 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

⁵⁴ 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 revocation⁵⁵.

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

6.6.9 **Prosecution** - the decision to prosecute is a serious matter and will require consultation with the Principal Licensing Officer, the Environmental Health Manager and the council's Legal Manager.

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 very significant one. Prosecution will, in general, be restricted to those circumstances 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.

⁵⁵ 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 and 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.
- 6.8.2 Licensees who are the subject of a written complaint will be informed of the nature of the complaint, including the date, time and location of the incident and, if necessary, given sufficient notice to attend any interview.
- 6.8.3 The outcome of the investigation will be implemented in accordance with this policy.
- 6.8.4 Disputes between licensees should be resolved between themselves and not through this procedure.
- 6.8.5 If there is evidence relating to alleged serious criminal offence, such as threats of violence, assault etc, 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) 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 need not be automatically barred from obtaining a licence, but would normally be expected to remain free of conviction for an appropriate period and show adequate evidence that her or she is a fit and proper person 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 a fit and proper person 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 conviction⁵⁶.
- 1.5 The licensing authority may take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver licence, whether spent or not⁵⁷. 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 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;
 - 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.
- 1.7 These guidelines will apply equally to existing drivers 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 driver under the exact same circumstances.

⁵⁶ *Nottingham City Council v. Mohammed Farooq* (1998)

⁵⁷ The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002

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 three 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.
- 3.3 Unless there are exceptional circumstances 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; or
 - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 3.4 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:
- 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; or
 - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 3.5 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:
- Racially-aggravated criminal damage;
 - Racially-aggravated offence; or
 - Any similar offences (including attempted or conspiracy to commit) which replace the above.

- 3.6 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 three years prior to the date of application:
- Common assault;
 - 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 a balance of probability that the applicant is a fit and proper person.

4 Possession of a weapon

- 4.1 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. Depending on the circumstances of the offence, an applicant should be free of conviction for three years (or at least three years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

5 Sexual offences

- 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 For other offences, applicants will be expected to show a substantial period (normally at least five years) free of conviction for such offences before a licence will be granted.
- 5.3 Unless there are exceptional circumstances, 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.

- 5.4 Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least three years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure;
 - Soliciting (kerb crawling); or
 - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 5.5 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.
- 5.6 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.

6 Dishonesty

- 6.1 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.
- 6.2 Before an application is allowed, an applicant should be free of conviction for at least three years (or at least three years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- 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.
- 6.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

7 Drugs

- 7.1 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 has not been free of conviction for five years.

- 7.2 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 7.3 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.
- 7.4 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

8 Driving

- 8.1 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.
- 8.2 Unless there are exceptional circumstances 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.
- 8.3 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 unless at least three years have passed since the date of conviction.
- 8.4 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. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Following a drink/drug drive conviction, normally at least three years should elapse after the restoration of the driving licence before an application will be considered. 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.
- 8.5 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.
- 8.6 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.

- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 Applicants who have been disqualified from driving will not normally be granted a licence unless they have held a licence for at least 12 months following the expiry of the period of disqualification without receiving any further penalty points.
- 8.11 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.

9 Licensing offences

- 9.1 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 three years has passed since conviction.
- 9.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

10 Insurance offences

- 10.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for three years. However, a strict warning should be given as to future behaviour.
- 10.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 10.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operator licence revoked immediately and be prevented from holding a licence for at least three years.

11 Non-conviction information

- 11.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.

- 11.2 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. Every case will be considered on its own merits including the details and nature of the offence.

12 Licensed drivers

- 12.1 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.
- 12.2 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.
- 12.3 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.

13 Summary

- 13.1 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. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3-10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before three years free from conviction have elapsed.
- 13.2 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. 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.

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.

Convictions

10. The driver shall, as soon as practicable and in any event within seven days from the date of any conviction or fixed penalty fine, disclose to the licensing authority in writing details of the sentence or fine imposed on him/her. As the acceptance of a simple caution involves an admission of guilt, it should be disclosed and may be taken into consideration by the licensing authority as if it was a conviction.

Taxi Meter

11. Where a vehicle being driven by a driver 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

12. 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

13. 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 Badge

14. The 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.

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.

Wheelchair Accessible Vehicles (with effect from 1st January 2017)

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

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.

Convictions

7. 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.

Operator Licence

8. 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

9.
 - (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 private hire vehicle, including all fittings and specialist equipment, must be well maintained and kept in good working order.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Where the vehicle is fitted with a taximeter, the meter must be maintained in good working order at all times.
13. 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.
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.
15. 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.
16. 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.
17. No CCTV system shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority.
18. 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.
19. Where a CCTV 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.

20. 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.
21. 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.
22. 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.
23. 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 hackney carriage, including all fittings and specialist equipment, must be well maintained and kept in good working order.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. Taximeters shall be positioned so that passengers in the vehicle can easily read the display.
20. The proprietor shall cause the taximeter to be maintained in a sound mechanical condition at all times.
21. No CCTV system shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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

INITIAL CHARGE First Mile or part thereof	£3.50
UNIT DISTANCE CHARGE Each additional $\frac{1}{10}$ mile or part thereof	20p
WAITING TIME For each period of 45 seconds or part thereof	20p
EXTRA CHARGES (a) Between 12am (Midnight) and 7am (b) Between 6pm and 12am (Midnight) on Christmas Eve and New Year's Eve (c) All Public Holidays except Christmas Day and New Year's Day (d) Christmas Day (e) New Year's Day	Additional 50% Additional 50% Additional 50% Additional 200% Additional 100%
CALL OUT OR SUMMONSING CHARGE Maximum to be added to any journey at any time (not subject to percentage extras shown above)	£5
SOILING CHARGE A Soiling charge is payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.	Maximum £60
EXTRAS For carriage of persons in excess of four, where licensed to do so, an additional £1 per person	

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 – formerly known as the Criminal Records Bureau).
- 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 A new update service introduced by the DBS 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.
- 2.2 Once subscribed, applicants will be able to give prospective employers 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.

3 FILTERING OF CERTAIN CONVICTIONS

- 3.1 Convictions will not appear on disclosure certificates if all of the following statements are true:
- 3.1.1 The date of conviction is at least 11 years ago (5.5 years if under 18 at the time of the offence);
 - 3.1.2 It is the applicant's only offence;
 - 3.1.3 The applicant did not receive a custodial sentence;
 - 3.1.4 The offence does not appear on a statutory list of excluded offences.
- 3.2 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.
- 3.3 Excluded offences (referred to in paragraphs 3.1 and 3.2) can be broadly grouped as follows:
- 3.3.1 Kidnapping, abduction, false imprisonment, trafficking
 - 3.3.2 Murder, manslaughter, violent offences and harassment
 - 3.3.3 Harm of children and other vulnerable persons
 - 3.3.4 Indecency
 - 3.3.5 Firearms
 - 3.3.6 Production or supply of drugs
 - 3.3.7 Causing death by dangerous/intoxicated driving
 - 3.3.8 Sexual offences
 - 3.3.9 Terrorism
 - 3.3.10 Burglary

4 HANDLING OF DISCLOSURES

- 4.1 Hambleton District Council complies fully with the DBS Code of Practice⁵⁸ 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.
- 4.2 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.
- 4.3 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

⁵⁸ DBS Code of Practice for registered persons and other recipients of disclosure information through the Disclosure and Barring Service (DBS) checking service.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/143662/cop.pdf

Please note: Although the code of practice document, which is published under section 122(2) of the Police Act 1997, has not been rebranded with the DBS logo or new terminology, organisations who receive certificate information from the DBS should still comply with the obligations set out in the document.

process. The licensing authority actively promotes equality of opportunity for all and welcomes applications from all, including those with criminal records.

- 4.4 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.
- 4.5 A criminal record does not, however, mean that an applicant will automatically be refused a licence. Each application is considered on its individual merits.
- 4.6 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.
- 4.7 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.
- 4.8 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 may make a request in writing to install a CCTV system in a licensed vehicle.
- 1.3 Upon successful application for 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.
- 1.4 This policy details the minimum standards that will normally be expected to be met.
- 1.5 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, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
- 2.6 The CCTV system shall be capable of storing images in a manner which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
- 2.7 The CCTV system shall provide that images are only capable of being downloaded by authorised officers of the council and/or North Yorkshire Police.
- 2.8 The CCTV system shall provide that images are digitally encrypted. De-encryption software required to view the recorded images must be supplied to the licensing authority free of charge before the system is installed in the vehicle.
- 2.9 The CCTV system shall provide that the hard disk or data card is not able to be accessed by the driver or any other person travelling in the vehicle.

- 2.10 The CCTV system shall provide that the data unit is stored separately from the camera(s) and out of view of any person travelling in the vehicle.
- 2.11 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.
- 2.12 The CCTV system shall provide that, where the system uses a DVD recorder, the system is protected from shock.
- 2.13 The CCTV system must be marked with the EMC (Electro Magnetic Certification), which signifies that it meets the European Industry Standard.
- 2.14 The CCTV system shall provide that activation of the system shall be via the vehicle's ignition system (or alternative method approved by the licensing authority) and that recording shall continue 15 minutes after the ignition is switched off. The system will not be provided with any other on/off mechanism that is accessible to the driver or any passenger.

3 Application Process for a CCTV system to be approved by the licensing authority

- 3.1 An individual or organisation who wishes to apply to the licensing authority for the approval of a CCTV system must apply in writing for a particular make and model of CCTV system to be installed.
- 3.2 The applicant must provide evidence that the CCTV system complies with the licensing authority's minimum recommended specification.
- 3.3 Once the system has been approved, the licensing authority will issue the applicant with written confirmation. If the system is not approved the licensing authority will give written notice of the decision to the applicant.
- 3.4 Authorisation will be required for each CCTV system or any modification to an existing CCTV system.

EXCEPTIONALLY WELL MAINTAINED CRITERIA

To be considered “exceptionally well maintained” for the purposes of disapplying the age limit 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 1976

IMPORTANT: Read Standards of Inspection Overleaf

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

Item Tested	Pass (✓)	Fail (x)	Reasons for Failure
MOT			
MOT requirements			
Lighting Equipment			
Front and rear lamps			
Headlamps			
Stop lamps			
Rear reflectors			
Direction indicators			
Steering and suspension			
Steering control			
Steering mechanism/system			
Power steering			
Transmission			
Wheel bearings			
Front suspension			
Rear suspension			
Shock absorbers			
Brakes			
Controls/ABS warning system			
Condition of service brake system			
Condition of parking brake system			
Service brake performance			
Parking brake performance			
Tyres and wheels			
Tyre type			
Tyre condition (including spare)			
Road wheels			
Seat belts			
Mountings			
Conditions			
General			
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			
Wheelchair accessible vehicles			
Restraints and seatbelts			
Ramps			
Lifts			

I hereby certify that the above vehicle has been inspected to the standards overleaf 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 767079 or 01609 767017

Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1976

Standards of Inspection

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.

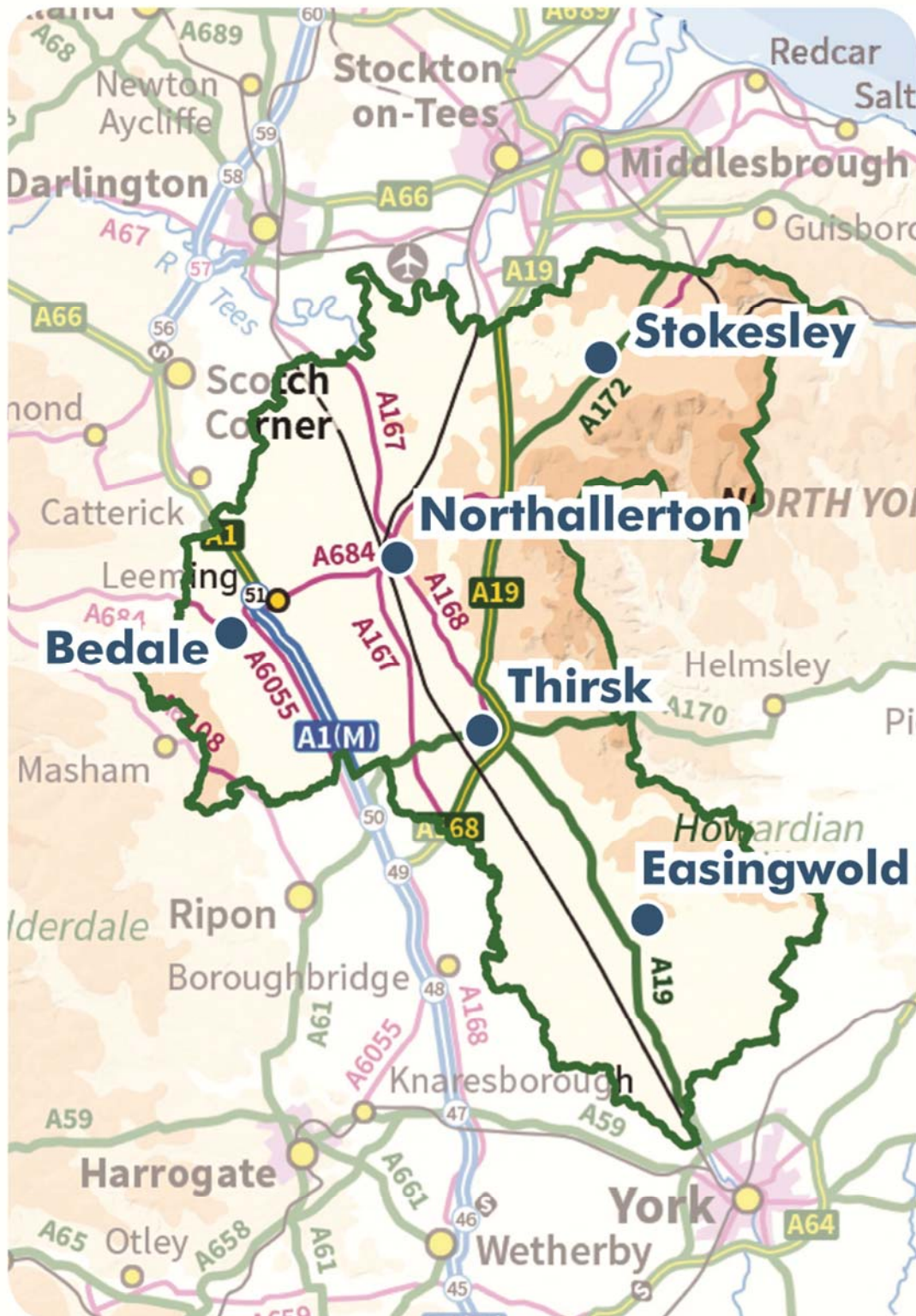
In addition, the inspection should be failed if any of the reasons below apply:

Lighting Equipment	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	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	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	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	Reasons for Failure
Mountings	Damaged, worn or incorrectly operating seatbelts. Insufficient seatbelts.
Conditions	
General	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	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.

Licensing Team, Hambleton District Council, Civic Centre, Stone Cross, Northallerton DL6 2UU

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MAP OF HAMBLETON



Contains Ordnance Survey data © Crown copyright and database right 2015

Dear

TAXI NEWS UPDATE

Issue 47

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Members of the trade may recall being invited to respond to a preliminary consultation in relation to a revision of the Council's Vehicle and Driver Licensing Policy. The Licensing Team would like to thank everyone who responded. The comments have assisted the drafting of a revised policy, which was presented to the Licensing Committee last month. A full consultation has now been approved in order to invite comments on all aspects of the draft policy from members of the trade and any other interested parties.

A summary of the main proposed changes has been enclosed with this newsletter.

The draft policy is available to view in its entirety at the address overleaf or on the website at

www.hambleton.gov.uk/taxipolicy

Comments can be made in writing to the Licensing Team by letter or by email to licensingteam@hambleton.gov.uk no later than 8th January 2016.

CONDUCT OF DRIVERS

The Licensing Team has been made aware of an incident last month in which a number of hackney carriage drivers were criticised for their conduct at a time when a member of the public had broken down near the rank in Thirsk. All licensed drivers are reminded to behave in a civil and orderly manner at all times in accordance with the council's Vehicle and Driver Licensing Policy.

COMMITTEE

In the last few weeks, two licensed drivers have been referred to the council's Licensing and Appeals Hearings Panel. One driver had his licence revoked following a number of breaches of the licence conditions. Another licensed driver had his licence suspended for one month following an incident which led to him carrying an excess number of passengers in his vehicle.

CUSTOMER CARE COURSE

All new drivers licensed since the last course will be expected to attend and a date has been booked for Monday 15 February 2015 at 10.00 am. Invitation letters with full details will be sent out shortly.

STAFF UPDATE

Angela Trotman, the council's Senior Licensing Administration Officer, will be retiring at the end of December. Angela's knowledge and experience will be sorely missed but the council intends to recruit a replacement in the new year. In the meantime, the Licensing Team would like to wish Angela a long and happy retirement. Drivers are asked to be patient during this period of transition.

STAYING SAFE AT CHRISTMAS

Licensed drivers often deal with strangers in isolated places whilst carrying cash and those working at night are likely to come across people who may have had too much to drink. As a result, they are especially vulnerable to any risk of violence and should take precautions to reduce such risks.

Examples of those precautions are listed below:

- Carry as little cash as possible by dropping off at your home or office;
- Carry with you an emergency card with your name, date of birth, blood group, allergies and an emergency contact telephone number;
- Contact the telephone operator regularly to tell them where you are;
- Use a pre-arranged emergency code word to avoid arousing suspicion;
- Do NOT drive whilst tired - you must remain alert at all times;
- Be ready to explain the fare structure - meters must always be used in hackney carriages and passengers may be referred to the council for confirmation of their charges. Private hire drivers should explain the operator's proposed charge before setting off in order to reduce the risk of violence over a fare dispute;
- Be aware of your own actions and how they may be interpreted;
- Report any violent incidents to the police.

LICENSING OFFICE HOURS

Drivers and proprietors are reminded that an appointment system is operated by the Licensing Team and, to ensure that customers are dealt with as efficiently as possible, you should book an appointment to ensure there is a member of staff available to assist.

CHRISTMAS OFFICE CLOSURE

The Licensing Office will be closed from 4pm on Wednesday 23rd December 2015 and will re-open at 08.45 am on Monday 4th January 2016.

MERRY CHRISTMAS

Everyone in the Licensing Team would like to wish all drivers, proprietors and operators a Merry Christmas and a Happy New Year.

For further information in relation to any of the content of this newsletter, contact:

Hambleton District Council
Licensing Team
Civic Centre
Stone Cross
Northallerton
DL6 2UU
Tel: 01609 767079 or 767017
Email: licensingteam@hambleton.gov.uk

December 2015

VEHICLES

Vehicle Age Limit

Hambleton District Council does not currently have a policy to restrict the age of its licensed vehicles. However, age limits are often adopted to maintain high standards.

Official statistics show that the average mileage for a four-wheeled vehicle in 2013 was 7,900 miles. According to council records, the average mileage of licensed vehicles in Hambleton is estimated at around five times that figure (40,000 miles).

A small number of vehicles licensed by Hambleton District Council are known to be operating in other areas and it is believed that the absence of any age policy encourages this practice because Hambleton District Council will license vehicles that would not be licensed anywhere else.

A third of the vehicles currently licensed by Hambleton District Council are over the age of 10 years. Those vehicles would not generally be licensed by any other authority in the local area.

The draft policy proposes to introduce a reasonable age policy allowing vehicles to be licensed (either following a grant application or a renewal) up to the age of 10 years (**2.2 and 3.2**). This would still represent the most relaxed age policy in the area. If implemented, the council would then be required to consider any application that falls outside the age policy on its own individual merits.

Given that the proposals may have a financial impact on some members of the hackney carriage and private hire trade, it is proposed to implement the age policy in relation to any grant or renewal application received on or after 1st January 2017.

Wheelchair Accessible Vehicles

The draft policy demonstrates a continued commitment to improving access to hackney carriage and private hire vehicles by disapplying the 10-year age limit in respect of wheelchair accessible vehicles (**see paragraphs 2.27.3 and 3.22.3**). It is hoped that the relaxation of the age policy will encourage a greater number of wheelchair accessible vehicles to be licensed and used in the district of Hambleton.

Test Frequency

There is considerable variation between local licensing authorities on vehicle testing. Hambleton District Council currently requires all licensed vehicles to undergo one mechanical test per year.

During the preliminary consultation on this matter, some members of the trade opposed any increase on the basis that the annual MOT test acts as a second mechanical inspection. Whilst this is true in theory, in practice the MOT is often done at the same time as the council's test and therefore licensed vehicles can go for 12 months without a test (although those operating under school contracts will be subject to further tests in accordance with North Yorkshire County Council's policy). Comments were also made about the cost implications of any increase.

The council has the power to require all licensed vehicles to be presented for inspection and testing up to three times a year but the draft policy does not seek to utilise all three tests. The additional cost implications on the trade have been considered and the costs of any additional tests (believed to be in the region of £30 - £50) have been balanced against the potential benefits to public safety.

The draft policy proposes to maintain the existing arrangements for vehicles under the age of three years (i.e. one test per year) but to increase the number of tests to two per year for vehicles over the age of three years (**see paragraphs 2.9.7 and 3.9.7**).

Best Practice Guidance suggests that more frequent tests may be appropriate for older vehicles. The age of a vehicle is not the only determining factor when assessing mechanical fitness but it is still relevant. It would be impractical to set general standards by mileage or by proprietor competence and therefore the age of the vehicle is a reasonable gauge. Certain vehicle parts (particularly those made from rubber) will perish over time, even when the mileage is low and the average mileage of licensed vehicles in Hambleton is estimated at around five times the average mileage of four-wheeled vehicles in the UK.

Normal (unlicensed) vehicles over the age of three years are subject to an annual mechanical test in the form of an MOT. There is a general recognition that it is appropriate for hackney carriage and private hire vehicles to have more stringent mechanical inspections than those applicable to normal vehicles. Assuming MOT tests for licensed vehicles continue to be carried out at the same time as its hackney carriage and private hire inspection, the proposal will only require licensed vehicles over the age of three years to undertake one test per year more than a normal (unlicensed) vehicle.

Spare Tyres

Hambleton District Council currently requires proprietors to keep a spare tyre, a jack and a wheelbrace available in the vehicle at all times. However, manufacturers often make alternative provision (e.g. inflation devices). These devices are not currently acceptable in accordance with the council's policy.

It is the Government's intention to reduce the regulatory burden on businesses and therefore, whilst it is proposed to keep the general requirement to carry a spare tyre, it is also proposed to make allowances where manufacturers only offer alternative features.

When any such alternative feature is used, it must only be for the duration of completing the current fare. Immediately afterwards, the proprietor would be required to obtain a suitable long-term replacement and no further fares may be taken whilst the alternative features are in use.

Tinted Windows

Hambleton District Council currently requires all windows on licensed vehicles to be tinted no more than 25% (allowing at least 75% of light through). The law already requires the front windscreen to let at least 75% of light through and the front side windows to let at least 70% of light through. The law does not restrict any form of tinting on rear windows but the council's existing policy restricts the options available to operators because vehicles are often manufactured with darker tinted glass rearward of the driver, especially in estate and people carrier style vehicles.

The council is aware that the existing policy has restricted the options available to operators because vehicles are often manufactured with darker tinted glass rearward of the driver, especially in estate and people carrier style vehicles. According to Best Practice Guidance, licensing authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that already conforms to the Construction and Use Regulations. The burden on the trade currently appears to outweigh any perceived public safety benefits in this regard and therefore it is proposed to remove the restrictions, thereby allowing any form of tinting provided it complies with the law.

DRIVERS

DVSA Practical Driving Assessments

For several years, new drivers have been required to pass a DSA (Driving Standards Agency) practical driving assessment prior to obtaining a licence. The draft policy recognises the DSA's change to the DVSA (Driver and Vehicle Standards Agency) and more information on the test has been provided for the benefit of applicants (**see paragraph 4.8**).

The draft policy also proposes to introduce a new requirement for drivers of wheelchair accessible vehicles to pass the appropriate level of assessment, with a wheelchair element included (**see paragraph 4.8.1**). It is proposed to enforce this by way of condition with effect from 1st January 2017 to give drivers plenty of time to upgrade their assessment where necessary (**see Annex B – condition 17**). The Enhanced Assessment costs £79.66 but drivers who have already passed the Standard Assessment in accordance with the council's existing policy can upgrade to the Enhanced Assessment for £26.56.

Driver Medicals

Best Practice Guidance: *"It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV 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;*
- *they are on the road for longer hours than most car drivers; and*
- *they may have to assist disabled passengers and handle luggage.*

It is common for licensing authorities to apply the "Group 2" medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice".

Medicals are required annually for Group 2 licence holders over the age of 65 years. Although the council applies the DVLA's Group 2 medical standards in terms of any assessments, the existing policy requires annual medicals only for drivers over the age of 70 years.

In accordance with Best Practice Guidance, the draft policy proposes to adopt the remaining elements of the DVLA's Group 2 medical standards by requiring all drivers under the age of 65 years to have a medical every three years and all drivers over 65 to have a medical each year (**see paragraph 4.7.4**).

DBS

The Disclosure and Barring Service (DBS) was formed in 2012 by merging the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012. The draft policy reflects the change from CRB to DBS as the body responsible for criminal records checks.

Until recently, Hambleton District Council was registered with the DBS to apply directly for criminal record checks but, as the council did not apply for enough checks on an annual basis, the registered body status was revoked. All of the criminal record checks for Hambleton District Council (not just licensing) are now applied for through North Yorkshire County Council and this is reflected in the draft policy (**see paragraph 4.11**).

DVLA

Following the withdrawal of the DVLA's counterpart driving licence, all drivers are required to obtain a code from the DVLA in order for the council to check the driving history of any applicant or licence holder. The draft policy clarifies this position (**see paragraph 4.6.2**).

Licence Duration

The standard duration for all hackney carriage and private hire driver licences is now three years (as of 1st October 2015 by virtue of the Deregulation Act 2015). Shorter durations will only be granted on a case by case basis where it is justifiable for a particular reason. This will reduce the financial and administrative burden of having to make more frequent licence renewals. Existing licences will be unaffected by this change and will continue to run until the expiry date printed upon them.

The standard duration for all private hire operator licences is now five years. Again, shorter durations will only be granted where the circumstances justify making an exception and, again, existing licences will be unaffected by this change until the next renewal. The draft policy reflects this position (**see paragraphs 4.4 and 5.4**).

Safeguarding Children

The council has a duty of care to children and vulnerable persons who use licensed vehicles within the district of Hambleton. The draft policy explains the procedure in the event of any allegations being made against licence holders suspected of inflicting harm on children (**see paragraph 1.7**).

Fit and Proper

Further information has been provided in relation to the meaning of a fit and proper person (**see paragraphs 4.1.2 to 4.1.5**). An updated policy on the relevance of criminal convictions, based largely on the template provided by LGR (Local Government Regulation), has also been included (**see Annex A**).

From: syd townend
Sent: 30 December 2015 09:26
To: Licensing Team
Subject: licensing policy

To Whom it may concern

Having filled the survey in that you sent to me. My comments on the proposed draft policy are.

VEHICLE AGE LIMITS

1 Why are H D C Licensing cars then to be taken to other areas ie, boro or darlington to work as private hire by these companys. I personally have seen and reported Hambleton plated cars up and down the A19 with no roof light on the car as they have been taken off and running as private hire in other districts. Why is not if licensed in Hambleton that car must work in Hambleton and no where else.

2 If H D C are wanting to bring in the 10 year age limit on cars and it has been said in the letter that it would still be a relaxed policy, In the private hire magazine the cars that get suspended by other councils each month are fairly high and probably these car are newish ones ie under 10yrs old. There are currently 120 to 130 cars plated in Hambleton district a mix of hackney and private hire. NOT forgetting that H D C have stated that a third are over the age of 10 years old. In the last year alone when Kevin Suffield went out to do checks with the police officer not one car has been suspended for a mechanical fault or any other defects.

If the age limit was to come in why cant hackney carriage limit be 10 years and private hire be say 15 as I know a lot of cars that are just private hire solely do school contracts and nothing else that way the older cars get taken off the ranks and replaced with newer ones

WHEELCHAIR ACCESSIBLE VEHICLES

I personally would go along with this and totally agree with H D C. I got my first wheelchair vehicle back in January 2013

To cover a school contract I was awarded and because I'm the only one in thirsk to have one i had to buy another one to cover demand from the public and the local care homes. we have also had our third minibus converted to carry wheel chairs so now we have three in total. by relaxing the age limit on these type of vehicles may encourage more people to have them as mine were all used when I got them and to replace all three to come inline with the 10 year limit would

roughly cost about £45,000 as these vehicles cost a lot more than cars to replace and if I had to replace my two cars over the next 2 years then no way could I do the wheelchair vehicles aswell.

MOTS AND HACKNEY TESTS

I fully support what H D C are saying that some taxis can go a whole year if the hackney test and mot are on the same date. I run five taxis and 2 of then are like this but all that needs to be done is 6 months later put the car in for another mot then they become 6 months apart. (that's what intend to do as all my cars are on school contracts we have safety checks which is basically an mot every 12 weeks. Your hackney test counts as one and the mot is 2 so you need 2 other safety checks which need to be 12 weeks apart or 3 if your mot and hackney are together.

On the extra tests if this policy came in would H D C except the safety checks that we already do fo NYCC.

SPARE TYRES

Agree

TINTED WINDOWS

Agree

DVSA

On the policy for drivers of wheelchair accessible vehicles, if all drivers have been trained and have the accredited certification would they still need to do the DVSA test

DRIVER MEDICALS
AGREE

DBS

Now that all DBS checks have to go through north Yorkshire county council would it not make sense that all drivers that needing a DBS for NYCC school contracts be able to use that disclosure for HDC instead of one for each council

LICENCE DURATION

As stated the driver licences are for a duration of 3 years now. The paper copy held on file will last 3 yrs but ive seen different driver badges falling apart after one year. Are HDC still going to issues new badges every year or are these supposed to last 3 yrs. Ive also been asked many times that if HDC say this will reduce financial and administrative burden what saving is going to be passed onto the drivers

PLEASE DONT HESITATE TO CONTACT MYSELF REGARDING THE ABOVE
THANK YOU
SYD TOWNEND
SYDS TAXIS

Sent from [Mail](#) for Windows 10

Premier Taxis
Liam Chatterton

Taxi licencing
Hambleton District Council
Civic centre
Stone Cross
Northallerton
DL6 2UU

Dear Taxi Licencing Section,

I am writing to oppose the proposed changes in relation to vehicles to be licenced requiring to be no older than ten years. I feel this is going to cause hardship on what is already a very competitive business due to the amount of licenced taxis.

From a personal point of view i already undertake quite stringent checks through North Yorkshire County Council with being required to undertake detailed car checks every twelve weeks.

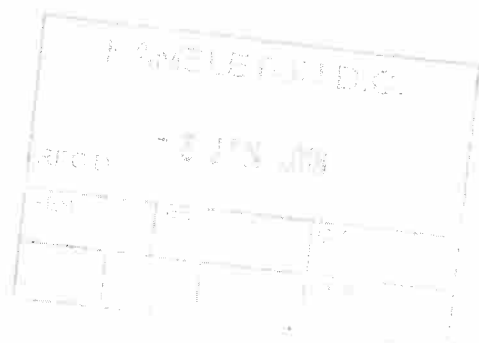
This and the addition of the car mot and taxi mot i think this should be sufficient to say the car is highly suitable for transporting the public and restricts many potential problems that could occur while driving, irrelevant of age.

There is also the point that an older car could have been well looked after and serviced regularly with less mileage than a newer car. These cars can often be purchased at a lower price which helps with potential business profits.

I thank you very much for reading.

Yours Sincerely,

Liam Chatterton.



HAMBLETON D.C.		
REC'D 05 JAN 2016		
RES	RES	CX
		ACK

Phillip Gill
White Rose Taxi

Dear Sir / Madam,

I am writing in response to the proposal of Licensing taxi upto the age of ten years. Taxi drivers that have School runs have regular 12 week checks plus two M.O.T.S undertaken by registered VOSA Garages, And inspection sheets checked and signed - please find the sheet enclosed.

Safety for the passengers is priority and a clean and tidy taxi to travel in. In my opinion if this proposal goes through it will bring financial problems to many taxi drivers due to the amount of taxis already licensed in Thirsk.

Taxi drivers without S/runs should have there vehicles inspected at the same 12 week period as those with S/runs for mechanical and safety reasons, rather than limit the age of the vehicles.

yours faithfully.

VRN:	MAKE:	MODEL:	FIRST USE:	FUEL:
VIN:	MILEAGE:	COLOUR:	GVW:	

Items Tested	Manual Ref.			Pass	Fail	Defects/Comments
	Class IV & VII	Class V	Motor cycle			
Lighting Equipment						
Front and rear lamps	1.1	1.1	1/1			
Headlamps	1.2	1.2	1/2			
Headlamp aim	1.8	1.6	1/8			
Stop lamps	1.3	1.3	1/3			
Rear reflectors	1.4	1.4	1/4			
Indicators and flashers	1.5	1.5	1/5			
Steering and Suspension						
Steering control	2.1	2.1	II/1			
Steering mechanism	2.2	2.2	II/2			
Power steering	2.3	2.3	N/A			
Transmission shaft	2.5	2.5	N/A			
Wheel bearing	2.5	2.5	II/3,4			
Front suspension	2.4,5	2.4,5	II/3			
Rear suspension	2.4,6	2.4	II/4			
Shock absorbers	2.7	2.6	II/3,4			
Wheel alignment	N/A	N/A	II/5			
Brakes						
ABS warning/controls	3.4	3.4	III/1			
Service brake condition	3.3/5.6	3.3/5.6	III/2			
Parking brake condition	3.1/2.5	3.1/2.5	N/A			
Service brake performance	3.7	3.8	III/3			
Parking brake performance	3.7	3.8	N/A			
Additional braking devices	N/A	3.7	N/A			
Tyres and Wheels						
Tyre size type	4.1	4.1	IV/1			
Tyre load/speed rating	4.1	4.1	N/A			
Tyre condition	4.1	4.1	IV/1			
Road wheels	4.2	4.2	IV/2			
Seatbelts						
Mountings/condition/operation	5.1	5.1	N/A			
General						
Drivers view of the road	6.1	6.1	N/A			
Horn	6.2	6.2	VI/1			
Exhaust system	6.3	6.3	VI/2			
Exhaust emissions	6.4	6.4	N/A			
General vehicle condition	6.5	6.5	VI/3			
Mirrors	6.6	6.6	N/A			
Fuel system	6.7	6.7	N/A			
Reg plate and VIN numbers	6.8	N/A	N/A			
Speedo	N/A	6.8	N/A			
Speed limiter	N/A	6.9	N/A			
Driving controls	N/A	6.10	N/A			
Glazing	N/A	6.11	N/A			

Signed: (Tester/Inspector)	Name
	Date

From: Tim Wrightson
Sent: 08 January 2016 08:54
To: Licensing Team
Subject: Vehicle age limit proposal

I am very concerned that a proposal of such drastic nature even be considered in a mainly rural district as Hambleton.

I have run a private hire business in this district for 13 years, at present my fleet of 9 vehicles are an average of 12 years old. 100% of my business through HDC is NYCC school, Special needs and social service contracts. A condition of the contract require the vehicles to be safety checked every 3 months (Mot, HDC test or safety check, usually a pre mot test), and records kept on file. Records are checked along with other operational procedures at regular audits.

In all the years of operation, please check your records and see how many times my vehicles have been hauled off the road, failed their taxi tests. I think in all that time R269 PTN, a number of years ago had a complaint for looking shabby.....not a bad safety record. As a result I replaced the vehicle. I understand one of the main aspects of the proposal is to reassure people visiting the area that indeed HDC is in the 21st century and can offer modern, safe transport. This does not concern my vehicles as they will nor be seen on ranks or be calling at businesses or private addresses. They do a very different, necessary job. As for safety, I think NYCC's requirements are more than adequate.

At the moment, 3 of the vehicles do contracts in very difficult areas, its more like 4x4 territory, where a "less expensive" robust vehicle is preferable. Replacing these vehicles with newer ones would make bad business sense.

Replacing the entire fleet would be financially crippling to the business. I pride myself with never having to put the business into debt. I hold a number of NYCC contracts, won through a tender system purely because my prices are the lowest, The entire business model is based on low vehicle costs, adding the financing of new/newer vehicles would put this model in jeopardy.

The business cannot afford additional monthly costs, while remaining competitive in this market place, as a result you will probably put me out of business and make 12 employees unemployed.

Tim Wrightson
Carlton Cars (N.Yorks) Ltd

1. The cost implications of a 10-year age limit will be significant

Given that the proposals may have a financial impact on some members of the hackney carriage and private hire trade, it is proposed to implement the age policy in relation to any grant or renewal application received on or after 1st January 2017. The financial implications for licence holders have been considered in the drafting of the policy and the benefits are believed to outweigh the costs. Policy decisions are made in the interests of the public as a whole.

2. Why can't hackney carriages have a 10-year age limit but private hire vehicles have a 15-year limit?

There is no significant disparity in terms of mileage and there is no apparent justification for making a distinction between hackney carriages and private hire vehicles when considering an age policy. The proposal is not focused specifically on the appearance of vehicles on a taxi rank.

3. The council has not suspended any licences as a result of mechanical defects observed during spot checks. This suggests that the vehicles are all in good condition and therefore the age limit is not necessary.

Enforcement officers are not mechanical experts. The purpose of a spot check is to identify any breaches of conditions (badges, plates, meters etc) – not to examine the mechanical condition of the vehicle. Mechanical tests serve that purpose.

4. Less expensive, more robust vehicles are preferable in rural areas ("4x4 territory")

The council is required to consider any application that falls outside the age policy on its own individual merits. If an applicant satisfies the council that an exception to the general rule should be made, a licence may still be granted.

5. An older car may be well looked after and have less mileage than a newer car.

The council is required to consider any application that falls outside the age policy on its own individual merits. If an applicant satisfies the council that an exception to the general rule should be made, a licence may still be granted.

6. Vehicles subject to school contracts are tested every 12 weeks (in accordance with NYCC's terms and conditions) and therefore there is no need for a 10-year age limit.

A vehicle that has been licensed for 10 years will be expected to have covered approximately 400,000 miles. In any case, the 10-year age limit is not being proposed solely for mechanical reasons. The condition of any such vehicle may be sufficient to pass a test but, in many cases, it will fall below the standards expected by residents and visitors of Hambleton using private hire and public hire services. Furthermore, not all licensed vehicles are subject to school contracts (and the associated 12-weekly tests).

7. If drivers have already undertaken training on the use of wheelchairs and accessories, can they be exempt from the requirement to undergo an enhanced DVSA assessment?

The draft policy proposes to introduce a new requirement for drivers of wheelchair accessible vehicles to pass the appropriate level of assessment, with a wheelchair element included. Provided each certificate is specifically approved by an authorised officer, there should be no major issues with the consideration of alternative qualifications.

8. Instead of an additional hackney/private hire test, will Hambleton District Council accept a safety check carried out in accordance with North Yorkshire County Council's school contract terms and conditions?

NYCC's terms and conditions require four safety/compliance checks per year. Hambleton District Council's annual test currently acts as one of those tests. If the policy is implemented, HDC's tests would constitute two safety checks for the purposes of NYCC's terms and conditions. By increasing the number of tests to two per year, HDC would not be adversely affecting proprietors with school contracts because their vehicles would only need a further two non-HDC tests (whereas previously they would have required three).