

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing Committee  
26 November 2019

**From:** Principal Licensing Officer

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

All Wards  
Scrutiny Committee

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### **1.0 PURPOSE AND BACKGROUND**

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

### **2.0 INFORMATION AND ANALYSIS**

2.1 It is vital to review policies in order to reflect changes in the industry both nationally and locally.

2.2 Recent case law has reaffirmed the principle that a licensed hackney carriage may carry out pre-booked work anywhere in England and Wales. Furthermore, private hire operators can sub-contract bookings to operators licensed in other districts. Effectively, this has led to a widespread issue with proprietors using vehicles outside the district of their own licensing authority. Although this is quite legitimate under certain circumstances, it makes it difficult for authorities to be effective in monitoring the activities of any drivers operating in this way.

2.3 This matter is a source of national debate and calls have been made for an urgent review of taxi licensing legislation to address the matter. Nationally, this has led to some proprietors 'shopping around' to find the easiest way to obtain a licence.

2.4 Locally, Hambleton is currently at risk of becoming the authority of choice because the vehicle age limits are less restrictive than elsewhere in the area, there are no requirements for practical driving tests and there is no mandatory safeguarding training.

2.5 In order to address this matter, the Council's Licensing Committee considered various proposals in relation to the Hackney Carriage and Private Hire Licensing Policy on 30 July 2019. The relevant reports are attached at **Annex A**. The minutes of the meeting are attached at **Annex B**.

2.6 The Licensing Committee approved a consultation to be carried out with the trade in relation to a number of proposed policy amendments.

2.7 A revised policy has subsequently been drafted to incorporate a number of proposals including:

- subject to a number of exceptions, the maximum age limit to be reduced from 10 years to five years in respect of all new licensed vehicles;
- subject to a number of exceptions, the maximum age limit to be reduced from ten years to eight years in respect of all vehicle licence renewals;
- a general prohibition on licensing vehicles subject to certain categories of insurance write-offs;

- a requirement for all new drivers to undertake a practical driving assessment prior to obtaining a licence;
- mandatory safeguarding training for all drivers;
- imposing restrictions on the age of criminal record checks and medical assessments in order to ensure that the information is up-to-date; and
- various corrections and minor amendments to the existing policy provisions.

2.8 The Draft Hackney Carriage and Private Hire Licensing Policy is attached at **Annex C** and the proposed amendments have been highlighted.

2.9 An itemised list of the proposed amendments is attached at **Annex D** (excluding paragraph numbering and any other consequential amendments).

2.10 All licensed drivers, proprietors, operators and ward Councillors were invited to comment on the proposed revisions. A notice was also published on [www.hambleton.gov.uk](http://www.hambleton.gov.uk) to attract the attention of any visitors to the licensing section of the Council's website.

2.11 One response was received from a licensed driver/proprietor. The response relates to the council's proposal to apply a maximum age limit of five years in respect of all new licensed vehicles. The respondent recommends that the proposal be further reduced (to three years) in order to promote public safety and to present a better image of taxis in Hambleton.

2.12 The respondent also recommends that vehicles capable of carrying five or more passengers should be permitted to remain licensed until the age of ten years (as opposed to eight years as proposed). It has been suggested that, due to the purchase costs and running costs of larger vehicles, the proposal in its current state might lead to an unmet demand for large families and customers travelling in groups.

2.13 Members are asked to consider the consultation response (attached at **Annex E**).

2.14 Members should note that the other drivers, proprietors and operators have not been consulted on a three-year age limit. Indeed, all members of the trade would be reasonably satisfied that the licensing authority does not intend to extend the scope of the age restrictions beyond the proposed modifications. On that basis, Members must consider carrying out further consultation if the Committee is minded to consider reducing the age limit to three years.

2.15 On the other hand, the provision of a general exception relating to larger vehicles would amount to a relaxation of the proposed policy and therefore the Committee would be entitled to make amendments in this regard if it is satisfied that it would be appropriate to do so.

### **3.0 EQUALITY AND DIVERSITY**

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

### **4.0 LEGAL IMPLICATIONS**

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

## **5.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES**

- 5.1 The introduction of safeguarding training and practical driving assessments would create additional checks for officers to carry out but the tests will be undertaken independently and therefore the impact on officer workloads would be negligible.
- 5.2 The proposals may dissuade applicants based in other areas from applying to Hambleton District Council for reasons of convenience. Accordingly, the Council may receive a lower income. The public safety risks of the present situation far outweigh any financial implications in this regard and therefore any perceived loss is considered acceptable. In any case, licensing income can only be used to fund the licensing service. The vast majority of the licensing authority's service costs are recovered by way of licence fees and the service will continue to operate on the same cost-recovery basis in future.
- 5.3 No further financial implications are anticipated.

## **6.0 RECOMMENDATIONS**

- 6.1 Members are asked to consider the consultation response and to recommend to Council that the revised Hackney Carriage and Private Hire Licensing Policy be adopted (with or without further modification).

GARY NELSON  
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

**Background papers:** Hambleton District Council's Statement of Licensing Policy (Jan 2017)  
Home Office Guidance issued under s182 of the Licensing Act 2003

**Author ref:** SF

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**HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing Committee  
30 July 2019

**From:** Principal Licensing Officer

**Subject: HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – VEHICLE AGE LIMITS**

All Wards  
Scrutiny Committee

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**1.0 PURPOSE AND BACKGROUND**

1.1 The purpose of this report is to consider a review of the hackney carriage and private hire vehicle age limit contained within the council's Hackney Carriage and Private Hire Licensing Policy in order to improve standards and practices.

**2.0 INFORMATION AND ANALYSIS**

2.1 It is vital to review policies in order to reflect changes in the industry both nationally and locally. The effectiveness of the hackney carriage and private hire licensing regime has evolved in the face of new internet and smartphone app-based technology. Licensing authorities are required to acknowledge and manage such changes to ensure that, alongside the benefits being achieved, any negatives are minimised for passengers, the trade and wider communities.

**Raising standards**

2.2 Vehicle age limits have been adopted by the vast majority of licensing authorities in North Yorkshire and throughout England and Wales. In 2016, Hambleton District Council (HDC) introduced a 10-year age limit on licensed vehicles. The age limit was imposed to promote public safety, reliability, passenger comfort and improved standards of hackney carriage and private hire services in the district.

2.3 In recent months, the Licensing Team has received a number of applications for driver and vehicle licences from individuals who already hold licences with neighbouring authorities. Several applicants have indicated that they are applying to take advantage of the council's comparatively-lenient vehicle age policy (i.e. by licensing vehicles with HDC when they become too old to be licensed by their current licensing authority).

2.4 Some drivers and vehicles licensed by HDC are known to be operating for significant periods outside the district and it is believed that the absence of a strict age policy encourages this practice. It is difficult for licensing authorities to be effective in monitoring the activities of drivers who are working in this way. The enforcement officers of one authority cannot undertake enforcement action against taxis or private hire vehicles licensed by other authorities.

2.5 There is anecdotal evidence to suggest that this issue is widespread. It is a source of national debate and calls have been made for an urgent review of taxi licensing legislation to address the matter.

- 2.6 Recent case law has reaffirmed the principle that a licensed hackney carriage may carry out pre-booked work anywhere in England and Wales. Furthermore, the Deregulation Act 2015 has enabled private hire operators to sub-contract bookings to operators licensed in other districts (effectively allowing the use of private hire vehicles in any location under certain circumstances). Accordingly, proprietors can legitimately use their vehicles outside the district almost free from regulation.
- 2.7 Nationally, this has led to some proprietors 'shopping around' to find the easiest way to obtain a licence. For example, reports suggest that it is easy to obtain a licence in Wolverhampton and that, coupled with cheap licence fees, has led to the City of Wolverhampton Council issuing 10,700 driver licences last year (compared with just 852 in 2015). Many of those drivers are currently operating in different districts across the country. Two BBC news articles relating to this matter are attached at **Annex A** and **Annex B**.
- 2.8 Although HDC has seen a slight increase in the number of applications received, it is not comparative with the situation in Wolverhampton. In light of the fact that its neighbouring authorities have stricter age policies, there is some concern that HDC may become regarded as the authority of choice for any proprietors wishing to 'shop around' in North Yorkshire and Cleveland. Accordingly, the council should consider reviewing its age policy.
- 2.9 At present, all vehicles must generally be under the age of 10 years in order to be licensed with HDC. This is in contrast with its neighbouring authorities, the age policies for which are shown in the table below:

	Grant applications	Renewal Applications
Hambleton	10yrs	10yrs
Darlington	3yrs	6yrs
Redcar and Cleveland	3yrs	6yrs
Middlesbrough	3yrs	8yrs
Scarborough	4yrs	8yrs
Harrogate	5yrs	9yrs
Ryedale	5yrs	10yrs
York	8yrs petrol, 3yrs diesel	8yrs petrol, 3yrs diesel
Stockton	5yrs	12yrs
Richmondshire	5yrs	7yrs

- 2.10 The council can retain the existing age limits but it should be aware of the potential risks to public safety (given that vehicles can effectively operate almost unregulated outside the district) and the potential risks to the existing trade (given that the number of drivers and vehicles licensed by HDC would be expected to continue to rise, thereby presenting a risk of oversaturating the market).
- 2.11 In February 2019, a preliminary consultation was carried out in relation to vehicle age limits with Hambleton's hackney carriage and private hire trade (although no specific proposals were put forward). The consultation was carried out by way of a newsletter sent to all relevant licence holders. A copy of the newsletter is attached at **Annex C**.
- 2.12 Four responses were received as follows:
- Response 1: Recommended a 3-year age limit at grant and an 8-year age limit on renewal
- Response 2: Recommended a 5-year age limit
- Response 3: Recommended a 3-year age limit at grant and a 6-year age limit on renewal
- Response 4: Opposed any reduction

- 2.13 The responses are attached at **Annex D, Annex E, Annex F and Annex G**.
- 2.14 Having considered the responses, it is proposed to consult the trade further on the following specific recommendations:
- To reduce the vehicle age limit to 5 years in respect of all grant applications (new licences);
  - To reduce the vehicle age limit to 8 years in respect of all renewal applications (except in the case of an application pertaining to a vehicle licensed prior to 1st July 2019, in which case the 10-year age limit will be retained).

### **Air quality**

- 2.15 HDC has a duty under Local Air Quality Management (LAQM), introduced by Part IV of the Environment Act 1995, to regularly review and assess air quality in their areas. HDC declared an Air Quality Management Area in Bedale in November 2017 as a result of poor air quality. Monitoring results from across the district also show areas of Northallerton and Thirsk, particularly in the town centres, to be close to exceeding the air quality objectives.
- 2.16 The Department for Transport (DfT) advises licensing authorities to consider how far their hackney carriage and private hire vehicle licensing policies can support any local environmental initiatives.
- 2.17 European emission standards (which are designed to become more stringent over time) define the acceptable limits for exhaust emissions of new vehicles sold in the European Union and EEA member states. In relation to all motor cars with up to 8 passenger seats (and light goods vehicles which form the basis for many vehicle conversions), the standards are as follows:
- Euro I technology – became mandatory for new passenger cars from 1993 (light goods vehicles 1994)
  - Euro II technology – became mandatory for new passenger cars from 1997 (light goods vehicles 1998)
  - Euro III technology – became mandatory for new passenger cars from 2001 (light goods vehicles 2002)
  - Euro IV technology – became mandatory for new passenger cars in January 2006
  - Euro V technology – became mandatory for new passenger cars in September 2010
  - Euro VI technology – became mandatory for new passenger cars in September 2015
- 2.18 By virtue of the existing Hackney Carriage and Private Hire Licensing Policy, vehicles currently licensed by HDC may possess Euro IV, Euro V or Euro VI technology. The introduction of the proposals contained within paragraph 2.14 would ensure that all vehicles first licensed from September 2020 would possess Euro VI technology.

### **Wheelchair accessible vehicles**

- 2.19 Wheelchair accessible vehicles (WAVs) licensed by HDC are not currently subject to any age restrictions. Licensing authorities are encouraged to 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided - wheelchair accessible vehicles are used as an example<sup>1</sup>.

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<sup>1</sup> Department for Transport - Government Response Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing – February 2019

2.20 In England, 58% of all taxis were wheelchair accessible in 2018. In Hambleton, just 7.6% of licensed vehicles are wheelchair accessible.

2.21 The age limit exemption was applied in order to ensure that the existing financial realities of purchasing and running WAVs do not discourage proprietors from licensing such vehicles to the detriment of wheelchair users. Without this exemption, there is a very real risk that the already low number of WAVs would be reduced further as time goes on. On that basis, there are no plans to change the existing policy in this regard.

### **3.0 EQUALITY AND DIVERSITY**

3.1 The Council's equality duty has been considered and any implications have been addressed from paragraph 2.19 to paragraph 2.21 of the report.

### **4.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES**

4.1 The proposals should have no significant financial implications for the council. The cost of the consultation process will be recovered from licence fees in the normal course of business.

4.2 The proposals may have a financial impact on hackney carriage and private hire vehicle proprietors licensed by the council. At present, all licensed vehicles must be under the age of 10 years at the time of application unless the proprietor of a licensed vehicle can demonstrate that the specific circumstances of his/her case would justify a departure from the general policy. The current proposals would impose further restrictions on any licensed vehicles that fall outside the parameters of the suggested policy. If a revised policy is adopted, some applicants may be required to invest in newer vehicles in order to comply and therefore Members are asked to balance the benefits to the public against the cost to the hackney carriage and private hire trade.

4.3 The existing hackney carriage and private hire trade should be given sufficient time to make the necessary arrangements where applicable and therefore the proposal includes continuation rights (subject to the limitations contained within the existing policy) in respect of currently licensed vehicles. The recommendation is intended to introduce the revised limits in the near future but to ensure that existing proprietors can continue to use their vehicles until they reach the age of 10 years (as would have been expected at the time of the purchase).

### **5.0 RECOMMENDATION:**

5.1 Members are asked to authorise a full consultation to be carried out in relation to the hackney carriage and private hire vehicle age limit proposals (as amended by Members where applicable) on the understanding that the matter will return to the Committee for consideration of any responses.

GARY NELSON  
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

**Background papers:** Hackney Carriage and Private Hire Licensing Policy (January 2019)  
**Author ref:** SF  
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## **Why is my taxi from another city?**

By Jessica Labhart, BBC News, 18 July 2018

If you've ever been in a cab and wondered why the driver's taxi licence was issued hundreds of miles away, the answer may lie in Wolverhampton.

The city has found itself at the centre of angry protests from cab drivers, who accuse the local council of making it too easy to enter the trade.

Cabbies from other parts of England and Wales say drivers newly licensed in the West Midlands are operating as far afield as Manchester and Southampton.

On Monday, private hire operators took part in the latest slow-drive through the city, calling on the authority to tighten rules around who gets permission to carry passengers.

They have taken similar action before, as have hackney carriage drivers.

## **Why are taxi drivers angry?**

To date, the Labour-run council has licensed nearly 10,700 private hire minicab drivers. In a city of about 260,000, that's one for every 24 people.

But many are not working there.

In 2015 the law changed, meaning a private-hire driver does not have to live or operate in the local authority area that grants his or her licence.

And some say it is too easy to pass the test in Wolverhampton. The council strongly disputes this.

## **Is this a problem?**

Many established taxi drivers say the Deregulation Act 2015 is threatening their livelihoods and claim a change in the application process is "risking customer safety".

Before April 2015, there were 852 private hire drivers licensed in Wolverhampton, according to the Department for Transport.



A twelvefold increase since then suggests many are not driving in the city, despite passing their test there.

Taxi drivers who have protested in Wolverhampton argue too many cannot speak English and do not have enough local knowledge of the areas they are actually working in.

### Is it unusual?

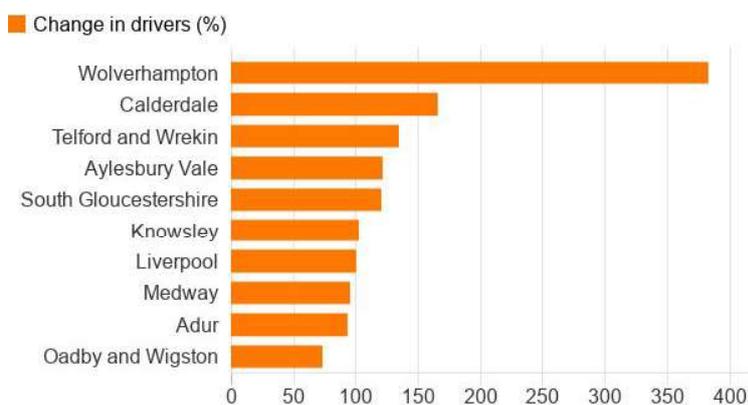
Department for Transport figures show the number of drivers licensed by Wolverhampton increased by more than twice the rate of any other council in England and Wales between 2015 and 2017.

The overall number of drivers in Wolverhampton - whether private hire or taxi - rose 383% in those two years.

In June, black cab drivers from Coventry protested in Wolverhampton about the number of Uber drivers the authority had licensed.

#### Areas with the biggest rise in licensed taxi and private hire drivers since deregulation, England and Wales

Difference between March 2015 and March 2017



Source: Department for Transport

BBC

Only one other council in the West Midlands, Telford and Wrekin, more than doubled the number of licences issued in the first two years since deregulation.

It went from 130 in 2015 to 306 in 2017.

### What does it mean for customers?

There is an argument the greater the number of licences issued the better it is for customers, as more competition means cheaper fares.

However, some existing drivers say changes to assessments for new drivers have led to safety being put at risk.

In Wolverhampton, new drivers previously had to pass a practical and theory test which contained a local area knowledge and A to Z route-plotting assessment.

Now they complete a driver training programme, which includes a verbal assessment in English, training on how to spot child sexual exploitation and they undergo a DVLA and criminal records DBS check.

They must prove they are allowed to work in the UK, have had a valid driving licence for 12 months and take a medical. It costs £69 and takes 20 working days.

Raheel Shah, chairman of Wolverhampton Private Hire Drivers' Association and a taxi driver for the past four years, said: "They should have never taken out the A to Z test. People need to be able to trust the drivers and know that they are getting into a car with someone who has passed the best possible tests. The driver needs to know the area and where they are going and be able to speak to customers. People will always go for the easiest and cheapest option. Which is why we say the council has to do something. Most people that get licensed here end up working in Manchester, Leeds, all over."

Scott Baldwin, a taxi driver from Derby who attended the protest in Wolverhampton on Monday, said "There's Wolverhampton-licensed drivers operating as far away as Southampton. This is not going to stop unless it's reined in. It'll carry on until the government intervenes".

### **What does the council say?**

The chairman of City of Wolverhampton Council's licensing committee said drivers should protest against the government rather than the local authority.

Protests by taxi drivers are motivated by a desire to "restrict competition and customer choice, create local cartels and stifle technological innovation", the council claims.

It says though it cannot limit the number of private hire licences it issues, it does set its own assessment criteria.

Wolverhampton council has the cheapest application process in the Black Country and made about £2.2m from licensing in 2017/18.

The authority says private hire driver fees are "recovered for the service provided" and cannot be used for non-licensing matters.

It says digital changes have helped cut the time and cost of applying in Wolverhampton and these factors have made it the "licensing authority of choice". The council claims other authorities should "modernise" and follow its lead.

"The council's rules are robust and fit for purpose. Public safety is of paramount importance; putting artificial obstacles in the way of those wishing to work is simply wrong" a spokesman said.

## ANNEX B – BBC NEWS ARTICLE (February 2019)

### **Wolverhampton taxi drivers accused of serious sex crimes**

By Jessica Labhart, BBC News, 14 February 2019

**Taxi drivers licensed by a council which is accused of threatening public safety are suspected of serious sexual offences.**

Reports of child sexual exploitation are among allegations made against drivers licensed in Wolverhampton, but who also operate across England.

Fears have been raised drivers are "shopping around" to find the easiest way to obtain a licence.

Wolverhampton council said it stripped licences from suspects immediately.

This week, the government said it was tightening taxi safety guidelines and considering stopping drivers from operating hundreds of miles away from where they were licensed.

City of Wolverhampton Council has increased the number of licences it issues eightfold since the Deregulation Act 2015 was introduced, meaning drivers no longer needed to live or work in the area of the local authority that granted them a licence.

The situation has led to a chaotic picture emerging around the country, with authorities unable to control all cabbies working in their area.

Taxi and cab drivers have staged go-slow protests against the current regulations around the country, saying they leave the public at risk.

Wolverhampton licensing bosses have insisted they informed relevant authorities when serious reports of crimes were made, but several councils have told the BBC they were unaware of the allegations.

The BBC has been unable to determine whether the drivers accused of offences have faced criminal proceedings.

The city council added it had been at the forefront of calls for a national database of drivers.

### **Where have the allegations been made?**

The BBC has learned there have been seven allegations of child sexual exploitation (CSE) made, and 16 serious sexual allegations against drivers licensed in Wolverhampton. The report made furthest from the West Midlands city came from a complainant more than 150 miles away.

They include:

- A driver working in Southampton when a serious sexual allegation was made against him in October 2017
- A Wolverhampton taxi driver accused of being involved in child sexual exploitation on 16 June 2017 in Bolsover, Derbyshire
- A serious sexual allegation recorded as taking place in Mansfield, more than 70 miles away, on 3 October 2016
- One allegation of CSE made in Shropshire in January 2018 along with two other serious sexual allegations in 2017
- In Telford, where authorities have dealt with a high-profile CSE scandal, a serious sexual allegation was reported in April 2018

Prof Rod Thomson, Shropshire Council's director of public health, said the authority was "concerned that public safety is being threatened and environmental aspirations diluted in cases where drivers and vehicle proprietors 'shop around' to be licensed by local authorities that demand lower standards and then exclusively or predominantly work in an area or areas where standards are higher and licences more difficult to obtain".

He backed plans for a government review into licensing, saying it should "bring it up-to-date and to create a regime that is fit for the 21st Century".

None of the councils for the areas where offences were alleged could confirm whether they had been made aware of the suspect driver operating in their area.

In Birmingham, where there have been four serious sexual allegations against drivers licensed in Wolverhampton, the council said it was concerned the Deregulation Act had "resulted in a situation where there are many vehicles and drivers in the city over whom the council has no enforcement powers".

In Wolverhampton itself, there were four allegations of CSE and four serious sexual allegations.

The licensing authority has been made aware of complaints against drivers via police, other councils and by passengers themselves.

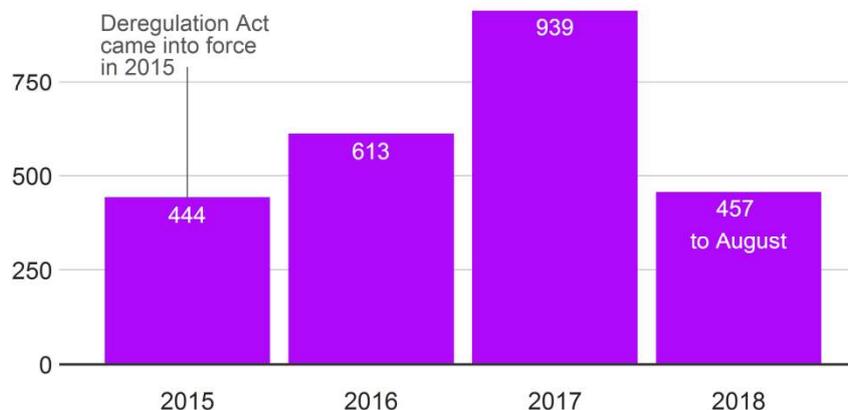
### **What action has been taken by Wolverhampton council?**

The authority said it dealt with complaints robustly, with all safeguarding issues dealt with within a day "regardless of where the driver is in the country".

In one instance, a council officer drove more than 100 miles to a suspect driver's home and "took his licence away from him on his doorstep".

Six of the drivers in the CSE reports had their licences taken from them but the seventh complaint was not upheld. Police were informed in all cases, it said.

### **Reports about minicabs and taxis licensed by Wolverhampton Council**



Source: City of Wolverhampton Council

BBC

In May 2017, the chair of Wolverhampton's licensing committee, Alan Bolshaw, wrote to Sajid Javid, who was then Communities and Local Government Secretary, urging him to create a national database of drivers so that adequate background checks could be carried out, even suggesting the council fund it.

However, there remains no official system of ensuring all authorities are aware of suspected criminal activity, although the council "refutes any accusation" of failing to pass on details. But it added: "We are currently developing a referral mechanism that would inform, in writing, all the relevant safeguarding, policing and licensing authorities in an area when we take action in relation to a driver licensed by us, but operating in their area."

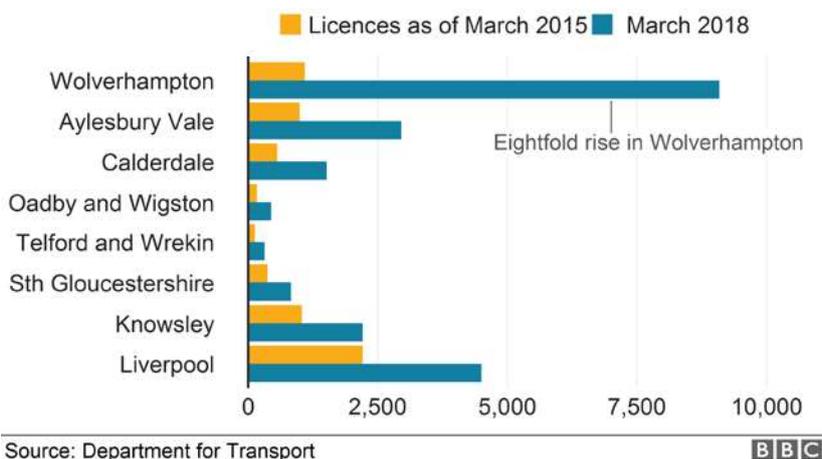
### What action is the government taking?

On Tuesday, the Department for Transport announced new proposals for taxi and private hire drivers to have to pass enhanced criminal record checks before being granted a licence. Every council in England would be told to carry out checks on all applicants. Current guidelines allow councils to set their own driver standards, including whether to make the checks.

Under the plans, those with specific previous convictions would face minimum bans "in all but truly exceptional circumstances".

### Rise in taxi and minicab drivers

Areas that more than doubled the number of licences in three years



CCTV may also be fitted to cars, with an encrypted system so footage could only be accessed if a crime was reported.

The topic of taxi safety comes after the case of "black cab rapist" John Worboys, who police believe may have carried out more than 100 rapes and sexual assaults on women he picked up in London between 2002 and 2008.

### What have victims' groups said?

Predators can use relaxed rules to become taxi drivers and gain access to vulnerable passengers, a victim's charity said.

"The first thing to say is that the majority of taxi drivers out there are working hard to make a living and are trained to actually help vulnerable people," said Phil Ashford, from the National Working Group (NWG) for tackling child sexual exploitation.

"But there are some who will use their position of power and authority to take advantage of vulnerable people, particularly as taxi journeys are often one-on-one situations.

"In terms of my experience working on the front line and from working in some cases, there are some drivers that are predatory.

"They will know for example, that the children live together in residential care homes and become friendly with them, and quite easily take advantage of a particular vulnerability by being approachable by offering a sense of fulfilment to that child by offering things that are perceived to be quite adult or responsible such as alcohol, drugs and gifts, and begin grooming them that way before abusing them."

Mr Ashford welcomed news of the government's proposals for tougher legislation. "At the moment, some drivers can take advantage of a loophole where they can apply to get a licence in an authority that has less stringent assessments and ply their trade in an area which does. What is really important is that we make sure we bring the taxi drivers in on this. I understand they may feel like they're being unfairly targeted but you know this is about protecting children and protecting drivers' business reputation."

### **What do drivers think?**

Established taxi drivers in Wolverhampton have previously protested over what they said was a fall in standards since the Deregulation Act was introduced.

Raheel Shah, chairman of Wolverhampton Private Hire Drivers' Association and a taxi driver himself, said: "We have been protesting for more than three years over this. Since 2015 I know that there have been more complaints over sexual harassment, accidents in taxis and illegal pick-ups, all different things have been going on. We would like to see a return of standards so that public safety is not put at risk."

Ebrahim Suleman, former chairman of West Midlands Private Hire Drivers Association, said "99.9% of drivers" were honest and hard working but a minority used loopholes to get a licence.

He added there should be a cap on the number of drivers that can be licensed by one authority as it would lead to a "safer and more robust system".



## TAXI NEWS UPDATE

Issue 56 – February 2019

### VEHICLE AGE LIMITS

In 2016, Hambleton District Council introduced a 10-year age limit on licensed vehicles. The age limit was imposed to promote public safety, reliability and improved high standards of hackney carriage and private hire service in the district.

In recent months, the Licensing Team has received a number of applications for driver and vehicle licences from individuals who already hold licences with neighbouring authorities. Several of those applicants have confirmed that they are applying to take advantage of Hambleton's vehicle age policy (i.e. by licensing vehicles with Hambleton District Council when they become too old to be licensed by their current licensing authority).

Some of the vehicles licensed by Hambleton District Council are known to be operating predominantly outside the district and it is believed that the absence of a strict age policy encourages this practice. It is conceivable that this could lead to overcrowding in Hambleton and/or vehicles being used predominantly outside the district almost free from regulation.

In order to address this matter, the council must consider its age policy in relation to licensed vehicles. At present, all vehicles must generally be under the age of 10 years in order to be licensed with Hambleton District Council. This is in contrast with our neighbouring authorities, the age policies for which are shown in the table below:

	Grant applications	Renewal Applications
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Scarborough	4yrs	8yrs
Harrogate	5yrs	9yrs
Ryedale	5yrs	10yrs
York	8yrs petrol, 3yrs diesel	8yrs petrol, 3yrs diesel
Stockton	5yrs	12yrs
Richmondshire	5yrs	7yrs

All drivers, proprietors and operators are therefore encouraged to share their views on this matter in order for the Licensing Team to present a balanced summary to the Licensing Committee in due course. Any recommendations or suggestions would be taken into consideration and, in any case, further consultation will take place before any decision is made in this regard.

### HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Following the council's consultation exercise in relation to the revised Hackney Carriage and Private Hire Licensing Policy, the policy has now been published and took effect from 1<sup>st</sup> January 2019. The policy can be viewed on the council's website at:

[www.hambleton.gov.uk](http://www.hambleton.gov.uk)

### COMMITTEE

The council's Licensing and Appeals Hearings Panel has been responsible for a number of decisions relating to new and existing drivers over the last six months. Four new applicants have been refused a licence on the basis of their suitability while two licensed drivers have had their licences revoked following concerns over their conduct.

### CONVICTIONS

All licensed drivers must disclose the details of any convictions or fixed penalties in writing to the council within seven days. This applies to all offences (including motoring offences) and any failure to comply may raise concerns as to the licence holder's suitability to act as a licensed driver. Two licensed drivers have been referred to the Licensing Committee recently following their failure to comply. Appropriate action will continue to be taken in the event of any future breaches.

### CONTACT DETAILS

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

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

Tel: 01609 767079 or 767017

Email: [licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk)

**From:** [REDACTED]  
**Sent:** 26 February 2019 10:54  
**To:** Licensing Team  
**Subject:** Age policy

Hello I have no problem with grant at 3 years and renew at 8 years as you normally take finance over 5 years which gives you chance to pay the car off

Regards [REDACTED]

Sent from Samsung tablet.

**From:** [REDACTED]  
**Sent:** 26 February 2019 17:25  
**To:** Licensing Team  
**Subject:** Taxi Age Limit

Hi team,

After reading the news letter and speaking with Linda, I can only see it as a positive to lower the age limit on vehicles.

In my opinion the current age limit is being abused. I'm aware of at least 3 vehicle and drivers coming to northallerton at 23.50 every Saturday and that's the only time they are seen.

I think it would be a great idea to drop the limit to 5 years, with additional benefits for hybrid vehicles to help the environment.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

ON THE AGE of CARDS  
NO OLDER THAN 3yrs  
AND COME off at 6.yrs

HAMBLETON D.C.		
REC'D 28 FEB 2019		
PES	RES	CX
		ACK

**From:** [REDACTED]  
**Sent:** 21 March 2019 14:01  
**To:** Licensing Team  
**Subject:** Vehicle age limit

- 1) If the age limit was introduced to promote public safety, why have vehicles older than 10 years been relicensed? Is it an age or mileage policy. Don't you think it should be one or the other? Also you allow old unsafe vehicles to transport disabled passengers with no regard for their safety. Both these issues will be addressed in due course.
  - 2) Previously, before the new age policy was introduced, there wasn't a problem with applications from other licensing authorities, so why should there be one now? It doesn't make any logical sense.
  - 3) Why can't the principal licensing officer do his job and vet applications from outside HDC, especially when they have blatantly admitted to taking advantage of the age limit. A simple question on the application form asking the applicant if the majority of their work will be undertaken within HDC. If the answer is yes & they clearly don't, then they have obtained a license through false pretences.
  - 4) In hindsight ,the ill informed and dubious methods by which the age limit policy was contrived has now put members of the branch in more financial trouble. After forcing operators to buy newer vehicles, less than three years later you intend to burden us with more unreasonable financial expense.
  - 5) in 2016, operators manipulated into purchasing new vehicles because of the incompetence of HDC licensing policy must be allowed to relicense their vehicles, until they reach the 10 year age limit that was then policy. Anything less than that would be totally unacceptable.
- I will be contacting all members of the branch.

[REDACTED]

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing Committee  
30 July 2019

**From:** Principal Licensing Officer

**Subject:** **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – PRACTICAL DRIVING ASSESSMENTS**

All Wards  
Scrutiny Committee

---

### **1.0 PURPOSE AND BACKGROUND**

1.1 The purpose of this report is to consider re-introducing a requirement for hackney carriage and private hire drivers to undergo a practical driving test prior to obtaining a licence.

### **2.0 INFORMATION AND ANALYSIS**

#### **Background**

2.1 Prior to 31<sup>st</sup> December 2016, in accordance with the council's Hackney Carriage and Private Hire Licensing Policy, all applicants for a hackney carriage or private hire driver's licence were required to have successfully completed a Driver and Vehicle Standards Agency (DVSA) taxi assessment.

2.2 The object of the assessment was to ensure that applicants could demonstrate:

- familiarity with the principles of safe driving;
- consideration for fare paying passengers;
- competence; and
- consideration for other road users.

2.3 The assessment involved:

- an eyesight test;
- manoeuvres;
- driving without directions;
- emergency stops;
- related questions (e.g. what to do if a passenger leaves property in the vehicle);
- questions from the Highway Code; and
- identifying traffic signs and road markings.

2.4 The DVSA withdrew the provision of the taxi assessments with effect from 1<sup>st</sup> January 2017. In the absence of any obvious equivalents to the DVSA test, the council's Licensing Committee resolved to dispense with the requirement to produce a DVSA test certificate and therefore applicants are not currently under any obligation to undergo any practical driving training.

- 2.5 All applicants for a hackney carriage and/or private hire driver licence must have held a Driver and Vehicle Licensing Agency (DVLA) licence for at least one year and all penalty points are monitored in line with the council's policy. On that basis, the council can still be satisfied as to any applicant's driving ability and any concerns can be addressed on a case-by-case basis. However, in the absence of a formal practical driving assessment, the council cannot be satisfied that the service offered to customers by hackney carriage and private hire drivers meets the expectations of the public, nor that it meets the standards achieved in the past.

### **Wheelchair accessible vehicles**

- 2.6 A new provision of the council's policy was due to take effect from 1<sup>st</sup> January 2017 requiring drivers of wheelchair accessible vehicles to demonstrate their ability to safely load and unload wheelchairs and to fasten, secure and release any belts, harnesses and clamps. The requirement was to be achieved by inserting the following paragraph into the policy.

*"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".*

- 2.7 Furthermore, the following condition was due to be imposed on all relevant driver licences:

*"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".*

- 2.8 However, following the DVSA's decision to withdraw their assessments, it was not possible to implement the new provisions and therefore the measures that the council intended to take had no impact.

- 2.9 In order to ensure that all drivers of wheelchair accessible vehicles are capable of using the accompanying equipment, the following condition was imposed on all hackney carriage and private hire vehicle licences:

*"The holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons".*

- 2.10 However, it is clear that demonstrable competence (i.e. by way of a formal assessment) would be more reliable than the general obligation contained within the current licence conditions and therefore it is proposed to reapply the provisions contained within paragraph 2.6 and 2.7 of this report. This would ensure that all drivers of wheelchair accessible vehicles have received adequate training.

## **Available assessments**

2.11 Alternative providers of assessments equivalent to the DVSA test have now made their services available and therefore a practical driving test may be re-introduced as part of the application process.

2.12 The following organisations provide examples of suitable assessments:

2.12.1 Green Penny:

Standard assessment: £82.00 (weekday); £98.50 (weekend)

Wheelchair exercise: £26.50 (weekday); £33.00 (weekend)

Enhanced assessment: £94.50 (weekday); £115.00 (weekend)

(enhanced assessment combines the standard assessment and wheelchair exercise)

2.12.2 Blue Lamp Trust:

Standard assessment: £87

Wheelchair exercise: £40

2.13 As all existing licensed drivers have already been deemed suitable to hold a hackney carriage and/or private hire driver licence, it would not be appropriate to require all drivers to undertake the assessment. Accordingly, it is proposed to require all applicants for the grant of a hackney carriage and/or private hire driver licence to undergo a suitable practical driving assessment (equivalent to the DVSA test). Assessments may be approved by officers on a case-by-case basis.

## **Conclusion**

2.14 The re-introduction of a practical driving assessment requirement would:

- enhance driver competence and awareness;
- promote public safety;
- enable HDC to re-introduce the requirement for drivers of wheelchair accessible vehicles to demonstrate their competence with wheelchairs and any accompanying equipment; and
- maintain standards with neighbouring authorities.

## **3.0 EQUALITY AND DIVERSITY**

The Council's equality duty has been considered and any implications have been addressed from paragraph 2.6 to paragraph 2.10 of the report.

## **4.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES**

4.1 The proposals should have no significant financial implications for the council. The cost of the consultation process will be recovered from licence fees in the normal course of business.

4.2 The proposals may have a financial impact on new applicants for hackney carriage and private hire driver licences.

4.3 Typical costs have been included in paragraph 2.12 of the report. The costs are in line with the fees charged by the DVSA prior to the withdrawal of their tests.

4.4 Members are asked to balance the benefits to the public against the cost to the hackney carriage and private hire trade.

**5.0 RECOMMENDATION:**

5.1 Members are asked to authorise a full consultation to be carried out in relation to practical driving assessments on the understanding that the matter will return to the Committee for consideration of any responses.

GARY NELSON  
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

**Background papers:** Hackney Carriage and Private Hire Licensing Policy (January 2019)  
**Author ref:** SF  
**Contact:** Simon Fisher  
Principal Licensing Officer  
Direct Line No: (01609) 767209

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing Committee  
30 July 2019

**From:** Principal Licensing Officer

**Subject:** **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – INSURANCE WRITE-OFFS**

All Wards  
Scrutiny Committee

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### **1.0 PURPOSE AND BACKGROUND**

1.1 The purpose of this report is to consider introducing a general prohibition on specified categories of insurance write-offs in relation to all hackney carriage and private hire vehicles.

### **2.0 INFORMATION AND ANALYSIS**

2.1 An insurance write-off is industry jargon for a vehicle that:

- has sustained so much damage that it is unsafe to go back on the road; or
- is still safe to drive but is beyond economical repair.

2.2 Vehicle insurance assessors use various categories of insurance write-off to rank the seriousness of accident damage.

2.3 Up to 1<sup>st</sup> October 2017, the four categories used included A, B, C and D, whereby the level of damage would decrease in severity by category, starting from A.

2.4 The Association of British Insurers (ABI) updated the salvage codes, in order to shift focus away from the cost of repair and instead highlight structural issues that affect safety.

2.5 The categories are now as follows:

Category	Repairing the vehicle	Using the vehicle
A	Cannot be repaired	Entire vehicle has to be crushed
B	Cannot be repaired	Body shell has to be crushed, but you can salvage other parts from it
C	Can be repaired, but it would cost more than the vehicle's worth	You can use the vehicle again if it's repaired to a roadworthy condition
D	Can be repaired and would cost less than the vehicle's worth, but other costs (such as transporting your vehicle) take it over the vehicle's value	You can use the vehicle again if it's repaired to a roadworthy condition
N	Can be repaired following non-structural damage	You can use the vehicle again if it's repaired to a roadworthy condition
S	Can be repaired following structural damage	You can use the vehicle again if it's repaired to a roadworthy condition

- 2.6 Category C and Category D have not been used since October 2017 but vehicles categorised prior to this date may still need to be considered by HDC.
- 2.7 In order to maintain high standards, it is proposed to apply a general position that HDC will not license vehicles subject to Category A, B or S insurance write-offs.
- 2.8 It is also proposed to require any applications in respect of category C, D or N insurance write-offs to be accompanied by an appropriate engineer's report, approved by the Council, verifying the standard of repairs.

### **3.0 EQUALITY AND DIVERSITY**

- 3.1 There are no equality issues in connection with this report.

### **4.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES**

- 4.1 The proposals should have no significant financial implications for the council. The cost of the consultation process will be recovered from licence fees in the normal course of business.

### **5.0 RECOMMENDATION**

- 5.1 Members are asked to authorise a full consultation to be carried out in relation to insurance write-offs on the understanding that the matter will return to the Committee for consideration of any responses.

GARY NELSON  
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

**Background papers:** Hackney Carriage and Private Hire Licensing Policy (January 2019)  
**Author ref:** SF  
**Contact:** Simon Fisher  
Principal Licensing Officer  
Direct Line No: (01609) 767209

## HAMBLETON DISTRICT COUNCIL

**Report To:** Licensing Committee  
30 July 2019

**From:** Principal Licensing Officer

**Subject:** **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – SAFEGUARDING TRAINING**

All Wards  
Scrutiny Committee

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### **1.0 PURPOSE AND BACKGROUND**

1.1 The purpose of this report is to consider introducing a requirement for hackney carriage and private hire drivers to undergo safeguarding training prior to obtaining a licence.

### **2.0 INFORMATION AND ANALYSIS**

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

2.2 The Department for Transport recommends that licensed drivers are required to undertake safeguarding training in order to help drivers and operators:

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

2.3 In November 2017, the Independent Chair of the North Yorkshire Safeguarding Children Board wrote to the council to request that safeguarding awareness training be offered to licensed drivers. A copy of the letter is attached at **Annex A**.

2.4 Hambleton District Council offered some optional safeguarding awareness training to all licensed drivers in December 2018. 41 (approximately 25%) of the drivers attended but there is currently no mandatory requirement to undertake any training in this regard prior to obtaining a licence.

2.5 Barnardo's have developed an e-learning programme specifically for the hackney carriage and private hire trade. The programme is intended to enable licensed drivers:

- to enhance their knowledge and awareness;
- to apply their knowledge to practical day-to-day situations;
- to understand their roles and responsibilities; and
- to know how to respond and report.

- 2.6 The programme is currently being used by a number of licensing authorities (including several of Hambleton's neighbouring authorities) as a means of ensuring that licensed drivers have received adequate training.
- 2.7 It is proposed to require all new hackney carriage and private hire drivers to undertake the Barnardo's online safeguarding training course prior to being granted a licence with effect from 1st January 2020. Alternative training may be approved by officers on a case-by-case basis.
- 2.8 All existing licensed drivers have already been deemed suitable to hold a hackney carriage and/or private hire driver licence and therefore it would not be appropriate to require all drivers to undertake the training. However, if a policy amendment is approved in this regard, all existing drivers would be invited and encouraged to do so.

### **3.0 EQUALITY AND DIVERSITY**

- 3.1 There are no equality issues in connection with this report.

### **4.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES**

- 4.1 The proposals should have no significant financial implications for the council. The cost of the consultation process will be recovered from licence fees in the normal course of business.
- 4.2 The proposals may have a financial impact on new applicants for hackney carriage and private hire driver licences.
- 4.3 The programme is available to local authorities with two cost options:
- £7,320 plus VAT to purchase the programme for one year with up to 2,000 licences;
  - £2,120 plus VAT to purchase the programme for one year, with drivers paying £18 (inclusive of VAT) directly online to undertake the course.
- 4.4 Any costs associated with the training would ultimately be covered by the fees paid by applicants and therefore the first option would only be financially viable for authorities expecting at least 289 drivers to undertake the course each year. 170 drivers are currently licensed by HDC and, based on recent trends, approximately 40-50 new drivers are expected each year. On that basis, the second cost option would be the most effective.

### **5.0 RECOMMENDATION**

- 5.1 Members are asked to authorise a full consultation to be carried out in relation to mandatory safeguarding training on the understanding that the matter will return to the Committee for consideration of any responses.

GARY NELSON  
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

**Background papers:** Hackney Carriage and Private Hire Licensing Policy (January 2019)  
**Author ref:** SF  
**Contact:** Simon Fisher  
Principal Licensing Officer  
Direct Line No: (01609) 767209



Web: [www.safeguardingchildren.co.uk](http://www.safeguardingchildren.co.uk)

Prof. Nick Frost  
Independent Chair – NYSCB

Dallas Frank  
Manager – NYSCB

Room SB114  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AE

Date 13/11/2017

Dear Licencing Officer,

Re: Safeguarding Training for Licenced Drivers

Following an audit of the safeguarding arrangements surrounding licenced taxi drivers in 2016, NYSCB found that there were a variety of different arrangements in place amongst the district councils. In light of varying arrangements, North Yorkshire Safeguarding Children Board attended the North Yorkshire and York Licencing Officers Network to facilitate a discussion and seek views to develop a consistent package that can be delivered locally and embedded in to local licencing arrangements.

In conjunction with partners, NYSCB have created a standardised Child Sexual Exploitation (CSE) and Safeguarding training package. I would like to ask that arrangements are made available in District Councils to explore how this training could be offered and embedded in your licencing arrangements.

Enclosed are the training slides which have been approved by the Learning and Improvement Subgroup of the NYSCB, with thanks to Scarborough Borough Council who have kindly allowed us to enhance their current training package.

If you require any additional information please contact James Parkes, NYSCB Policy and Development Officer [james.parkes@northyorks.gov.uk](mailto:james.parkes@northyorks.gov.uk) 01609 533932.

Yours Sincerely,

Prof Nick Frost,

Independent Chair

North Yorkshire Safeguarding Children Board.

Minutes of the meeting of the LICENSING COMMITTEE held at 11.30 am on Tuesday, 30th July, 2019 at Main Committee Room, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor R Kirk (in the Chair)

Councillor	P Bardon	Councillor	M Taylor
	M A Barningham		P Thompson
	C A Dickinson		D Watkins
	N A Knapton		

Apologies for absence were received from Councillors K G Hardisty and A Wake.

LC.3 **MINUTES**

**THE DECISION:**

That the minutes of the meetings of the Committee held on 5 February and 21 May 2019 (LC.10 - LC.11 and LC.1 – LC.2), and the meetings of the Licensing and Appeals Hearings Panel held on 5 February, 17 April, 6 June, 12 June and 9 July 2019 (LAHP.27, LAHP.28 – LAHP.29, LAHP.30, LAHP.1, LAHP.2 – LAHP.3 and LAHP.4) previously circulated, be signed as correct records.

LC.4 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - VEHICLE AGE LIMITS**

All Wards

**The subject of the decision:**

This report sought consideration of a review of the hackney carriage and private hire vehicle age limits contained within the Council's Hackney Carriage and Private Hire Licensing Policy in order to improve standards and practices.

**Alternative options considered:**

The Committee was satisfied that a review of the age limits would be appropriate and a number of alternative approaches were considered. Specifically, the Committee considered making distinctions based on different vehicle types (i.e. petrol, vehicle, electric). The Committee concluded that the proposal was appropriate subject to the addition of a specific provision in respect of fully electric vehicles. No further amendments were deemed necessary.

**The reason for the decision:**

The Committee considered the Director's report in relation to the vehicle age limits contained within the Council's Hackney Carriage and Private Hire Licensing Policy.

The Committee also considered the responses to a preliminary consultation undertaken with the hackney carriage and private hire trade in February 2019. The Committee noted that only one of the consultees opposed a review of the vehicle age limits.

The Committee noted that the Council's existing vehicle age limits were higher than the limits imposed by neighbouring authorities, thereby providing a potentially attractive proposition to proprietors operating outside the district of Hambleton. The Committee was satisfied that a review of the age limits would be appropriate in order to address the potential risk to public safety and the sustainability of the existing trade.

The Committee considered the impact that the proposals may have on air quality within the district. The Committee noted that the Council was expected to consider to what extent the Hackney Carriage and Private Hire Licensing Policy could support any local environmental initiatives. The Committee was satisfied that any eventual reduction to the vehicle age limits would have a positive impact on air quality. The Committee considered whether or not to amend the proposal to further reduce the age limit pertaining to diesel vehicles. The Committee noted that the existing proposal, if approved, would ensure that all vehicles licensed by the Council would possess Euro V technology and all vehicles licensed after 1 September 2020 would possess Euro VI technology. On that basis, the Committee was satisfied that the existing proposal adequately promoted the Council's environmental initiatives.

The Committee noted that the purchase cost of electric vehicles may discourage members of the trade from licensing any such vehicles for private hire and public hire purposes. The Committee noted that steps should be taken to mitigate costs where wider social benefits are provided. The Committee was satisfied that arrangements should be made to encourage the use of electric vehicles and therefore concluded that the proposal should be amended to include provision for fully electric vehicles to be subject an upper age limit of 10 years.

The Committee noted that wheelchair accessible vehicles were not currently subject to the general age restrictions contained within the policy. The Committee was satisfied that the exemption was intended to ensure that proprietors were not discouraged from licensing wheelchair accessible vehicles and therefore concluded that the exemption should remain in place.

The Committee was satisfied that the proposed amendments would be likely to improve standards and therefore authorised the commencement of the consultation in order to gauge the views of the trade.

### **THE DECISION:**

That a full consultation be authorised to be carried out in relation to the hackney carriage and private hire vehicle age limit proposals (as amended by Members) on the understanding that the matter will be referred back to the Committee for consideration of any responses.

LC.5 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - PRACTICAL DRIVING ASSESSMENTS**

All Wards

**The subject of the decision:**

This report sought consideration of a reinstatement of a previous requirement for hackney carriage and private hire drivers to undergo a practical driving test prior to obtaining a licence.

**Alternative options considered:**

The Committee considered rejecting the proposal but concluded that it was appropriate to consult on practical driving assessments and no amendments were deemed necessary.

**The reason for the decision:**

The Committee noted that, prior to 1 January 2017, all applicants for hackney carriage and private hire driver licences were required to undergo a practical driving assessment to demonstrate competence.

The Committee was satisfied that the proposals would assist the Council in assessing the suitability of an applicant for a hackney carriage and private hire driver licence.

**THE DECISION:**

That a full consultation be authorised to be carried out in relation to practical driving assessments on the understanding that the matter will be referred back to the Committee for consideration of any responses.

LC.6 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - INSURANCE WRITE-OFFS**

All Wards

**The subject of the decision:**

This report sought consideration of applying a general prohibition on specified categories of insurance write-offs in relation to all hackney carriage and private hire vehicles.

**Alternative options considered:**

The Committee considered rejecting the proposal but concluded that it was appropriate to consult on insurance write-offs and no amendments were deemed necessary.

**The reason for the decision:**

The Committee was satisfied that any vehicle subject to an insurance write-off should be adequately assessed before it can be used for public and private hire purposes.

**THE DECISION:**

That a full consultation be authorised to be carried out in relation to insurance write-offs on the understanding that the matter will be referred back to the Committee for consideration of any responses.

LC.7 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - SAFEGUARDING TRAINING**

All Wards

**The subject of the decision:**

This report sought consideration of introducing a requirement for hackney carriage and private hire drivers to undergo safeguarding training prior to obtaining a licence.

**Alternative options considered:**

The Committee was satisfied that it was appropriate to review the Council's position with regards to safeguarding training for hackney carriage and private hire driver. A number of alternative approaches were considered and the Committee was satisfied that the consultation should not be restricted to new drivers. No further amendments were deemed necessary.

**The reason for the decision:**

The Committee considered the Director's report and was satisfied that safeguarding awareness training was a suitable and relevant requirement for all licensed drivers.

The Committee concluded that the proposal should be revised to include a requirement for all licensed drivers to complete the safeguarding training every three years.

**THE DECISION:**

That a full consultation be authorised to be carried out in relation to mandatory safeguarding training on the understanding that the matter will be referred back to the Committee for consideration of any responses.

LC.8 **LICENSING ACT 2003 STATEMENT OF LICENSING POLICY**

All Wards

**The subject of the decision:**

This report sought approval for a consultation on the proposed revision of the Licensing Act 2003 Statement of Licensing Policy.

**Alternative options considered:**

The Committee considered the Director's report and, having concluded that the proposed amendments were appropriate, no alternative options were deemed necessary.

**The reason for the decision:**

The Committee was satisfied that the amended policy takes account of recent legislative changes and provides additional guidance for the benefit of the public and trade.

**THE DECISION:**

That a full consultation be authorised to be carried out in relation to the draft Statement of Licensing Policy on the understanding that the matter will be referred back to the Committee for consideration of any responses.

The meeting closed at 12.20 pm

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Chairman of the Committee



# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

WITH EFFECT FROM 1<sup>ST</sup> JANUARY 2020

## Version Control

<b>Version No.</b>	<b>Amended by</b>	<b>Date</b>
1.0	Simon Fisher, Principal Licensing Officer	Oct 2015
1.1	Simon Fisher, Principal Licensing Officer	Jan 2016
1.2	Simon Fisher, Principal Licensing Officer	Nov 2016
1.3	Simon Fisher, Principal Licensing Officer	Aug 2017
2.0	Simon Fisher, Principal Licensing Officer	Nov 2018
<b>2.1</b>	<b>Simon Fisher, Principal Licensing Officer</b>	<b>Sep 2019</b>

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# **PART 1: INTRODUCTION**

## 1.1 HAMBLETON

- 1.1.1 Hambleton is a local government district situated in the County of North Yorkshire. The council area is mainly rural with five market towns. These areas are shown on the map at Annex M.
- 1.1.2 Hambleton covers an area of 1,311km<sup>2</sup> most of which, 1,255km<sup>2</sup>, is green space. ~~In 2011, Hambleton had an estimated population of 89,140<sup>1</sup>.~~ According to estimated figures for 2018<sup>2</sup>, Hambleton has a population of 91,134.
- 1.1.3 The licensing authority issues the following licences:-
- Hackney Carriage Driver Licence;
  - Private Hire Driver Licence;
  - Combined Hackney Carriage and Private Hire Driver Licence;
  - Hackney Carriage Vehicle Licence;
  - Private Hire Vehicle Licence;
  - Private Hire Operator Licence.
- 1.1.4 Any guidance contained within this policy is to be treated as a guide only and final interpretation of the law will ultimately rest with the courts.
- 1.1.5 Any obligation in this policy not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 1.1.6 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
- 1.1.7 This document sets out the policy that the licensing authority will apply when making decisions about applications and licences.
- 1.1.8 The Regulators' Code<sup>3</sup> has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.
- 1.1.9 The council aims to reduce regulatory burdens and supporting compliant business growth by ensuring that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.
- 1.1.10 In formulating this policy, regard has been given to advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance<sup>4</sup>.

## 1.2 LEGISLATION

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

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<sup>1</sup> ~~2011 Census Results~~

<sup>2</sup> Office for National Statistics

<sup>3</sup> Department for Business, Innovation & Skills – Better Regulation Delivery Office – July 2013

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

- Road Traffic Act 1988
- Transport Act 1985

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

### 1.3 OBJECTIVES

1.3.1 The licensing authority's objectives are:-

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

### 1.4 APPLYING THE POLICY

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

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

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

### 1.5 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.

**1.5.5 Personal data may be shared where it is necessary for compliance with a legal obligation.**

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

## **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.

## **1.7 SAFEGUARDING**

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

## 2.2 VEHICLE SPECIFICATION

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

- It is fit for its purpose, safe and comfortable for its users and any members of the public;
- It has not been subject to a Category A, B or S insurance write-off;
- It is less than 10 5 years old\* at the time of the application in the case of a new application and less than 8 years old\* in the case of a renewal application, subject to the following exceptions:
  - the maximum age will be 10 years\* in respect of vehicles licensed by Hambleton District Council prior to 31<sup>st</sup> December 2019;
  - the maximum age will be 10 years\* in respect of fully electric vehicles; and
  - all age restrictions will be disapplied in respect of vehicles designated as wheelchair accessible vehicles for the purposes of paragraph 2.28.

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

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

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

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

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

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

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

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

- 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 manufacturer's specification and current Construction and Use Regulations<sup>12</sup> unless the modification has been approved via the Voluntary Individual Vehicle Approval (IVA) scheme;
- It has rear seat belts (irrespective of age);
- It has a separate locking luggage area or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- It has means for carrying luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- There are sufficient means by which a passenger can communicate with the driver.

## **2.3 PROPRIETORSHIP**

2.3.1 A person applying for a hackney carriage vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, he/she must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.

2.3.2 Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include any person (or company) involved in the keeping, employing or letting for hire the vehicle. Where two or more proprietors are named, a licence will be issued in respect of two or more proprietors.

## **2.4 PROCESS FOR NEW APPLICATIONS**

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

- a fully completed application form;
- the appropriate fee; and
- the vehicle registration document (V5C) in the name of the proprietor/part-proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).

2.4.2 All applicants will be required to sign a declaration as part of their application, stating that the vehicle will be used predominantly within the district of Hambleton.

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;

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

- confirmation that the vehicle has an MOT test Certificate (required for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document);
- proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station); and
- confirmation that the meter has been calibrated to the table of fares; and
- an appropriate engineer's report (only for vehicles subject to a Category C, D or N insurance write-off) verifying the standard of repairs.

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 Court<sup>13</sup>. Any appeal must be made within 21 days following notice of a decision.

## **2.5 PROCESS FOR RENEWAL APPLICATIONS**

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

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

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

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

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

- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
- a current MOT Certificate; 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).

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

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' Court<sup>14</sup>. Any appeal must be made within 21 days following notice of a decision.

## **2.6 CONDITIONS**

2.6.1 The licensing authority can impose conditions on a hackney carriage 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' Court<sup>15</sup>. Any appeal must be made within 21 days following notice of a decision.

## **2.7 TRANSFER OF LICENCE**

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

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

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, ROOF SIGNS AND PANELS**

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

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

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

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

2.8.5 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.

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

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

2.8.6 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 plate<sup>16</sup>.

## **2.9 SIGNAGE AND ADVERTISING**

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

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

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

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

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

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

## **2.10 MECHANICAL INSPECTIONS**

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

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

- 2.10.2 When an application is submitted, the applicant will be issued with a test paper (attached at Annex K) showing a list of checks that are required to be carried out, the standards for which are shown on the reverse of the paper.
- 2.10.3 Before a licence is issued, the vehicle, along with the test paper, must be presented to a Hambleton-based VOSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the licensing authority.
- 2.10.4 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.
- 2.10.5 If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed and the examiner will be asked to contact the licensing authority immediately.
- 2.10.6 No licence application will be granted unless the applicant can produce a valid test paper signed by a vehicle examiner of a VOSA-accredited garage to confirm that the vehicle has passed its test.
- 2.10.7 In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test must be carried out no less than 5 months into the licensing period and no more than 7 months into the licensing period. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.
- 2.10.8 An authorised officer may require any vehicle to be presented for inspection at any time. It is an offence to fail to attend for inspection as requested<sup>17</sup>. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

## **2.11 INSURANCE**

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

## **2.12 VEHICLE DAMAGE**

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

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

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

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

2.12.2 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.

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

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

## **2.13 DUAL PLATING**

2.13.1 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).

## **2.14 MECHANICAL BREAKDOWN**

2.14.1 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.

## **2.15 COMPLAINTS**

2.15.1 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.

## **2.16 CONVICTIONS**

2.16.1 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.

## **2.17 SAFETY EQUIPMENT**

2.17.1 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.

## **2.18 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS**

2.18.1 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.

## **2.19 CCTV**

2.19.1 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.

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

## **2.20 TRAILERS**

2.20.1 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.

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

2.20.3 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.

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

## **2.21 SMOKING**

2.21.1 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.

## **2.22 HOLDING DRIVER LICENCE**

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

## **2.23 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 place<sup>21</sup>.

## **2.24 RANKS**

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

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

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

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

2.24.4 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.

## **2.25 METERS**

2.25.1 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.

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

2.25.3 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.

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

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

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

2.25.4 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.

## **2.26 FARES**

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

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

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

## **2.27 CALCULATION OF LICENCE FEES**

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

2.27.2 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.

2.27.3 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.

2.27.4 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.

2.27.5 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.

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

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

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

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

## 2.28 ACCESSIBILITY

- 2.28.1 The licensing authority may maintain a list of designated wheelchair accessible hackney carriage and private hire vehicles<sup>27</sup>. For these purposes, wheelchair accessible means that it would be possible for the user of a “reference wheelchair<sup>28</sup>” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 2.28.2 When a list of designated wheelchair accessible vehicles is kept, the drivers of any designated vehicles must:
- carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
  - carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
  - provide reasonable assistance to load the passenger’s luggage into or out of the vehicle;
  - take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - not make any additional charge<sup>29</sup>;
- 2.28.3 Prior to publishing a list of designated wheelchair accessible vehicles, the licensing authority will confirm the designation in writing to each proprietor of any such vehicle.
- 2.28.4 The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list<sup>30</sup>. The appeal should be made to the Magistrate’s Court and must be made within 28 days of the vehicle in question being included on the authority’s published list
- 2.28.5 Hackney carriages are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.
- 2.28.6 The Authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the Authority considers it important that people with impairments have access to all forms of public transportation.
- 2.28.7 The Authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph 2.2 are relaxed for designated wheelchair accessible hackney carriage vehicles.

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

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

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

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

## **2.29 HORSE DRAWN CARRIAGES**

- 2.29.1 Proprietors of horse-drawn carriages will be subject to any hackney carriage vehicle licence conditions excluding those specifically relating to vehicle design.
- 2.29.2 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.
- 2.29.3 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.
- 2.29.4 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.
- 2.29.5 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.
- 2.29.6 The licence will be granted for a maximum period of 12 months. Special conditions will apply.
- 2.29.7 The proprietor/driver shall be limited to routes specified in writing by the licensing authority following appropriate consultation.

# **PART 3: PRIVATE HIRE VEHICLES**

### 3.1 INTRODUCTION

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

### 3.2 VEHICLE SPECIFICATION

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

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

- It has at least four doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress);
- The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through<sup>32</sup>;
- It has nearside and offside exterior rear view mirrors;
- A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheelbrace, unless this requirement has been specifically disapplied by an authorised officer in instances where a manufacturer’s alternative is provided;
- It is equipped with a minimum of four road wheels fitted with manufacturers’ recommended size tyres;
- It has a clean and smart appearance, both externally and internally;
- It is right hand drive;
- It has a permanent roof which is watertight – standard sunroof allowed (i.e., sunroof fitted when new by manufacturer);
- It has seating arrangements in accordance with manufacturer’s specification and current Construction and Use Regulations<sup>33</sup> unless the modification has been approved via the Voluntary Individual Vehicle Approval (IVA) scheme;
- It has rear seat belts (irrespective of age);

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

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

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

- It has a separate locking luggage area or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturers' recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- It has means for carrying luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- There are sufficient means by which a passenger can communicate with the driver.

### **3.3 PROPRIETORSHIP**

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

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

- 3.4.1 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
  - the appropriate fee; and
  - the vehicle registration document (V5C) in the name of the proprietor/part-proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).
- 3.4.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
  - a current MOT Certificate for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document;
  - proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station); and
  - an appropriate engineer's report (only for vehicles subject to a Category C, D or N insurance write-off) verifying the standard of repairs.
- 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' Court<sup>34</sup>. Any appeal must be made within 21 days following notice of a decision.

### **3.5 PROCESS FOR RENEWAL APPLICATIONS**

3.5.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.

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

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

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

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

- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
- a current MOT Certificate; 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' Court<sup>35</sup>. Any appeal must be made within 21 days following notice of a decision.

### **3.6 CONDITIONS**

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

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

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

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

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

### **3.7 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.
- 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, ROOF SIGNS AND PANELS**

- 3.8.1 External Plate - an external plate provided by the licensing authority shall be securely fixed at all times on the rear of the vehicle.
- 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.
- 3.8.6 The licence plates and side panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate<sup>37</sup>.

### **3.9 SIGNAGE AND ADVERTISING**

- 3.9.1 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except:
- the registration plate;
  - the internal licence plate as issued by Hambleton District Council;
  - any sign required by statute or subordinate legislation;
  - any sign indicating membership of a national motoring organisation;
  - any sign requesting passengers not to smoke; and
  - any sign specifically approved by an authorised officer.
- 3.9.2 At no time will the word "taxi" or "cab" or "for hire" or any word or words of similar meaning or appearances, whether alone or as part of another word be displayed on or in the vehicle.

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

- 3.9.3 The proprietor of a licensed private hire vehicle may apply to display any signage on the vehicle by submitting a written request to the licensing authority along with a full-colour copy of the proposed signage or advertisement.
- 3.9.4 Each request will be considered on its individual merits, but advertisements will not be approved if they:
- contain political, ethnic, religious, sexual or controversial texts;
  - display nude or semi-nude figures;
  - advertise tobacco products;
  - are likely to offend public taste;
  - depict or refer to indecency or obscenity;
  - use obscene or distasteful language;
  - depict men, women or children as sex objects;
  - depict direct and immediate violence to anyone shown in the advertisement or advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities;
  - are proposed to be displayed on any of the windows of the vehicle.
- 3.9.5 Irrespective of any consent which may have been given by the licensing authority, it remains the responsibility of the proprietor to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority.

### **3.10 MECHANICAL INSPECTIONS**

- 3.10.1 Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.
- 3.10.2 When an application is submitted, the applicant will be issued with a test paper (attached at Annex K) showing a list of checks that are required to be carried out, the standards for which are shown on the reverse of the paper.
- 3.10.3 Before a licence is issued, the vehicle, along with the test paper, must be presented to a Hambleton-based VOSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the licensing authority.
- 3.10.4 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.
- 3.10.5 If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed and the examiner will be asked to contact the licensing authority immediately.
- 3.10.6 No licence application will be granted unless the applicant can produce a valid Test Paper signed by a vehicle examiner of a VOSA-accredited garage to confirm that the vehicle has passed its test.
- 3.10.7 In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test must be carried out no less than 5

months into the licensing period and no more than 7 months into the licensing period. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.

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

### **3.11 INSURANCE**

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

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

### **3.12 VEHICLE DAMAGE**

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

- 3.12.2 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.

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

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

### **3.13 DUAL PLATING**

- 3.13.1 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).

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

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

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

### **3.14 MECHANICAL BREAKDOWN**

3.14.1 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.

### **3.15 COMPLAINTS**

3.15.1 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.

### **3.16 CONVICTIONS**

3.16.1 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.

### **3.17 SAFETY EQUIPMENT**

3.17.1 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.

### **3.18 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS**

3.18.1 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.

### **3.19 CCTV**

3.19.1 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.

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

### **3.20 TRAILERS**

3.20.1 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.

3.20.2 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.

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

### **3.21 SMOKING**

3.21.1 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.

### **3.22 CALCULATION OF LICENCE FEES**

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

3.22.2 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.

3.22.3 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.

3.22.4 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.

3.22.5 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.

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

### **3.23 ACCESSIBILITY**

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

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

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

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

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

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

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

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

### **3.24 EXECUTIVE VEHICLES**

3.24.1 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.

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

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

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

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

- 3.24.2 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.
- 3.24.3 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.
- 3.24.4 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.
- 3.24.5 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.

### **3.25 STRETCHED LIMOUSINES**

- 3.25.1 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.

### **3.26 NOVELTY VEHICLES**

- 3.26.1 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.

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

- 3.27.1 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.
- 3.27.2 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).
- 3.27.3 The licensing authority has the power to disapply the general requirement to display a licence plate where the circumstances justify it<sup>46</sup>. Accordingly, an authorised officer may give an exemption notice to the proprietor of an executive vehicle, stretched limousine or other novelty vehicle. In these instances, the notice and the licence plate must be kept inside the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The notice and the plate must be made available for inspection to a police officer or authorised officer of the council upon request.
- 3.27.4 Whilst driving an executive vehicle, stretched limousine or other novelty vehicle subject to the exemption in paragraph 3.27.3, 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.

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

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

## 4.1 INTRODUCTION

4.1.1 The licensing authority issues driver licences in respect of:

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

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

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

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

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

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

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

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

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

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

## 4.2 PROCESS FOR NEW APPLICATIONS

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

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

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

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

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

## 4.3 PROCESS FOR RENEWAL APPLICATIONS

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

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

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

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

- ~~the applicant's full driving licence (if it has been issued by an EEA state); and~~
- ~~where relevant, prescribed documentation to confirm that the applicant has a right to work in the UK (see Annex L).~~

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

#### **4.4 DURATION**

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

#### **4.5 CONDITIONS**

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

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

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

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

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

#### **4.7 MEDICALS**

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

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

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

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

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

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

- 4.7.2 All medical assessments are to be to the standard of the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers.
- 4.7.3 A medical form obtained from Hambleton District Council must be completed by the applicant's GP or by another doctor with access to the applicant's medical history.
- 4.7.4 Further medical assessments are required:
- every three years until the applicant has attained the age of 65 years<sup>54</sup>; and
  - annually once the applicant has attained the age of 65 years<sup>55</sup>.

## **4.8 SAFEGUARDING TRAINING**

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

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

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

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

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

## **4.9 CUSTOMER CARE**

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

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

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

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

#### **4.10 DUTY TO CARRY PASSENGERS IN WHEELCHAIRS**

- 4.10.1 The licensing authority ~~may~~ maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles<sup>56</sup> (see paragraph 2.28 for hackney carriage vehicles and paragraph 3.23 for private hire vehicles).
- 4.10.2 ~~When a list of designated wheelchair accessible vehicles is kept,~~ the drivers of any designated vehicles must:
- carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
  - carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
  - provide reasonable assistance to load the passenger's luggage into or out of the vehicle;
  - take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - not make any additional charge<sup>57</sup>;
- 4.10.3 The licensing authority may exempt drivers from the duties to assist passengers in wheelchairs if it is satisfied that it is appropriate to do so on medical or physical grounds<sup>58</sup>.
- 4.10.4 Any person wishing to apply for an exemption certificate must make a request in writing and should provide evidence in the form of a letter or report from a general practitioner.
- 4.10.5 Where a driver has been exempted from these duties, they must display at all times the exemption notice in the designated vehicle they are driving.

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

- 4.11.1 Guide dogs are working animals (not pets) and their owners rely on them for both independence and mobility. Guide dogs have up to two years of intensive training and are monitored closely throughout their working lives. In addition, guide dog owners are given training on how to maintain the extremely high standards of grooming which the dogs require, and the dogs are regularly checked by vets. In terms of travel, guide dogs are trained to sit at their owner's feet at all times, not to bother other people and not to climb on seats.
- 4.11.2 Licensed hackney carriage drivers are under a duty to carry guide, hearing and other assistance dogs in their taxis without additional charge<sup>59</sup>. Similar rules apply to drivers and operators of private hire vehicles<sup>60</sup>.
- 4.11.3 Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption from this duty on medical grounds. A

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

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

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

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

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

notice of any exemption granted by the licensing authority must be displayed in the vehicle while the exempted driver is using it.

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

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

- 4.12.1 A criminal record check is an important safety measure, particularly for those working closely with children and the vulnerable. Drivers are subject to an Enhanced Disclosure through the Disclosure and Barring Service (DBS).

4.12.2 The licensing authority requires criminal record checks to be carried out every three years and therefore new disclosures will, in many cases, be obtained during each application process. In all other circumstances, licensed drivers must ensure that a new disclosure certificate is provided to the licensing authority before the previous version becomes three years old. Failure to do so will generally result in the licence being suspended or revoked.

- 4.12.3 DBS checks are carried out by North Yorkshire County Council on behalf of Hambleton District Council. Applicants can make an application online but they must verify their identity with the licensing authority before the application can be processed. Further information is available online or upon request.

- 4.12.4 The disclosure may include details of spent and unspent convictions, cautions, reprimands, final warnings and any other information held in police records that is considered relevant by the police (e.g. details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations).

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

#### **4.13 CERTIFICATE OF GOOD CONDUCT**

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

#### **4.14 SMOKING**

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

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<sup>61</sup> Health Act 2006

#### **4.15 DISPLAY OF BADGES (~~with effect from 1<sup>st</sup> August 2019~~)**

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

#### **4.16 DEPOSIT OF LICENCE**

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

#### **4.17 RETURN OF BADGE**

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

#### **4.18 DRESS CODE**

- 4.18.1 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.

#### **4.19 DRIVER CONDUCT**

- 4.19.1 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.
- 4.19.2 Licensed drivers are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way.
- 4.19.3 Under no circumstances should licensed drivers take the law into their own hands.
- 4.19.4 Drivers are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

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

- 4.19.5 Licensed drivers are expected to work cooperatively with officers of the licensing authority and North Yorkshire Police. Any failure to behave in a civil and respectful manner towards officers who are carrying out their duties may raise serious concerns over a driver's suitability to act as a hackney carriage and/or private hire driver.
- 4.19.6 Licensed drivers must not have sexual relationships with passengers or attempt to engage in a relationship with a passenger. Similarly, licensed drivers must not have any form of communication with a passenger which could be regarded as sexually suggestive.
- 4.19.7 Any failure to comply may raise doubts as to the driver's status as a fit and proper person, in which case, the matter may be referred to the Licensing and Appeals Hearings Panel for consideration.

#### **4.20 SEAT BELTS**

- 4.20.1 The law relating to the use of seatbelts differs slightly in connection with private hire and hackney carriage vehicles.
- 4.20.2 A private hire driver is required to wear a seat belt when he/she is not carrying passengers.
- 4.20.3 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.
- 4.20.4 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.
- 4.20.5 It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

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

- 4.21.1 The licensing authority requires all hackney carriages to be fitted with a calendar controlled taxi meter (see paragraph 2.25).
- 4.21.2 The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.
- 4.21.3 The driver cannot charge in excess of the council's table of fares for any journey within the district of Hambleton. If the hiring takes the journey outside the district of Hambleton, the driver cannot charge any more than the table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.
- 4.21.4 The table of fares represents the maximum charge but drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

## **4.22 CALCULATION OF LICENCE FEES**

- 4.22.1 The costs associated with the issue and administration of hackney carriage and private hire driver licences can be recovered via the licence fee<sup>63</sup>.
- 4.22.2 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.
- 4.22.3 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.
- 4.22.4 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.
- 4.22.5 The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to criminal record checks, medicals or knowledge tests.

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

- 4.23.1 A National Register of Taxi Licence Refusals and Revocations (NR3) is held allowing all licensing authorities to record details of where a hackney carriage or private hire driver licence has been refused or revoked. This enables licensing authorities to gather vital intelligence about an applicant's past behaviour.
- 4.23.2 Hambleton District Council provides information for the national register and carries out searches of NR3 in order to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.
- 4.23.3 Where a driver licence is revoked, or an application is refused, the Council will record this decision on NR3.
- 4.23.4 Hambleton District Council will conduct a search of the register for all applicants and further details will be sought from the relevant authority if any information is recorded.
- 4.23.5 Any request from another authority for information held by Hambleton District Council will be considered on its own merits, taking into account the data subject's rights and the responsibilities of a taxi driver. A record of every decision in this regard will be made to detail:
  - the date of the request;
  - the name(s) searched;
  - whether any information was provided;
  - if information was provided, why it was provided;
  - if information was not provided, why it was not provided; and
  - how and when the decision (and any information) was communicated to the requesting authority.

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<sup>63</sup> 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 <https://www.gov.uk/request-copy-criminal-record> 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' Court<sup>64</sup>. 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.

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<sup>64</sup> 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 policy<sup>65</sup>.

## **5.5 CALCULATION OF LICENCE FEES**

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

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

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

# **PART 6: ENFORCEMENT**

## **6.1 INTRODUCTION**

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

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

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

In particular, the licensing authority will:-

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

## **6.3 GUIDING PRINCIPLES**

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

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

## 6.4 STANDARDS

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

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

## 6.5 ENFORCEMENT ACTIVITIES

6.5.1 Enforcement activities will fall into the following broad areas:-

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

6.5.2 Records of enforcement action will be kept.

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

## 6.6 THE ENFORCEMENT ACTIONS AVAILABLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

## **6.7 APPEALS**

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

## **6.8 COMPLAINTS ABOUT LICENSEES**

- 6.8.1 Members of the general public are able to make complaints to the licensing authority about the conduct and/or service received from licensees 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](http://www.hambleton.gov.uk)) or by telephoning Hambleton District Council on 01609 779977.

## **6.10 POLICY REVIEW**

- 6.10.1 The implications and effectiveness of this policy will be regularly monitored.
- 6.10.2 This policy will be reviewed where appropriate to reflect changes indicated by the internal monitoring arrangements, by legislation or by guidance issued by Central Government.
- 6.10.3 Views of the policy and its implementation will be sought to ensure it continues to meet the principles of good enforcement.

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

**1 General**

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

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

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

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

- The 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.

1.9 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.

## **2 Misleading information**

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

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

## **3 Violence**

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

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

3.3 ~~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 seven years prior to the date of application:
- Racially-aggravated criminal damage;
  - Racially-aggravated offence; or
  - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 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 five years prior to the date of application:
- Common assault;
  - Battery;
  - Assault occasioning actual bodily harm;
  - Affray;
  - S5 Public Order Act 1986 offence (harassment, alarm or distress);
  - S4 Public Order Act 1986 offence (fear of provocation of violence);
  - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
  - Obstruction;
  - Criminal damage; or
  - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 3.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 3.8 Allegations of violence will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on the balance of probability that the applicant is a fit and proper person.

#### **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 five years before a licence is granted.~~ **A licence will not normally be granted if an applicant has been convicted of such an offence in the last 5 years.**

#### **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 **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.

5.3 ~~Before an application is allowed, an applicant should be free of conviction for at least 10 years if he/she has a conviction for an offence such as:~~ A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than 10 years prior to the date of application:

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

5.4 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.

5.5 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 five (or at least five years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:~~ 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 5 years prior to the date of application:

- Theft;
- Burglary;
- Fraud;
- Benefit fraud;
- Handling or receiving stolen goods;
- Forgery;
- Conspiracy to defraud;
- Obtaining money or property by deception;
- Other deception;
- Taking a vehicle without consent; or

- Any similar offences (including attempted or conspiracy to commit) which replace the above.

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.~~ A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 years prior to the date of application:

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.~~ A licence will not normally be granted where the applicant has a conviction for an offence related to the possession of drugs and the conviction is less than 3 years prior to the date of application. Consideration will 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. In these circumstances, the applicant may have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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 less than 5 years prior to the date of application. ~~A licence will not normally be granted to an applicant who has been convicted of driving without insurance unless at least five 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 seven years should elapse after the restoration of the driving licence before an application will be considered.~~ A licence will not normally be granted to an applicant who has a drink/drug driving conviction less than 7 years prior to the date of application. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
- 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 and will not normally be granted a licence until at least three years have elapsed from the date of the last offence.
- 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 three years 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 at least 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 Other offences**

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

## **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. The same applies to fixed penalties and community resolutions. Each case will be considered on its own merits including the details and nature of the offence.

## **12 Licensed drivers**

- 12.2 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.
- 12.3 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.
- 12.4 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**

- 13.2 To summarise, a criminal history in itself may not automatically result in refusal and a conviction for a serious crime need not bar an applicant permanently from becoming licensed. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
- 13.3 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.

- 13.4** Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to sustain such change.

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

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

**Passengers**

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

**Lost Property**

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

**Written Receipts**

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

**Animals**

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

**Prompt Attendance**

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

### **Arrest/Convictions**

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

### **Taxi Meter**

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

### **Fare to be Demanded**

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 Badges ~~(with effect from 1<sup>st</sup> August 2019)~~**

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

### **Customer Care**

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

### **Medical Condition**

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

### **Wheelchair Accessible Vehicles**

17. The driver shall not drive a wheelchair accessible vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.

18. The licence does not authorise the driver to drive any wheelchair accessible vehicles licensed by Hambleton District Council unless an appropriate practical assessment (approved by an authorised officer) has been passed and a certificate has been obtained and submitted to an authorised officer.

**PRIVATE HIRE OPERATOR LICENCE CONDITIONS**

**Records**

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

**Standard of Service**

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

**Complaints**

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

**Change of Address**

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

**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 holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons.
6. The private hire vehicle, including all fittings and specialist equipment, must be well maintained and kept in good working order.
7. The interior and exterior of the private hire vehicle shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements shall be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery should be reasonably well maintained and free from unsightly repairs, stains and burns.
8. Where the vehicle is converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce to the licensing authority a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order.
9. The holder of this licence shall:-
  - a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
  - b) cause the interior of the vehicle to be kept wind and water tight;
  - c) provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
  - d) ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle;

- e) cause the seats in the passenger compartment to be properly cushioned and covered;
  - f) ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority;
  - g) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
  - h) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the licensing authority; and
  - i) ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
10. The holder of this licence shall not allow the specification of the private hire vehicle to be varied without the written consent of the licensing authority.
  11. No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
  12. The word "taxi" or "cab" or any similar word which, in the opinion of the licensing authority, may imply that the vehicle is a hackney carriage shall not appear on the vehicle.
  13. Where the vehicle is fitted with a taximeter, the meter must be maintained in good working order at all times.
  14. The holder of this licence shall give notice in writing to the licensing authority of any change of address or telephone number during the period of the licence within seven days of such change taking place.
  15. The holder of this licence, upon receipt of a caution, a fixed penalty notice or upon conviction, shall disclose the details of such in writing to the licensing authority as soon as practicable and in any event within seven days.
  16. 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.
  17. Seat belts shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition.
  18. No CCTV system shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority.
  19. 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.
  20. Where a CCTV system has been approved and installed, an advisory notice, approved by the licensing authority, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent

(though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

21. 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.
22. 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.
23. 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.
24. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

**HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS**

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

- e) cause the seats in the passenger compartment to be properly cushioned and covered;
  - f) ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority;
  - g) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
  - h) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the licensing authority; and
  - i) ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
10. The holder of this licence shall not allow the specification of the hackney carriage to be varied without the written consent of the licensing authority.
11. No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
12. The proprietor shall ensure that a copy of the fare table in the form approved by the licensing authority, from time-to-time, is exhibited inside the vehicle at all times in a place approved by the licensing authority and that it is not concealed from view while the vehicle is being used for hire or rendered illegible.
13. The meter must be maintained in good working order at all times and shall be set to display the hackney carriage fare table approved by the council.
14. The holder of this licence, upon receipt of a caution, a fixed penalty notice or upon conviction, shall disclose the details of such in writing to the licensing authority as soon as practicable and in any event within seven days.
15. 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.
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. 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.
18. 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.
19. 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.

20. Taximeters shall be positioned so that passengers in the vehicle can easily read the display.
21. The proprietor shall cause the taximeter to be maintained in a sound mechanical condition at all times.
22. No CCTV system shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

**BYELAWS FOR HACKNEY CARRIAGES**

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

**INTERPRETATION**

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

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

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

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

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

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

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

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

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

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

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

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

**PENALTIES**

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

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

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

1 January 2019

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

**Notes**

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

## **DBS HANDLING POLICY**

### **1 BACKGROUND**

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

### **2 DBS UPDATE SERVICE**

- 2.1 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/dba](http://www.gov.uk/dba).
- 2.2 Once subscribed, applicants will be able to give prospective employers (within the same workforce) or Licensing Authorities permission to access a web portal, which allows a check to be carried out as to whether or not there have been any changes to the data listed on the most recent disclosure certificate.
- 2.3 If there is no change to the data, the licensing authority can make a decision based on the information contained on the existing disclosure certificate. If, however, the web portal indicates a change to the data, a new certificate would need to be obtained.

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

### **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 Practice<sup>72</sup> and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or any other information revealed.

- 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.

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<sup>72</sup> 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](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.

- 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 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 must notify the licensing authority in writing of their intention to install a CCTV system in a licensed vehicle prior to installing any such system.
- 1.3 Upon installation, the relevant vehicle licence will be subject to additional conditions to ensure that the CCTV system is appropriately installed and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.
- 1.4 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, are of sufficient quality to enable identification of any person travelling in the vehicle and of such quality that they can be used for prosecution purposes.
- 2.6 The CCTV system shall provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- 2.7 The CCTV system shall provide that, where the system uses a DVD recorder, the system is protected from shock.
- 2.8 The CCTV system must be marked with the EMC (Electro Magnetic Certification), which signifies that it meets the European Industry Standard.

### **3 Licence Holder Responsibilities**

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

### **EXCEPTIONALLY WELL MAINTAINED CRITERIA**

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

#### **INTERIOR**

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

## EXTERIOR

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



### Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1978

IMPORTANT: Read Standards of Inspection Overleaf

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

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

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

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

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

See overleaf...

## Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1978

### Standards of Inspection

<b>Lighting Equipment</b>	<b>Possible Reasons for Failure</b>
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	
<b>Steering and suspension</b>	<b>Possible Reasons for Failure</b>
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	
<b>Brakes</b>	<b>Possible Reasons for Failure</b>
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	
<b>Tyres and wheels</b>	<b>Possible Reasons for Failure</b>
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	
<b>Seat belts</b>	<b>Possible Reasons for Failure</b>
Mountings	Damaged, worn or incorrectly operating seatbelts. Insufficient seatbelts.
Conditions	
<b>General</b>	<b>Possible Reasons for Failure</b>
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.
<b>Wheelchair accessible vehicles</b>	<b>Possible Reasons for Failure</b>
Restraints and seatbelts	Restraints/seatbelts missing, anchorage insecure, webbing frayed, locking ineffective
Ramps	Inappropriate/insufficient ramps, non-slip provision worn, risk of obstruction or trip hazard.
Lifts	Wiring defects, leaks, insufficient safety barriers, safe working load not displayed.

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

\*delete as appropriate

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

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

Garage Name and Address:

VTS (Vehicle Testing Station)  
Number:

Authorised Examiner Number:

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

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

**RIGHT TO WORK IN THE UK**

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

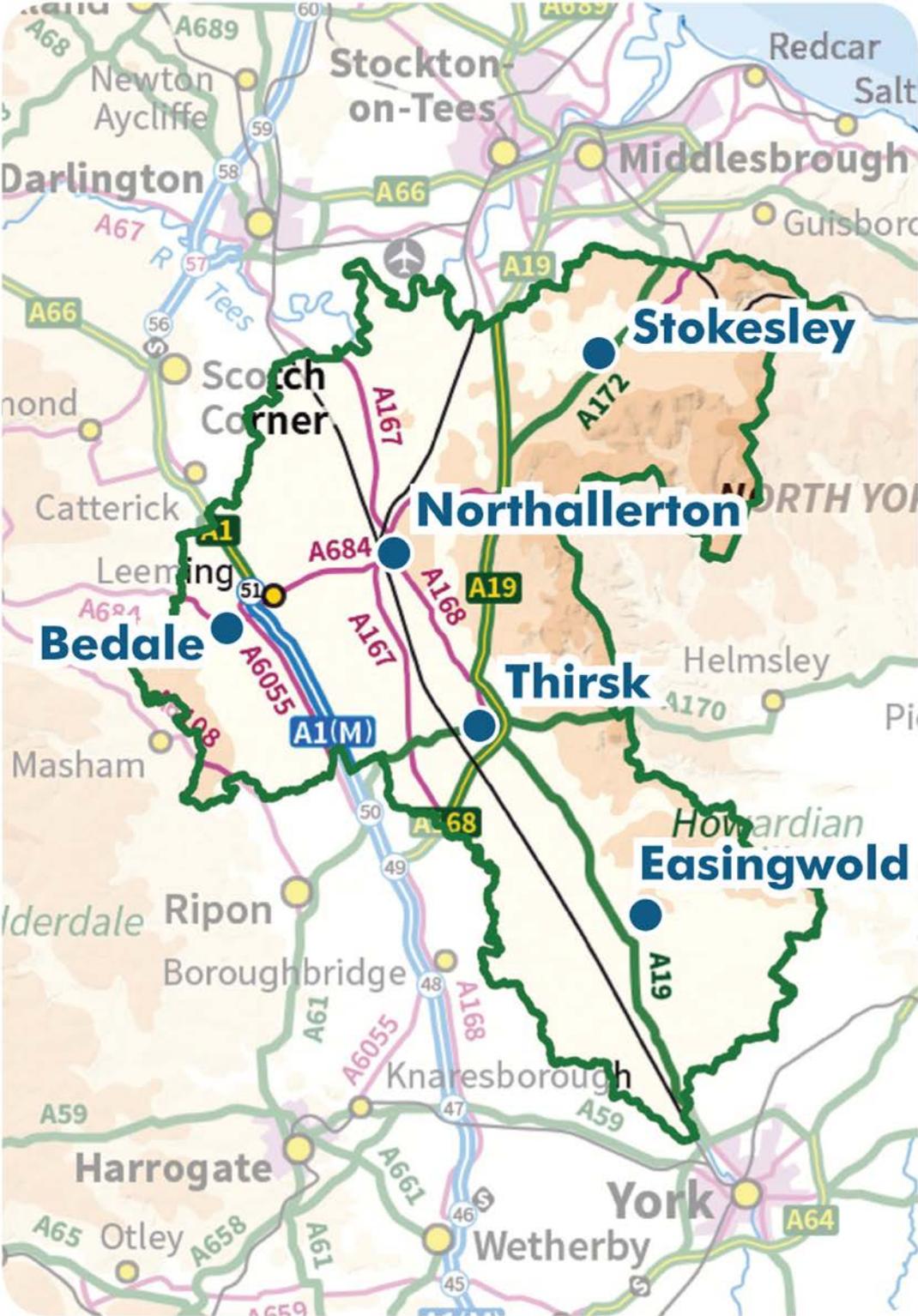
1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the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

Continued...

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

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

**MAP OF HAMBLETON**



**INTRODUCTION**

- 1.1.2 Updated population figures.
- 1.2.2 Corrected information relating to internal adoption of legislation.
- 1.4.3 Clarification of process when departing from policy.
- 1.5.5 Clarification of obligations under data protection law.

**HACKNEY CARRIAGES**

- 2.2.1 New general prohibition on licensing Category A, B or S insurance write-offs  
New vehicle age limits (5 years new, 8 years renewal) subject to exceptions.
- 2.4.3 New requirement to produce engineer's report in respect of Category C, D or N insurance write-offs.
- 2.12.3 New general prohibition on licensing Category A, B or S insurance write-offs.
- 2.12.4 New requirement to produce engineer's report in respect of Category C, D or N insurance write-offs.

**PRIVATE HIRE VEHICLES**

- 3.2.1 New general prohibition on licensing Category A, B or S insurance write-offs  
New vehicle age limits (5 years new, 8 years renewal) subject to exceptions.
- 3.4.2 New requirement to produce engineer's report in respect of Category C, D or N insurance write-offs.
- 3.12.3 New general prohibition on licensing Category A, B or S insurance write-offs.
- 3.12.4 New requirement to produce engineer's report in respect of Category C, D or N insurance write-offs.

**DRIVERS**

- 4.2.2 New requirement to obtain a further criminal record check in instances where the previous one is over four months old at the point of determination.  
New requirement for new drivers to undertake a practical driving assessment.  
New requirement to obtain a further medical assessment in instances where the previous one is over four months old at the point of determination.  
New requirement for new drivers to undertake safeguarding training.
- 4.3.2 DVLA licence photocard no longer required on renewal.  
Proof of right to work in the UK no longer required on renewal.
- 4.8 New paragraph to provide information relating to safeguarding training.
- 4.10 Wording amended to indicate that the council now maintains a list of designated wheelchair accessible vehicles.
- 4.12.2 Clarification provided in relation to the frequency of criminal record checks.
- 4.15 Wording amended to indicate that the requirement to hold two driver badges is no longer a measure to come into effect at a later date.
- 4.23 New paragraph to provide information relating to the national register of refusals and revocations

**ANNEXES**

- Annex A** Wording amended for consistency and clarity relating to the relevance of offences.
- Annex B** Condition amended to indicate that the requirement to hold two driver badges is no longer a measure to come into effect at a later date.  
New condition relating to practical driving assessments specifically for drivers of wheelchair accessible vehicles.

Licensing Team  
Hambleton District Council  
Civic Centre  
Stonecross  
Northallerton

12th September 2019

**RE: PROPOSED CHANGES TO VEHICLE AGES**

Dear sir/Madam,

I Have today received a copy of the latest taxi news letter where it is proposed by HDC to change the maximum age limit on all new vehicle licenses, Whilst I agree with the principle of the proposed changes and the reasons behind them I do however have my own thoughts and concerns to that end I would like to make an alternative proposal for HDC to consider.

1. A maximum age limit of 3 years for all new vehicle licences and 8 years for renewals on all vehicles with a carrying capacity of 4 persons or less.
2. A maximum age limit of 5 years for all new vehicle licences and 10 years for renewals on all vehicles with a carrying capacity of 5 persons or more.

Whilst you may feel that a maximum age limit of 3 years on a 4 person vehicle is quite harsh, I feel that it would not only give a better image of the taxis within the Hambleton area, but far more importantly it would give the public a safer vehicle from a maintenance point of view.

As you are probably aware, the cost of larger capacity vehicles are quite considerably more expensive and in some cases double the price of a normal saloon car, as there is only capacity to charge £1.00 per person extra on any taxi journey it would make it totally unviable to purchase and licence one of these larger vehicles on your proposed 8 year age limit, hence my 10 year proposal.

There is a big demand for larger capacity vehicles as more and more people are going out in groups and prefer to travel all together, not to mention families consisting of more than 4 persons.

I hope HDC will consider my proposal and look at all the facts in depth.

Yours Faithfully

