

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing Committee  
24 November 2015

**From:** Executive Director

**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 replace the existing Vehicle and Driver Licensing Policy with a new Hackney Carriage and Private Hire Licensing Policy in order to reflect legislative changes, case law and improved practices.

### **2.0 INFORMATION AND ANALYSIS**

2.1 The Vehicle and Driver Licensing Policy was last updated in October 2012 and a significant portion of the policy is now out of date following changes made by the government.

2.2 The name of the policy has been changed from Vehicle and Driver Licensing Policy to Hackney Carriage and Private Hire Licensing Policy in order to ensure that Private Hire Operators are not excluded.

2.3 The policy has been drafted in line with the council's values and priorities. The revision has been prompted by a wide range of objectives including:

#### **2.3.1 A commitment to raising standards in hackney carriage and private hire services**

- By applying an age limit from 1<sup>st</sup> January 2017 to prevent vehicles over the age of 10 years from being licensed (excluding wheelchair accessible vehicles).
- By increasing the number of vehicle tests from one per year to two per year in respect of vehicles over the age of three years.
- By introducing a new requirement for drivers of wheelchair accessible vehicles to pass the appropriate level of the practical driving assessment with a wheelchair element included (from 1<sup>st</sup> January 2017).
- By adopting the remaining provisions of the Group II Medical Standards applied by DVLA (Driver and Vehicle Licensing Agency) in terms of the frequency of medical assessments.

#### **2.3.2 Reducing the regulatory burden on the hackney carriage and private hire trade**

- By making allowances where manufacturers make no provision to hold a spare wheel but, instead, offer suitable alternative features.
- By removing the restrictions on tinted windows in line with the existing legal position.

#### **2.3.3 Incorporating government changes (legislation and organisational reform)**

- By reflecting the change from CRB (Criminal Records Bureau) to DBS (Disclosure and Barring Service) as the body responsible for criminal records checks.
- By incorporating the new arrangements for making criminal record checks following the revocation of the council's status as a registered body.
- By taking account of the Regulators' Code following legislative changes.

- By incorporating the new arrangements for checking DVLA licences following the abolishment of the counterpart driving licence.
- By adopting the Ministry of Justice's guidance in relation to simple cautions.

#### 2.3.4 Incorporating existing practices not contained within the existing policy

- By including the council's policy relating to the use of CCTV in licensed vehicles (approved by full Council in April 2015).
- By removing all references to the taxi forum following its abolishment (approved by the Licensing and Environmental Protection Committee in March 2015).
- By clarifying the position on the categories of driving licences issued by the council.

#### 2.3.5 Removing unnecessary provisions contained within the existing policy

- By deleting the Code of Conduct in order to avoid duplication.
- By removing licence conditions that duplicate statutory requirements.
- By removing duplicated licence conditions.
- By removing irrelevant licence conditions.

#### 2.3.6 The provision of additional guidance

- By explaining the procedure in the event of any concerns relating to the safeguarding of children.
- By advising potential applicants about the application process for each licence type (including any rights of appeal).
- By incorporating the council's enforcement policy in relation to hackney carriage and private hire licensing.
- By incorporating the council's policy in relation to the handling of DBS disclosures.
- By providing further information in relation to the meaning of a fit and proper person.

#### 2.3.7 The provision of further information in the interests of transparency

- By providing information in relation to the way in which fees for driver licences, vehicle licences and operator licences are calculated on a cost recovery basis.
- By updating the council's policy on the relevance of criminal convictions following the publication of a new template provided by LGR (Local Government Regulation).
- By providing information on how the policy is to be applied and to make clear that exceptions can be made where the specific circumstances of the case justify it.

#### 2.3.8 Improved layout, formatting and structure.

- By creating separate sections to make a distinction between policy and guidance pertaining to hackney carriage vehicle licences, private hire vehicle licences, driver licences and private hire operator licences.
- By correcting any spelling or grammatical errors.
- By presenting the policy content in a more logical order.

2.4 The draft policy is attached at Annex A.

2.5 Further information in relation to the proposed amendments can be obtained from the summary of changes attached at Annex B.

- 2.6 On 1 October 2015, a questionnaire was sent to all licensed drivers, proprietors and operators to gauge the opinion of the trade on a number of amendments being considered in the drafting of the policy. A copy of the questionnaire is attached at Annex C.
- 2.7 25 of the 158 recipients responded and the outcome of the survey is summarised at Annex D.
- 2.8 Some of the matters included in the questionnaire (the vehicle colour scheme, for example) have not been pursued and are therefore not included in the draft policy. However, other matters have still been included in spite of opposition from the trade because the benefits to the public are believed to outweigh the costs.

### **3.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES**

- 3.1 The introduction of a 10 year age policy on licensed vehicles may have a financial impact on hackney carriage and private hire vehicle proprietors. At present, 40 licensed vehicles are over the age of 10 years and would therefore fall outside the parameters of the revised policy. Proprietors may therefore be required to invest in a newer vehicle. For this reason, it is proposed to implement the age policy for applications made on or after 1<sup>st</sup> January 2017. The financial implications for licence holders have been considered in the drafting of the policy and the benefits are believed to outweigh the costs.
- 3.2 The proposed testing arrangements may also have a financial impact on hackney carriage and private hire vehicle proprietors. At present, 80% of the vehicles licensed by Hambleton District Council are over the age of three years. Affected proprietors would incur the cost of one additional test per year (estimated at £30-£50). The financial implications for licence holders have been considered in the drafting of the policy and the benefits are believed to outweigh the costs. There would be no additional income for the council.
- 3.3 Medical assessments are paid for by the driver directly to the medical examiner and, if approved, the proposals will require these payments to be made every three years instead of every five years for all drivers under the age of 65 years. Furthermore, drivers over the age of 65 years would be required to undergo annual medical assessments whereas the existing policy requires annual medicals only for drivers aged over 70 years. The financial implications for licence holders have been considered in the drafting of the policy and the benefits are believed to outweigh the costs. There would be no additional income for the council.
- 3.4 The implementation of the revised policy will promote consistency and the improved guidance may lead to minor efficiency savings within the licensing team.

### **4.0 RECOMMENDATIONS**

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

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**Background papers:** None  
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# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (DRAFT)

NOVEMBER 2015

## Version Control

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

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

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

# **PART 1: INTRODUCTION**

## **1.1 HAMBLETON**

- 1.1.1 Hambleton is a local government district situated in the County of North Yorkshire. The council area is mainly rural with five market towns. These areas are shown on the map at Annex L.
- 1.1.2 Hambleton covers an area of 1,311.17 km<sup>2</sup> most of which, 1,254.90 km<sup>2</sup>, is green space. In 2011, Hambleton had an estimated population of 89,140<sup>1</sup>.
- 1.1.3 The licensing authority issues the following licences:-
- Hackney Carriage Driver Licence;
  - Private Hire Driver Licence;
  - Combined Hackney Carriage and Private Hire Driver Licence;
  - Hackney Carriage Vehicle Licence;
  - Private Hire Vehicle Licence;
  - Private Hire Operator Licence.
- 1.1.4 Any guidance contained within this policy is to be treated as a guide only and final interpretation of the law will ultimately rest with the courts.
- 1.1.5 Any obligation in this policy not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 1.1.6 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
- 1.1.7 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.
- 1.1.8 The Regulators' Code<sup>2</sup> has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.
- 1.1.9 The council aims to reduce regulatory burdens and supporting compliant business growth by ensuring that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.
- 1.1.10 In formulating this policy, regard has been given to advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance<sup>3</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
  - Road Traffic Act 1988
  - Transport Act 1985

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<sup>1</sup> 2011 Census Results

<sup>2</sup> Department for Business, Innovation & Skills – Better Regulation Delivery Office – July 2013

<sup>3</sup> Department for Transport – March 2010

1.2.2 The council adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by a resolution dated 26 September 1991.

### **1.3 OBJECTIVES**

1.3.1 The licensing authority's objectives are:-

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

### **1.4 APPLYING THE POLICY**

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

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

1.4.3 It will be up to the applicant to show that an exception should be made to the policy<sup>4</sup> and, if the objectives can still be met, the licensing authority may exercise its discretion to depart from the general policy.

### **1.5 PERSONAL DATA**

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

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

1.5.3 The council's aim is to minimise the unnecessary disclosure of personal data.

1.5.4 Personal data will only be obtained, kept or used as authorised by statute.

### **1.6 EQUALITY AND DIVERSITY**

1.6.1 The council's policies and procedures will be applied fairly to all irrespective of race, religion, gender, disability, sexual orientation or age. This will apply to applicants for licences, customers and complainants.

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

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

## **1.7 SAFEGUARDING CHILDREN**

- 1.7.1 The council has a duty of care to children and vulnerable persons who use licensed vehicles within the district of Hambleton.
- 1.7.2 The council recognises that all children and vulnerable persons have a right to be safe and protected from abuse and harm.
- 1.7.3 The licensing authority will take all reasonable steps to ensure that the drivers and operators of taxis and private hire vehicles pose no threat to children or vulnerable persons.
- 1.7.4 The licensing authority has the power to refuse, revoke or suspend licences after convictions for various offences or any other reasonable cause. A suspension or revocation can be given immediate effect where it appears in the interests of public safety.
- 1.7.5 Any allegations made against licence holders suspected of inflicting harm on children will be reported to the Designated Safeguarding Officer or a Deputy Officer who will ensure that all the appropriate actions are taken in line with the council's Safeguarding Policy both in regard to the subject of the alleged abuse and the perpetrator. A decision will also be made in relation to any necessary action to be taken against the licence, which could include suspension or revocation.

**PART 2:  
HACKNEY CARRIAGES**

## 2.1 INTRODUCTION

- 2.1.1 A hackney carriage is a public transport vehicle which is licensed to ply for hire. It is unlawful for a vehicle to be used for the carriage of passengers for immediate hire until such time as a hackney carriage licence is issued in respect of the vehicle<sup>5</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>6</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>7</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>8</sup>.
- 2.1.4 All hackney carriages must be intended for use predominantly, or entirely, within the district of Hambleton<sup>9</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 is less than 10 years old at the time of the application. The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C). This specification will take effect in relation to any grant or renewal application received on or after 1<sup>st</sup> January 2017. The age restriction will be disapplied if the vehicle is capable of carrying passengers in wheelchairs.
  - It has at least four doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress);
  - The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through<sup>10</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;

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<sup>5</sup> Section 45 of the Town Police Clauses Act 1847

<sup>6</sup> Paragraph 7 of Schedule 1 to the Transport Act 1985

<sup>7</sup> *Yates v Gates* [1970] 1 All ER 754

<sup>8</sup> Paragraph 3 of Schedule 7 to the Transport Act 1985

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

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

- It has a permanent roof which is watertight – standard sunroof allowed (i.e. sunroof fitted when new by manufacturer);
- It has seating arrangements in accordance with manufacturer's specification and current Construction and Use Regulations applicable to the vehicle;
- It has rear seat belts (irrespective of age);
- It has a separate locking luggage area (i.e. boot) or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- It has means for carrying luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- There are sufficient means by which a passenger can communicate with the driver.

## **2.3 PROPRIETORSHIP**

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

## **2.4 PROCESS FOR NEW APPLICATIONS**

- 2.4.1 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
  - the appropriate fee; and
  - the vehicle registration document (V5C) in the name of the proprietor/part-proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).
- 2.4.2 All applicants will be required to sign a declaration as part of their application, stating that the vehicle will be used predominantly within the district of Hambleton.
- 2.4.3 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
  - a current MOT Certificate for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document;
  - proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station); and
  - confirmation that the meter has been calibrated to the table of fares.

- 2.4.4 If the application meets all criteria laid down in the policy, a licence will normally be granted.
- 2.4.5 The applicant is personally responsible for the collection of the vehicle licence and plates, which will only be issued directly to the applicant or to an alternative representative who has produced written authorisation from the applicant.
- 2.4.6 If the authorised officer is minded to refuse a licence, the application and any supporting documentation will be referred to the Licensing and Appeals Hearings Panel for a decision.
- 2.4.7 An appeal against a refusal to grant a hackney carriage licence lies to the Crown Court<sup>11</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 a time as a new application for this vehicle is received and subsequently granted.
- 2.5.3 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
  - the appropriate fee;
- 2.5.4 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
  - a current MOT Certificate; and
  - proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station).
- 2.5.5 If the authorised officer has any concerns about an application to renew a licence, it will be referred to the Licensing and Appeals Hearings Panel for a decision.
- 2.5.6 An appeal against a refusal to renew a hackney carriage licence lies to the Magistrates' Court<sup>12</sup>. Any appeal must be made within 21 days following notice of a decision.

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<sup>11</sup> By virtue of section 7 of the Public Health Acts (Amendment) Act 1907

<sup>12</sup> By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

## **2.6 CONDITIONS**

- 2.6.1 The licensing authority can impose conditions on a hackney carriage licence. The conditions outlined in Annex E will be imposed unless the specific circumstances of an application justify a variation.
- 2.6.2 An appeal against conditions attached to a licence lies to the Magistrates' Court<sup>13</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, SIGNS AND PANELS**

- 2.8.1 External Plate - an external plate provided by the licensing authority shall be securely fixed at all times on the rear of the vehicle.
- 2.8.2 Side Panel - one side panel provided by the licensing authority shall be fixed on the upper half of each of the front doors of the vehicle.
- 2.8.3 Internal Plate - the internal plate provided by the licensing authority shall be displayed at all times on the passenger side of the dashboard facing into the vehicle.
- 2.8.4 Roof Sign - A sign, capable of being illuminated, bearing the word "TAXI" facing towards the front of the vehicle shall be mounted on the roof of the vehicle. The only other text on the sign shall be the firm's name and/or telephone number.
- 2.8.5 The licensing authority must be informed in writing should one of the licence plates or side panels become lost, stolen, damaged or defaced. The damaged or defaced plate/panel must be submitted immediately to the licensing authority along with a report of the damage and a request to replace the plate/panel.
- 2.8.6 No vehicle shall be used for public hire purposes without the required plates and panels.
- 2.8.7 The licence plates and side panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender,

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

revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate<sup>14</sup>.

## **2.9 MECHANICAL INSPECTIONS**

- 2.9.1 Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.
- 2.9.2 When an application is submitted, the applicant will be issued with a test paper (attached at Annex K) showing a list of checks that are required to be carried out, the standards for which are shown on the reverse of the paper.
- 2.9.3 Before a licence is issued, the vehicle, along with the test paper, must be presented to a Hambleton-based VOSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the licensing authority.
- 2.9.4 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.
- 2.9.5 If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed and the examiner will be asked to contact the licensing authority immediately.
- 2.9.6 No licence application will be granted unless the applicant can produce a valid test paper signed by a vehicle examiner of a VOSA-accredited garage to confirm that the vehicle has passed its test.
- 2.9.7 In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test must be carried out no less than 5 months into the licensing period and no more than 7 months into the licensing period. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.
- 2.9.8 An authorised officer may require any vehicle to be presented for inspection at any time. It is an offence to fail to attend for inspection as requested<sup>15</sup>. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

## **2.10 INSURANCE**

- 2.10.1 All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for public hire or reward is kept in force in respect of any hackney carriage vehicle and in relation to its use by any drivers employed by the proprietor.
- 2.10.2 On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, the holder of this licence

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<sup>14</sup> Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>15</sup> Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

shall within seven days of such request produce it to the licensing authority at the offices of the council<sup>16</sup>.

## **2.11 VEHICLE DAMAGE**

2.11.1 Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence<sup>17</sup>.

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

## **2.12 DUAL PLATING**

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

## **2.13 MECHANICAL BREAKDOWN**

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

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

## **2.14 COMPLAINTS**

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

## **2.15 CONVICTIONS**

2.15.1 The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within seven days, disclose to the licensing authority in writing the details of any conviction imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). Convictions include all motoring offences and fixed penalty endorsements.

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<sup>16</sup> Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>17</sup> Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

## **2.16 SAFETY EQUIPMENT**

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

## **2.17 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS**

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

## **2.18 CCTV**

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

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

## **2.19 TRAILERS**

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

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

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

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

## **2.20 SMOKING**

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

## 2.21 HOLDING DRIVER LICENCE

2.21.1 The proprietor of any licensed hackney carriage vehicle is required to hold the hackney carriage driver licence of any person permitted to drive the vehicle. The licence should be retained by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle under his or her proprietorship<sup>18</sup>.

## 2.22 CHANGE OF ADDRESS

2.22.1 All hackney carriage proprietors are required to notify the licensing authority in writing of any change of his/her address during the period of the licence within seven days of such change taking place<sup>19</sup>.

## 2.23 RANKS

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

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

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

2.23.3 It is an offence to leave a hackney carriage vehicle unattended on a taxi rank<sup>20</sup>. Hackney carriages can only wait on a rank whilst standing for hire.

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

## 2.24 METERS

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

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

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<sup>18</sup> Section 48 of the Town Police Clauses Act 1847

<sup>19</sup> Section 44 of the Town Police Clauses Act 1847

<sup>20</sup> *Rodgers v Taylor* [1987] RTR 86

- 2.24.3 Roof signs should be wired through the meter ensuring that when the meter is activated, the illuminated roof sign is extinguished when the fare commences.
- 2.24.4 The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.

## **2.25 FARES**

- 2.25.1 The hackney carriage table of fares is set by the Authority and is a maximum fare that can be charged by hackney carriage drivers.
- 2.25.2 It is an offence to charge in excess of the council's table of fares for any journey within the district of Hambleton<sup>21</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>22</sup>.
- 2.25.3 The table of fares shows the maximum charge and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows<sup>23</sup>.

## **2.26 CALCULATION OF LICENCE FEES**

- 2.26.1 The costs associated with vehicle inspections, administration, the provision of hackney carriage stands and the table of fares will be recovered via the licence fees for hackney carriage licences<sup>24</sup>.
- 2.26.2 The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.
- 2.26.3 The licence fee for each application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.
- 2.26.4 Some costs are associated with specific applications and these must be recovered accordingly. For instance, the costs of the hackney carriage stands and the table of fares must be recovered only from hackney carriage vehicle licence fees whereas other costs (such as policy and service development) will apply to all licence fees.
- 2.26.5 The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to mechanical tests, insurance etc.

## **2.27 ACCESSIBILITY**

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<sup>21</sup> Section 58 of the Town Police Clauses Act 1847

<sup>22</sup> Section 66 of the Local Government (Miscellaneous Provisions) Act 1976

<sup>23</sup> Section 54 of the Town Police Clauses Act 1847

<sup>24</sup> Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

- 2.27.1 Hackney carriages are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.
- 2.27.2 The Authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the Authority considers it important that people with impairments have access to all forms of public transportation.
- 2.27.3 The Authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph 2.2 are relaxed for hackney carriage vehicles capable of carrying passengers in wheelchairs.
- 2.27.4 Unless an exemption applies, all licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge (see paragraph 4.10).

## **2.28 HORSE DRAWN CARRIAGES**

- 2.28.1 Proprietors of horse-drawn carriages will be subject to any hackney carriage vehicle licence conditions excluding those specifically relating to vehicle design.
- 2.28.2 A Veterinary Certificate signed by a Veterinary Surgeon stating that each horse is fit to carry out the work required of it shall be submitted to the licensing authority as part of the application process.
- 2.28.3 A competent person nominated by the council (and representing the British Driving Society, the British Horse Society, the Heavy Horse Society or other body able to assess the competence of drivers) shall assess and provide a report stating that the driver is competent to drive the carriage as part of the application process.
- 2.28.4 The location of the stables in which the horses are normally housed shall be notified to the licensing authority as part of the application process. Access to the stables shall be granted to authorised officers and their advisers at any time.
- 2.28.5 Should the council receive a report from the RSPCA, a Veterinary Surgeon or other qualified person that the conditions under which the horses are being kept are not in the interests of the health of the animal and its capacity to pull a carriage, the licence shall be suspended by officers until satisfied that the horses are being kept in a satisfactory manner. The stables must also satisfy the fire safety requirements for stables by Fire & Rescue Service. In the event that the stables do not satisfy these requirements, the licence will be suspended until adequate fire precautions have been made.
- 2.28.6 The licence will be granted for a maximum period of 12 months.
- 2.28.7 Special conditions will apply.
- 2.28.8 The proprietor/driver shall be limited to routes specified in writing by the licensing authority following appropriate consultation.

**PART 3:**  
**PRIVATE HIRE VEHICLES**

### 3.1 INTRODUCTION

- 3.1.1 Private hire vehicles are licensed to perform pre-booked work only, which is obtained through a private hire operator. Private hire vehicles cannot “ply for hire” or wait on a hackney carriage stand.
- 3.1.2 A vehicle licensed as a private hire vehicle continues to be a private hire vehicle at all times and anyone driving the vehicle needs a private hire driver licence<sup>25</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 is less than 10 years old at the time of the application. The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C). This specification will take effect in relation to any grant or renewal application received on or after 1<sup>st</sup> January 2017. The age restriction will be disapplied if the vehicle is capable of carrying passengers in wheelchairs.
  - It has at least four doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress);
  - The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through<sup>26</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 manufacturers’ specification and current Construction and Use Regulations<sup>27</sup> applicable to the vehicle;
  - It has rear seat belts (irrespective of age);
  - It has a separate locking luggage area (i.e., boot) or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturers’ recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
  - It has means for carrying luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
  - There are sufficient means by which a passenger can communicate with the driver;

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<sup>25</sup> *Benson v Boyce* [1997] RTR 226

<sup>26</sup> Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

<sup>27</sup> Road Vehicles (Construction and Use) Regulations 1986

### **3.3 PROPRIETORSHIP**

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

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

- 3.4.1 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
  - the appropriate fee; and
  - the vehicle registration document (V5C) in the name of the proprietor/part-proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).
- 3.4.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
  - a current MOT Certificate for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document; and
  - proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station).
- 3.4.3 If the application meets all criteria laid down in the policy, a licence will normally be granted.
- 3.4.4 The applicant is personally responsible for the collection of the vehicle licence and plates, which will only be issued directly to the applicant or to an alternative representative who has written authorisation from the applicant.
- 3.4.5 If the authorised officer is minded to refuse a licence, the application and any supporting documentation will be referred to the Licensing and Appeals Hearings Panel for a decision.
- 3.4.6 An appeal against a refusal to grant a private hire vehicle licence lies to the Magistrates' Court<sup>28</sup>. Any appeal must be made within 21 days following notice of a decision.

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<sup>28</sup> By virtue of section 48 of the Local Government (Miscellaneous Provisions) Act 1976

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

- 3.5.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
- 3.5.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such a time as a new application for this vehicle is received and subsequently granted.
- 3.5.3 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
  - the appropriate fee;
- 3.5.4 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
  - a current MOT Certificate; and
  - proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Hambleton-based VOSA-accredited testing station).
- 3.5.5 If the authorised officer has any concerns about an application to renew a licence, it will be referred to the Licensing and Appeals Hearings Panel for a decision.
- 3.5.6 An appeal against a refusal to renew a private hire vehicle licence lies to the Magistrates' Court<sup>29</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>30</sup>. Any appeal must be made within 21 days following notice of a decision.

### **3.7 TRANSFER OF LICENCE**

- 3.7.1 If a proprietor transfers his/her interest in a vehicle to somebody else he/she must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred.
- 3.7.2 The new owner must then make an application to transfer the licence into his/her name.

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<sup>29</sup> By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

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

- 3.7.3 The application must be accompanied by a valid vehicle insurance certificate.
- 3.7.4 The vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being transferred.

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

- 3.8.1 External Plate - an external plate provided by the licensing authority shall be securely fixed at all times on the rear of the vehicle.
- 3.8.2 Side Panel - one side panel provided by the licensing authority shall be fixed on the upper half of each of the front doors of the vehicle.
- 3.8.3 Internal Plate - the internal plate provided by the licensing authority shall be displayed at all times on the passenger side of the dashboard facing into the vehicle.
- 3.8.4 The licensing authority must be informed in writing should one of the licence plates or side panels become lost, stolen, damaged or defaced. The damaged or defaced plate/panel must be submitted immediately to the licensing authority along with a report of the damage and a request to replace the plate/panel.
- 3.8.5 No vehicle shall be used for private hire purposes without the required plates and panels.
- 3.8.6 The licence plates and side panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate<sup>31</sup>.

### **3.9 MECHANICAL INSPECTIONS**

- 3.9.1 Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.
- 3.9.2 When an application is submitted, the applicant will be issued with a test paper (attached at Annex K) showing a list of checks that are required to be carried out, the standards for which are shown on the reverse of the paper.
- 3.9.3 Before a licence is issued, the vehicle, along with the test paper, must be presented to a Hambleton-based VOSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the licensing authority.
- 3.9.4 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.

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<sup>31</sup> Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

- 3.9.5 If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed and the examiner will be asked to contact the licensing authority immediately.
- 3.9.6 No licence application will be granted unless the applicant can produce a valid Test Paper signed by a vehicle examiner of a VOSA-accredited garage to confirm that the vehicle has passed its test.
- 3.9.7 In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test must be carried out no less than 5 months into the licensing period and no more than 7 months into the licensing period. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.
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### **3.10 INSURANCE**

- 3.10.1 All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for private hire purposes is kept in force in respect of any private hire vehicle and in relation to its use by any drivers employed by the proprietor.
- 3.10.2 On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, the holder of this licence shall within seven days of such request produce it to the licensing authority at the offices of the council<sup>33</sup>.

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- 3.11.1 Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence<sup>34</sup>.
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- 3.12.1 No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocations).

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### **3.13 MECHANICAL BREAKDOWN**

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

- The driver shall be entitled to demand the fare for the distance already travelled;
- The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes;
- If the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed; and
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3.19.1 No licensed vehicle may tow any trailer unless permission has been granted by the licensing authority and a further licence plate has subsequently been issued. No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.

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

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

### **3.20 SMOKING**

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

### **3.21 CALCULATION OF LICENCE FEES**

3.21.1 The costs associated with vehicle inspections and administration will be recovered via the licence fees for private hire vehicle licences<sup>35</sup>.

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

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

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

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

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## **3.22 ACCESSIBILITY**

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- 3.22.3 The Authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph 3.2 are relaxed for private hire vehicles capable of carrying passengers in wheelchairs.
- 3.22.4 Unless an exemption applies, all licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge (see paragraph 4.10).

## **3.23 EXECUTIVE VEHICLES**

- 3.23.1 An executive vehicle, limousine or other novelty vehicle is, in essence, a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below.
- 3.23.2 There is no legal definition of executive vehicle. However, there is common acceptance that an executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. A classic car could be an executive vehicle. Vehicles qualifying for executive status must be of a high-end vehicle specification.
- 3.23.3 Executive vehicles usually place more emphasis on comfort, appearance, and amenities such as technological upgrades and higher quality materials than on performance, economy, or utility. They are often built in smaller numbers than more affordable mass-market vehicles. Luxury vehicles are historically 5 or 6 passenger four-door saloons. The term was coined in the 1960s to describe cars targeted at successful professionals and middle to senior managers, often as a company car but retaining enough performance and comfort to be desirable in their own right.
- 3.23.4 Executive cars could be luxury versions of family saloons; at the higher end, they are often larger models by mainstream manufacturers or the entry-level models by companies specialising in larger luxury vehicles.
- 3.23.5 Proprietors of companies wishing to license such vehicles would not normally be mainstream private hire companies but would be offering chauffeur driven contracts, airports runs and other similar services where the driver would be expected to observe a strict dress code. Chauffeur driven contracts for the undertaking of a journey in an executive vehicle would generally be made by way of a written contract.

### **3.24 STRETCHED LIMOUSINES**

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

### **3.25 NOVELTY VEHICLES**

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

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

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

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

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

3.26.3 The licensing authority has the power<sup>36</sup> to disapply the general requirement to display a licence plate where the circumstances justify it. Accordingly, an authorised officer may give an exemption notice to the proprietor of an executive vehicle, stretched limousine or other novelty vehicle. In these instances, the notice and the licence plate must be kept inside the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The notice and the plate must be made available for inspection to a police officer or authorised officer of the council upon request.

3.26.4 Whilst driving an executive vehicle, stretched limousine or other novelty vehicle subject to the exemption in paragraph 3.26.2, the driver of the vehicle will be exempt from the general requirement to wear his/her driver badge. In these instances, the badge must be kept inside the vehicle at all times whilst the driver is using the vehicle for private hire purposes and it must be made available for inspection to any passenger, police officer or authorised officer of the council upon request.

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<sup>36</sup> Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976

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

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

3.26.6 At no time will the word "taxi" or "cab" or "for hire" or any word or words of similar meaning or appearances, whether alone or as part of another word be displayed on or in the vehicle.

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

## 4.1 INTRODUCTION

4.1.1 The licensing authority issues driver licences in respect of:

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

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

4.1.3 The licensing regime should therefore ensure that licensed hackney carriage and private hire drivers are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers<sup>37</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>38</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.

## 4.2 PROCESS FOR NEW APPLICATIONS

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

- a fully completed application form;
- the appropriate fee;
- a full driving licence issued by the DVLA (or a full driving licence issued by an EEA state);
- a digital photograph of the applicant, taken by a member of the licensing authority;

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

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

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

- an enhanced criminal record check from the Disclosure and Barring Service (DBS);
- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application);
- a medical form as detailed in paragraph 4.7;
- a record of passing a written test prepared and delivered by Hambleton District Council on the applicant's knowledge of the locality and the rules governing licensees;
- a certificate issued by the DVSA confirming that the applicant has passed a practical driving assessment.

4.2.3 An appeal against a refusal to grant a hackney carriage or private hire driver licence lies to the Magistrates' Court<sup>39</sup>. Any appeal must be made within 21 days following notice of a decision.

### **4.3 PROCESS FOR RENEWAL APPLICATIONS**

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

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

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

4.3.4 An appeal against a refusal to renew a hackney carriage and/or private hire driver licence lies to the Magistrates' Court<sup>40</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>41</sup>.

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

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

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

## **4.5 CONDITIONS**

- 4.5.1 The licensing authority can impose conditions on any private hire driver licence (see Annex B for standard conditions) and all hackney carriage drivers are subject to the Hackney Carriage Byelaws (see Annex F).
- 4.5.2 An appeal against conditions attached to a driver's licence lies to the Magistrates' Court<sup>42</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>43</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;
  - they are on the road for longer hours than most car drivers; and
  - they may have to assist disabled passengers and handle luggage.
- 4.7.2 All medicals are to be to the standard of the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers.
- 4.7.3 A medical form obtained from Hambleton District Council must be completed by the applicant's GP or, if that is not possible, by another doctor with access to the applicant's medical history.
- 4.7.4 Further medical certificates are required:
- every three years until the applicant has attained the age of 65 years<sup>44</sup>; and
  - annually once the applicant has attained the age of 65 years<sup>45</sup>.

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

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

<sup>44</sup> In line with DfT Best Practice Guidance

<sup>45</sup> In line with the Group 2 medical standards applied by DVLA

## **4.8 DVSA PRACTICAL DRIVING ASSESSMENT**

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

## **4.9 CUSTOMER CARE**

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

## **4.10 DUTY TO CARRY ASSISTANCE DOGS**

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

- 4.10.2 Licensed hackney carriage drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge<sup>46</sup>. Similar rules apply to drivers and operators of private hire vehicles<sup>47</sup>.
- 4.10.3 Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption from this duty on medical grounds. A notice of any exemption granted by the licensing authority must be displayed in the vehicle while the exempted driver is using it.
- 4.10.4 If any other driver fails to comply with these duties, they will be guilty of a criminal offence and, on conviction, will be liable to a fine of up to £1,000 (level 3 on the standard scale).

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

- 4.11.1 A criminal record check is an important safety measure, particularly for those working closely with children and the vulnerable. Drivers are subject to an Enhanced Disclosure through the Disclosure and Barring Service (DBS).
- 4.11.2 DBS checks are carried out by North Yorkshire County Council on behalf of Hambleton District Council. Applicants can make an application online but they must verify their identity with the licensing authority before the application can be processed. Further information is available online or upon request.
- 4.11.3 The disclosure may include details of spent and unspent convictions, cautions, reprimands, final warnings and any other information held in police records that is considered relevant by the police (e.g. details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations).
- 4.11.4 The council's DBS Handling Policy is attached at Annex H to this policy.

#### **4.12 SMOKING**

- 4.12.1 Legislation was introduced in August 2007<sup>48</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 fixed penalty notice being issued or a criminal prosecution.

#### **4.13 DEPOSIT OF LICENCE**

- 4.13.1 All licensed drivers are required to deposit their licence with the proprietor of the vehicle being driven. The licence should be retained by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle under his or her proprietorship<sup>49</sup>. This requirement only applies where the driver and the proprietor are not the same person.

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<sup>46</sup> Section 37 of the Disability Discrimination Act 1995

<sup>47</sup> Section 37A of the Disability Discrimination Act 1995

<sup>48</sup> Health Act 2006

<sup>49</sup> Section 48 of the Town Police Clauses Act 1847

#### **4.14 RETURN OF BADGE**

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

#### **4.15 DRESS CODE**

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

#### **4.16 DRIVER CONDUCT**

4.16.1 All licensed drivers are expected to:

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

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

#### **4.17 SEAT BELTS**

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

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

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

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

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

#### **4.18 METERS**

- 4.18.1 The licensing authority requires all hackney carriages to be fitted with a calendar controlled taxi meter. The meter must be maintained in good working order at all times and must be sealed and calibrated to the correct tariff by an authorised agent.
- 4.18.2 All meters must meet any statutory requirements and the accuracy of any meter must be maintained.
- 4.18.3 Roof signs should be wired through the meter ensuring that when the meter is activated, the illuminated roof sign is extinguished when the fare commences.
- 4.18.4 The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.
- 4.18.5 The driver cannot charge in excess of the council's table of fares for any journey within the district of Hambleton. If the hiring takes the journey outside the district of Hambleton, the driver cannot charge any more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.
- 4.18.6 The table of fares represents the maximum charge but drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

#### **4.19 CALCULATION OF LICENCE FEES**

- 4.19.1 The costs associated with the issue and administration of hackney carriage and private hire driver licences can be recovered via the licence fee<sup>50</sup>.
- 4.19.2 The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.
- 4.19.3 The licence fee for each application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.
- 4.19.4 Some costs are associated with specific applications and these must be recovered accordingly. For instance, the costs of the hackney carriage stands and the table of fares must be recovered only from hackney carriage vehicle licence fees whereas other costs (such as policy and service development) will apply to all licence fees.
- 4.19.5 The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to criminal record checks, medicals, DVSA tests or knowledge tests.

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<sup>50</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 [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk). A basic criminal record check will not be required for any applicant who is already regarded as a fit and proper person, evidenced by his or her possession of a hackney carriage/private hire driver licence issued by Hambleton District Council.
- 5.2.3 An appeal against a refusal to grant a private hire operator licence lies to the Magistrates' Court<sup>51</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>51</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>52</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>53</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>52</sup> Section 55(2) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(3) of the Deregulation Act 2015

<sup>53</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 identified in the Environmental Health Service Enforcement Strategy and Policy.
- 6.2.2 The Authority has a statutory duty to ensure that drivers, vehicles and operators are appropriately licensed and carry out their trade in accordance with relevant legislation, byelaws, statutory notices and conditions. The means by which this is achieved is through enforcement.

## **6.3 GUIDING PRINCIPLES**

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

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

## 6.4 STANDARDS

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

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

## 6.5 ENFORCEMENT ACTIVITIES

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

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

6.5.2 Records of enforcement action will be kept.

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

## 6.6 THE ENFORCEMENT ACTIONS AVAILABLE

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

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

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

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

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

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

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

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

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

- offer a proportionate response to low-level offending where the offender has admitted the offence;
- deliver swift, simple and effective justice that carries a deterrent effect;
- record an individual's criminal conduct for possible reference in future criminal proceedings or in criminal record or other similar checks;
- reduce the chances of them re-offending; and
- increase the amount of time officers spend dealing with more serious crime and reduce the amount of time officers spend completing paperwork and attending court, whilst simultaneously reducing the burden on the courts<sup>54</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>54</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>55</sup>.

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

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

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

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

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

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

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

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<sup>55</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>56</sup>.
- 1.5 The licensing authority may take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver licence, whether spent or not<sup>57</sup>. The licensing authority will therefore have regard to all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending.
- 1.6 If an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority may consider:
  - How relevant the offences are to the licence being applied for;
  - How serious the offences were;
  - When the offences were committed;
  - The date of conviction;
  - The circumstances of the individual concerned;
  - The sentence imposed by the court;
  - The applicant's age at the time of conviction;
  - Any patterns of offending;
  - Any other character check considered reasonable (e.g. personal references); and
  - Any other factors that might be relevant.
- 1.7 These guidelines will apply equally to existing drivers as they do to new applicants in determining suitability. Therefore, if a new applicant would be refused on the basis of their individual circumstances, a revocation would be an appropriate sanction for an existing driver under the exact same circumstances.

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<sup>56</sup> *Nottingham City Council v. Mohammed Farooq* (1998)

<sup>57</sup> The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002

## **2 Misleading information**

- 2.1 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence.
- 2.2 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## **3 Violence**

- 3.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence.
- 3.2 An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life. In other cases anyone of a violent disposition will normally be refused to be licensed until at least three years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 3.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder;
  - Manslaughter;
  - Manslaughter or culpable homicide while driving;
  - Terrorism offences; or
  - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 3.4 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than 10 years prior to the date of application:
- Arson;
  - Malicious wounding or grievous bodily harm which is racially aggravated;
  - Actual bodily harm which is racially aggravated;
  - Grievous bodily harm with intent;
  - Robbery;
  - Possession of firearm;
  - Riot;
  - Assault Police;
  - Racially-aggravated common assault;
  - Violent disorder;
  - Resisting arrest; or
  - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 3.5 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than five years prior to the date of application:
- Racially-aggravated criminal damage;
  - Racially-aggravated offence; or
  - Any similar offences (including attempted or conspiracy to commit) which replace the above.

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

#### **4 Possession of a weapon**

- 4.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for three years (or at least three years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

#### **5 Sexual offences**

- 5.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused.
- 5.2 For other offences, applicants will be expected to show a substantial period (normally at least five years) free of conviction for such offences before a licence will be granted.
- 5.3 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape;
  - Assault by penetration;
  - Offences involving children or vulnerable adults;
  - Sexual assault;
  - Indecent assault;
  - Exploitation of prostitution;
  - Trafficking for sexual exploitation;
  - Possession of indecent photographs, child pornography etc;
  - Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver; or
  - Any similar offences (including attempted or conspiracy to commit) which replace the above.

- 5.4 Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least three years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure;
  - Soliciting (kerb crawling); or
  - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 5.5 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- 5.6 Allegations of sexual offences will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

## **6 Dishonesty**

- 6.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 6.2 Before an application is allowed, an applicant should be free of conviction for at least three years (or at least three years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Theft;
  - Burglary;
  - Fraud;
  - Benefit fraud;
  - Handling or receiving stolen goods;
  - Forgery;
  - Conspiracy to defraud;
  - Obtaining money or property by deception;
  - Other deception;
  - Taking a vehicle without consent; or
  - Any similar offences (including attempted or conspiracy to commit) which replace the above.
- 6.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

## **7 Drugs**

- 7.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered. A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for five years.

- 7.2 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 7.3 If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of five years free from drug taking after detoxification treatment.
- 7.4 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

## **8 Driving**

- 8.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 8.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Causing death by dangerous driving;
  - Causing death by careless driving whilst under the influence of drink or drugs;
  - Causing death by driving whilst unlicensed, disqualified or uninsured; or
  - Any similar offences.
- 8.3 A serious view is taken of convictions for driving with no insurance. A licence will not normally be granted to an applicant who has been convicted of driving without insurance unless at least three years have passed since the date of conviction.
- 8.4 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Following a drink/drug drive conviction, normally at least three years should elapse after the restoration of the driving licence before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
- 8.5 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them;
  - fail to see road signs;
  - fail to maintain proper lane position and steady speed;
  - are more likely to 'tailgate' the vehicle in front;
  - react more slowly, take longer to brake and longer to stop;
  - are more likely to enter unsafe gaps in traffic; and
  - feel more stressed and frustrated.
- 8.6 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

- 8.7 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.
- 8.8 Convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances it may be appropriate to issue a licence for a shorter period of time than the standard duration and it may also be appropriate to issue a warning as to future driving conduct. If a significant history of offences is disclosed, applications will normally be refused.
- 8.9 Applicants and licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three year period will normally be refused or revoked.
- 8.10 Applicants who have been disqualified from driving will not normally be granted a licence unless they have held a licence for at least 12 months following the expiry of the period of disqualification without receiving any further penalty points.
- 8.11 Allegations of erratic or dangerous driving will be investigated as and when appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

## **9 Licensing offences**

- 9.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of three years has passed since conviction.
- 9.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

## **10 Insurance offences**

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

## **11 Non-conviction information**

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

- 11.2 An admission of guilt is required before a caution can be issued and therefore cautions will be taken into consideration in the same way that they would if there was a conviction. Every case will be considered on its own merits including the details and nature of the offence.

## **12 Licensed drivers**

- 12.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 12.2 Applicants who hold a licence with another licensing authority should not automatically assume that their application will be granted by Hambleton District Council. Each case will be decided on its own merits.
- 12.3 Licensees who are licensed by one or more other authorities should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **13 Summary**

- 13.1 To summarise, a criminal history in itself may not automatically result in refusal and a conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3-10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before three years free from conviction have elapsed.
- 13.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

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

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

**Passengers**

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

**Lost Property**

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

**Written Receipts**

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

**Animals**

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

### **Prompt Attendance**

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

### **Convictions**

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

### **Taxi Meter**

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

### **Fare to be Demanded**

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

### **Road Safety**

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

### **Driver's Badge**

14. The driver's badge issued by the licensing authority shall be displayed on the driver's person at all times when the vehicle is available for hire so that it is visible.

### **Customer Care**

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

### **Medical Condition**

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

### **Wheelchair Accessible Vehicles (with effect from 1<sup>st</sup> January 2017)**

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

**PRIVATE HIRE OPERATOR LICENCE CONDITIONS**

**Records**

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

**Standard of Service**

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

**Complaints**

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

### **Change of Address**

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

### **Convictions**

7. The operator or, if the operator is a company, any of its directors, shall within seven days from the date of any convictions disclose to the licensing authority in writing details of the conviction and the sentence imposed on him/her.

### **Operator Licence**

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

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

9.
  - (a) any specialist equipment provided for disabled persons shall be maintained and kept in good working order;
  - (b) all persons using this equipment shall be fully aware and trained in its function and use.

**PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

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

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

20. The proprietor shall ensure that the CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by authorised officer of the licensing authority and/or North Yorkshire Police.
21. Upon request for image retrieval by an officer of the licensing authority or a police officer the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within seven days of the request.
22. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within seven days of any authorised request for any image retrieval.
23. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

**HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS**

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

- applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority;
- g) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
  - h) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the licensing authority; and
  - i) ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
9. The holder of this licence shall not allow the specification of the hackney carriage to be varied without the written consent of the licensing authority.
  10. No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
  11. The proprietor shall ensure that a copy of the fare table in the form approved by the licensing authority, from time-to-time, is exhibited inside the vehicle at all times in a place approved by the licensing authority and that it is not concealed from view while the vehicle is being used for hire or rendered illegible.
  12. The meter must be maintained in good working order at all times and shall be set to display the hackney carriage fare table approved by the council.
  13. The holder of this licence, upon receipt of a caution, a fixed penalty notice or upon conviction, shall disclose the details of such in writing to the licensing authority as soon as practicable and in any event within seven days.
  14. The holder of this licence shall only permit the hackney carriage vehicle to be driven by a driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
  15. Seat belts shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition.
  16. The proprietor shall ensure the vehicle is fitted with a taximeter of a type approved by the licensing authority and shall be calendar controlled, locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver.
  17. The taximeter shall be calibrated to a level no greater than the current maximum tariff agreed by the licensing authority and sealed to prevent unauthorised adjustment. A calibration certificate signed by the meter installer shall be provided to the licensing authority to verify the tariff at which the meter has been set.
  18. The proprietor shall ensure that a copy of the current maximum fare table supplied by the licensing authority is on display inside the hackney carriage at all times and that the table is clearly visible to passengers when the vehicle is for hire. In cases where the meter has been calibrated to a tariff lower than that agreed by the licensing authority, this table of fares must also be on display and clearly visible to passengers.

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

**BYELAWS FOR HACKNEY CARRIAGES**

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

**INTERPRETATION**

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

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

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

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

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

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

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

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

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

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

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

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

**PENALTIES**

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

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

**HACKNEY CARRIAGE TABLE OF FARES**

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

The meter must be engaged for every journey, whether the vehicle has been pre-booked or not.

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

These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

## **DBS HANDLING POLICY**

### **1 BACKGROUND**

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

### **2 DBS UPDATE SERVICE**

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

### **3 FILTERING OF CERTAIN CONVICTIONS**

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

3.1.1 The date of conviction is at least 11 years ago (5.5 years if under 18 at the time of the offence);

3.1.2 It is the applicant's only offence;

3.1.3 The applicant did not receive a custodial sentence;

3.1.4 The offence does not appear on a statutory list of excluded offences.

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

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

3.3.1 Kidnapping, abduction, false imprisonment, trafficking

3.3.2 Murder, manslaughter, violent offences and harassment

3.3.3 Harm of children and other vulnerable persons

3.3.4 Indecency

3.3.5 Firearms

3.3.6 Production or supply of drugs

3.3.7 Causing death by dangerous/intoxicated driving

3.3.8 Sexual offences

3.3.9 Terrorism

3.3.10 Burglary

### **4 HANDLING OF DISCLOSURES**

4.1 Hambleton District Council complies fully with the DBS Code of Practice<sup>58</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.

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

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<sup>58</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.

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

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

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

### **1 General Policy**

- 1.1 This policy applies to private hire and hackney carriage vehicles (referred to as “licensed vehicles”).
- 1.2 Vehicle proprietors may make a request in writing to install a CCTV system in a licensed vehicle.
- 1.3 Upon successful application for installation, the relevant vehicle licence will be subject to additional conditions to ensure that the CCTV system is appropriately installed and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.
- 1.4 This policy details the minimum standards that will normally be expected to be met.
- 1.5 Each case will be determined on its own merits and exceptions may be made at the discretion of an authorised officer if the circumstances justify making such an exception.

### **2 Minimum System Specification**

- 2.1 The licensing authority has specified minimum criteria that it would expect a CCTV system to satisfy in order for the system to be installed in licensed vehicles.
- 2.2 The proprietor must meet the current Information Commissioner data protection requirements.
- 2.3 The CCTV system shall be capable of date and time system identification stamping.
- 2.4 The CCTV system shall be capable of recording and storing images for a minimum period of 14 days.
- 2.5 The CCTV system shall be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
- 2.6 The CCTV system shall be capable of storing images in a manner which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
- 2.7 The CCTV system shall provide that images are only capable of being downloaded by authorised officers of the council and/or North Yorkshire Police.
- 2.8 The CCTV system shall provide that images are digitally encrypted. De-encryption software required to view the recorded images must be supplied to the licensing authority free of charge before the system is installed in the vehicle.
- 2.9 The CCTV system shall provide that the hard disk or data card is not able to be accessed by the driver or any other person travelling in the vehicle.

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

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

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

**EXCEPTIONALLY WELL MAINTAINED CRITERIA**

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

**INTERIOR**

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

## EXTERIOR

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



## Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1976

**IMPORTANT: Read Standards of Inspection Overleaf**

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

Item Tested	Pass (✓)	Fail (x)	Reasons for Failure
<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			

<p>I hereby certify that the above vehicle has been inspected to the standards overleaf and has/has not* been found to be roadworthy to be used as a hackney carriage/private hire vehicle* at the time of inspection. <span style="float: right;">*delete as appropriate</span></p> <p><b>Signed</b> _____ <b>(Tester/Inspector)</b></p> <p><b>Name (in capitals)</b> _____ <b>Date</b> _____</p>	<p><b>Garage Name and Address:</b></p> <p>_____</p> <p><b>VTS (Vehicle Testing Station) Number:</b></p> <p>_____</p> <p><b>Authorised Examiner Number:</b></p> <p>_____</p>
--	---

<p><b>WARNING: IN MY OPINION, THE VEHICLE IS DANGEROUS TO DRIVE BECAUSE OF THE FOLLOWING DEFECT:</b></p>   <p style="text-align: center; font-size: small;">*If the test is failed, please contact the Licensing Team on 01609 767079 or 01609 767017</p>
--

## Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1976

### Standards of Inspection

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

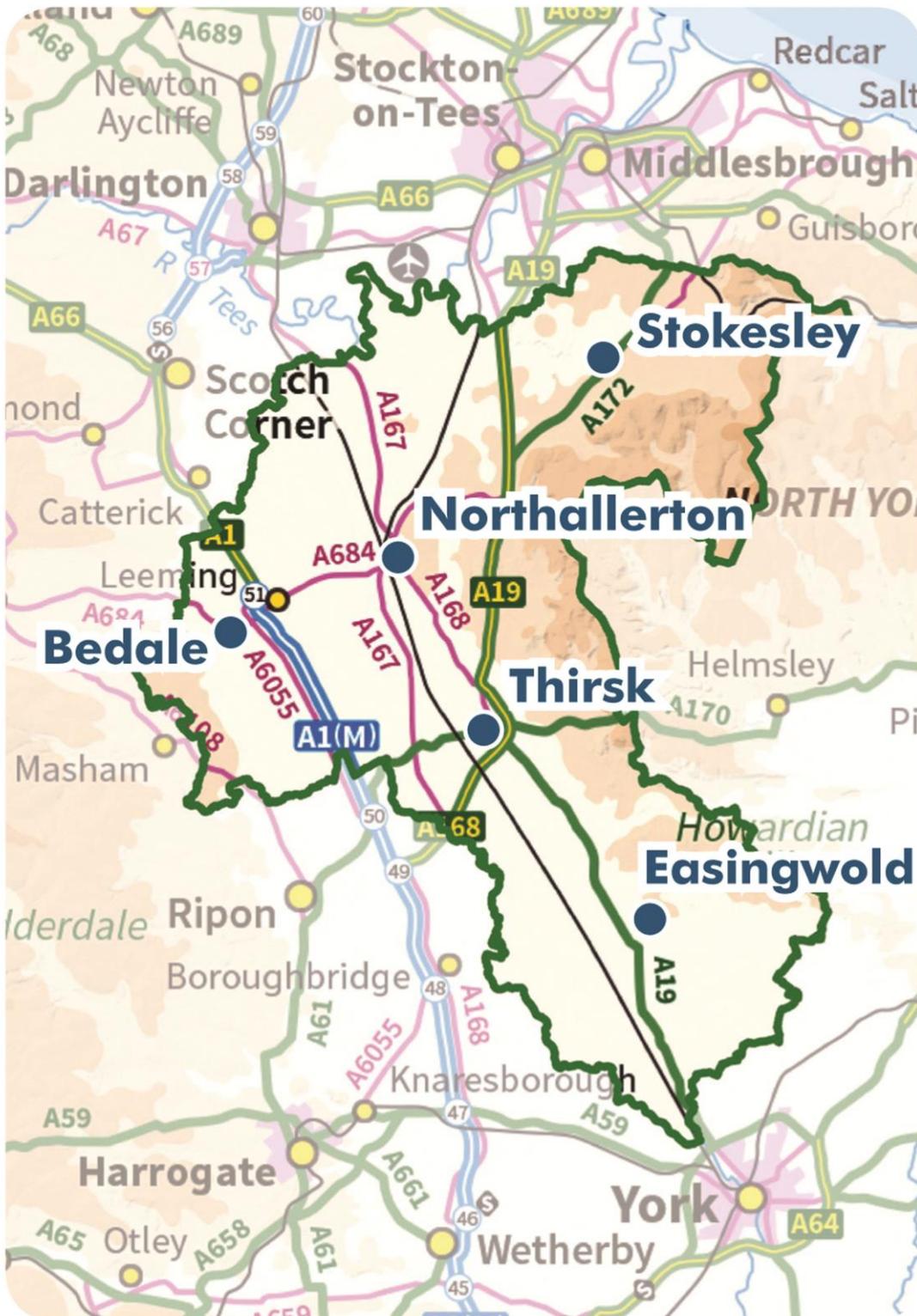
Failure to meet such standards would constitute an automatic fail of the Hackney Carriage and Private Hire Vehicles Inspection.

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

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

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

**MAP OF HAMBLETON**



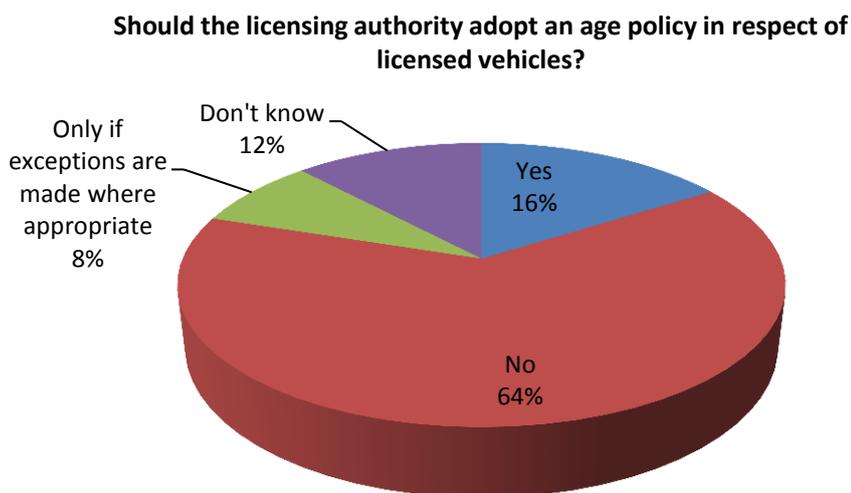
Contains Ordnance Survey data © Crown copyright and database right 2015

## RAISING STANDARDS

### 1. Vehicle Age Limit

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

In response to a preliminary consultation on this matter, 64% of the respondents from the hackney carriage and private hire trade indicated that the Council should not adopt an age policy.



### Trade Comments

#### Yes

- *When vehicle is first licensed, 7 years old.*
- *No more than 10 years old.*

#### No

- *Depends how a vehicle is looked after and maintained.*
- *Scruffy cars won't attract many customers despite their age.*
- *I buy good second hand cars as new cars lose money too quickly. All my cars are maintained to a high standard and I use common sense when to replace them.*
- *Provided the vehicle is in good condition there should be no need.*
- *A reduction in the age of vehicles will force operators into debt.*
- *Age is not important, it is maintenance and servicing that is.*
- *If a car is not maintained the age is irrelevant.*

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

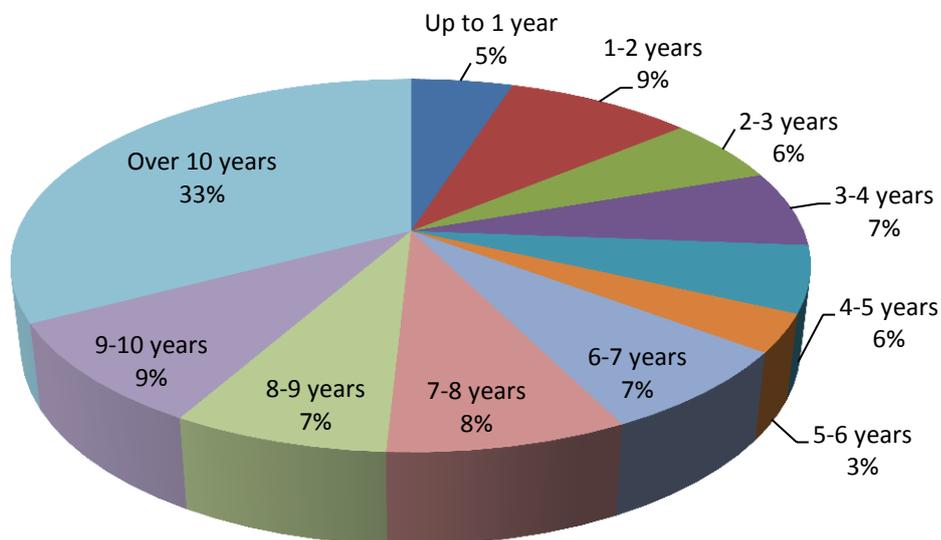
A small number of vehicles licensed by Hambleton District are known to be operating in other areas and it is believed that the absence of any age policy encourages this practice because Hambleton will license vehicles that would not be licensed anywhere else.

The table below shows the age limits enforced by authorities around Hambleton.

	Grant applications	Renewal Applications
Darlington	3yrs	6yrs
Redcar and Cleveland	3yrs	6yrs
Middlesbrough	3yrs	8yrs
Scarborough	4yrs	8yrs
Harrogate	5yrs	9yrs
Craven	5yrs	10yrs
Ryedale	5yrs	10yrs
York	5yrs	10yrs

The chart below shows the ages of the licensed vehicles in Hambleton.

**Age of licensed vehicles on 24 November 2015**



A third of the vehicles currently licensed by Hambleton District Council are over the age of 10 years. Those vehicles would not generally be licensed by any of the authorities in the table above.

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

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

## 2. Wheelchair Accessible Vehicles

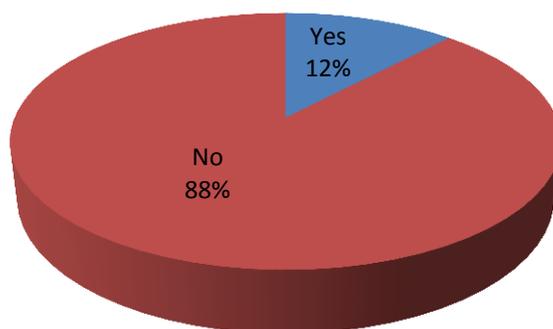
The draft policy demonstrates a continued commitment to improve access to hackney carriage and private hire vehicles by disapplying the 10-year age limit in respect of wheelchair accessible vehicles (**see paragraphs 2.27.3 and 3.22.3**). It is hoped that the relaxation of the age policy will encourage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

## 3. Test Frequency

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

In response to a preliminary consultation on this matter, 88% of the respondents from the hackney carriage and private hire trade indicated that the number of mechanical tests required per year should not be increased.

**Should the Council increase the number of mechanical tests required per year (currently one test per year for all vehicles)?**



### Trade Comments

#### Yes

- *In line with the 12 weekly checks currently required by most doing NYCC contracts.*

#### No

- *If any interim test is introduced it should be at no extra cost other than the test fee.*
- *Along with VOSA MOT test the vehicles are being checked twice.*
- *This would only cause further unnecessary cost to operators.*
- *Hackney test and VOSA MOT. If a taxi is on NYCC contracts as most are, the vehicle has a check every 12 weeks.*
- *MOT is required annually, therefore an annual test for licensed vehicles would seem reasonable. Maybe consider having this 6 months after MOT.*
- *Once a year is enough. Maybe for vehicles over 5 years but modern vehicles are very reliable. You already have checks in place.*
- *The hackney test and MOT constitutes 2 per year. Spot checks are carried out frequently. Operators working NYCC contracts are obliged to have quarterly check.*

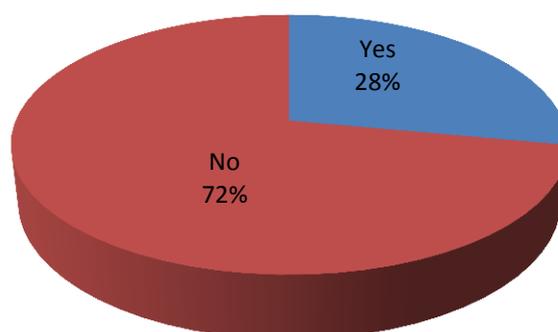
Among the reasons given for opposing any increase were multiple assertions that the annual MOT test acts as a second mechanical inspection. Whilst this is true in theory, in practice the MOT is often done at the same time as the Council's test and therefore licensed vehicles can go for 12 months without a test (although those operating under school contracts will be subject to further tests in accordance with North Yorkshire County Council's policy).

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

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

Best Practice Guidance suggests that more frequent tests may be appropriate for older vehicles. In response to a preliminary consultation, 72% of the respondents from the hackney carriage and private hire trade indicated that the number of mechanical tests required per year should not be determined by the age of the vehicle.

**Should the number of mechanical tests required per year depend on the age of the vehicle?**



**Trade Comments**

**Yes**

- *If the vehicle is over 10 years old it should be every 6 months.*
- *Potential that older reg vehicles could be un-roadworthy and not safe to carry passengers.*
- *More than 5 years old.*

**No**

- *Look at some of the newer vehicles. They are worse than older ones.*
- *I have seen over the years newish cars been in worse condition than older cars. Just because someone has a new car doesn't mean they are better looked after.*
- *It is up to each driver to maintain his or her vehicle to a good standard.*
- *A well maintained vehicle is what is needed by all operators.*
- *The hackney test and MOT constitutes 2 per year.*

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

There is a general recognition that it is appropriate for hackney carriage and private hire vehicles to have more stringent mechanical inspections than those applicable to normal vehicles. All vehicles over the age of three years are subject to an annual mechanical test in the form of an MOT.

Assuming MOT tests for licensed vehicles continue to be carried out at the same time as its hackney carriage and private hire inspection, the proposal will only require licensed vehicles over the age of three years to undertake one test per year more than a normal (unlicensed) vehicle.

#### **4. DVSA Practical Driving Assessments**

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

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

#### **5. Driver Medicals**

Best Practice Guidance: *“It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:*

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

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

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

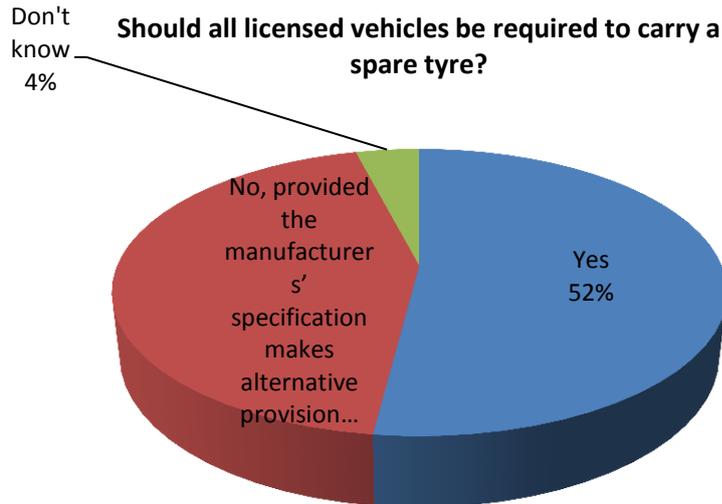
In accordance with Best Practice Guidance, the draft policy proposes to adopt the remaining elements of the DVLA's Group 2 medical standards by requiring all drivers under the age of 65 years to have a medical every three years and all drivers over 65 to have a medical each year (**see paragraph 4.7.4**).

## REDUCING THE REGULATORY BURDEN

### 1. Spare Tyres

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

In response to a preliminary consultation on this matter, 52% of the respondents from the hackney carriage and private hire trade indicated that licensed vehicles should continue to carry a spare tyre.



### Trade Comments

#### Yes

- *Inflation devices are not always successful. Spare tyres allow you to get customer to destination.*
- *Can't see carrying a spare is a problem.*

#### No

- *Most new cars have a compressor and repair kit. Test should reflect that compressor is fit for use and the seal on repair kit is intact.*
- *This problem occurs much more with newer cars. Manufacturers provide the runner as opposed to a genuine spare. There is no room to carry an alternative. However, the original tyre should be back on the car in 48 hours.*

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

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

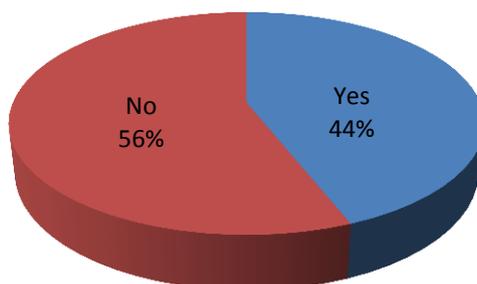
## 2. Tinted Windows

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

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

In response to a preliminary consultation on this matter, 56% of the respondents from the trade indicated that the restrictions should not remain in place.

### **Should the restrictions on tinted windows remain in place?**



### Trade Comments

<u>Yes</u>	<u>No</u>
N/A	<ul style="list-style-type: none"><li>• <i>As long as tinting is by manufacturers.</i></li><li>• <i>Tinting has advantages for passenger comfort in sunny conditions.</i></li><li>• <i>High profile VIPs that I drive do not want to be seen by the public and tinted windows are a must.</i></li><li>• <i>Should be as the law.</i></li></ul>

There were no reasons offered in support of retaining the restrictions but comments were made opposing the restrictions. The burden on the trade currently appears to outweigh any perceived public safety benefits in this regard and therefore it is proposed to remove the restrictions, thereby allowing any form of tinting provided it complies with the law.

## **GOVERNMENT CHANGES**

### **1. DBS**

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

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

### **2. Licence Duration**

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

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

### **3. Regulators' Code**

The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators' Compliance Code. Regard has been given to the Regulators' Code in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the Council and the trade. This is reflected in the draft policy (**see paragraph 1.1.8**).

### **4. DVLA**

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

### **5. Simple Cautions**

In April 2015, the Ministry of Justice published a guidance documented in relation to Simple Cautions for Adult Offenders. Paragraph 6.6.6 addresses this matter in line with the new guidance.

## **EXISTING ARRANGEMENTS**

### **1. CCTV Policy**

In March 2015, the Licensing Committee approved a policy in relation to the use of CCTV in licensed vehicles. The draft policy incorporates these matters and the licence conditions have now taken effect (**see Annex I** for the policy and **see Annexes D and E** for the conditions).

### **2 - Taxi Forum**

In March 2015, the Taxi Forum ceased to have effect following a decision made by the Licensing Committee. The draft policy removes all references to the Taxi Forum.

### **3. Driver Licence Type**

Until recently, all drivers were required to apply for combined hackney carriage and private hire driver badges and this was reflected in the policy. However, applicants are entitled to apply for a hackney carriage driver licence and/or a private hire driver licence and therefore single licences (as opposed to combined licences) must also be made available. The draft policy takes account of this requirement (**see paragraph 4.1.1**).

## **REMOVING UNNECESSARY PROVISIONS**

### **1. Code Of Conduct**

The existing policy includes a Code of Conduct that effectively duplicates certain licence conditions and legal requirements. The draft policy removes the Code of Conduct but **paragraph 4.16** has been added to accommodate any points that are not already covered by the existing provisions.

### **2. Conditions**

The draft policy proposes to remove certain conditions where statutory obligations already exist, to remove duplicate conditions and to remove certain conditions from vehicle licences where the proprietor has little or no control (e.g. driver requirements). **See Annexes B to E.**

## **ADVICE, GUIDANCE AND TRANSPARENCY**

### **1. Safeguarding Children**

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

### **2. Application Process**

Guidance has been included to advise applicants about the application process for each licence type. In the interests of transparency, information has also been provided throughout the policy in relation the rights of appeal of any applicant or licence holder.

### **3. Calculation Of Fees**

In the interests of transparency, information has been provided in relation to the way in which fees for driver licences, vehicle licences and operator licences are calculated on a cost recovery basis. (**see paragraphs 2.26, 3.21, 4.19 and 5.5**).

### **4. Enforcement**

In the interests of transparency, the Council's enforcement policy has been included but remains largely unchanged (**see Part 6**).

### **5. DBS Handling Policy**

In the interests of transparency, the Council's DBS handling policy has been included (**see Annex H**).

### **6. Fit and Proper**

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

### **7. Applying the Policy**

The Council must not abdicate its power by applying an inflexible policy which precludes it from exercising its discretion in individual cases. In the interests of transparency, the draft policy gives users some information on how the policy is to be applied by the Council and makes clear that exceptions can be made where the specific circumstances of the case justify it (**see paragraph 1.4**).

# Hackney Carriage and Private Hire Trade Survey

Driver Name.....

Licence  
Number.....

## Test Frequency (a)

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

1. Should the Council increase the number of mechanical tests required per year (currently one test per year for all vehicles)?

- Yes
- No
- Don't know

Comments

.....  
.....  
.....

## Test Frequency (b)

**According to Best Practice Guidance, an annual test seems appropriate in most cases but more frequent tests may be appropriate for older vehicles.**

2. Should the number of mechanical tests required per year depend on the age of the vehicle?

- Yes
- No
- Don't know

Comments

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.....  
.....

**Emissions Testing**

A review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.

3. Should the Council introduce emissions testing (separately from the mechanical test)?

- Yes
- No
- Only for vehicles over a certain age
- Don't know

Comments

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**Age Limits**

Hambleton District Council does not currently have a policy to restrict the age of its licensed vehicles. It is perfectly possible for an older vehicle to be in good condition and therefore, according to Best Practice Guidance, the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. However, age limits are often adopted to maintain high standards.

4. Should the licensing authority adopt an age policy in respect of licensed vehicles?

- Yes
- No
- Only if exceptions are made where appropriate
- Don't know

Comments

.....  
.....  
.....

**Tinted Windows**

Hambleton District Council currently requires all windows on licensed vehicles to be tinted no more than 25% (allowing at least 75% of light through). The law already requires the front windscreen to let at least 75% of light through and the front side windows to let at least 70% of light through. The law does not restrict any form of tinting on rear windows.

5. Should the restrictions on tinted windows remain in place?

- Yes, they are necessary
- No, the above legal restrictions are sufficient

Comments

.....

.....  
.....  
**Spare Tyres**

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

6. Should all licensed vehicles be required to carry a spare tyre?

- Yes
- No, provided the manufacturers' specification makes alternative provision
- No, they are never necessary
- Don't know

Comments

.....  
.....  
.....

**Colour Scheme**

**Licensing authorities can introduce a colour scheme to enable the public to identify hackney carriages more easily. The adoption of any such scheme would require all hackney carriage vehicles to be the same colour (as directed by the Council).**

7. Should Hambleton District Council adopt a colour policy to distinguish between hackney carriages and private hire vehicles?

- Yes
- No
- Don't know

Comments.....

.....  
.....

**Signed.....**

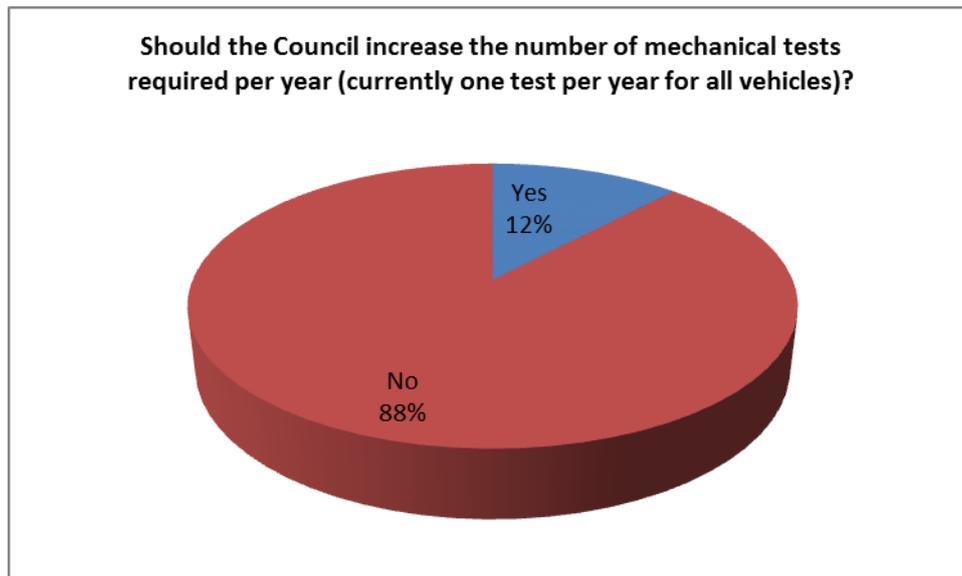
**Date.....**

Please note that this survey is intended to gauge the views of the trade on selected matters. A full consultation will be carried out in due course and members of the trade will be given ample opportunity to put forward their views on any proposals.

Please return your survey to Hambleton District Council, Licensing Team, Civic Centre, Stone Cross, Northallerton, DL6 2UU by 12<sup>th</sup> October 2015.

## 1. Test Frequency

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



### Trade Comments

#### Yes

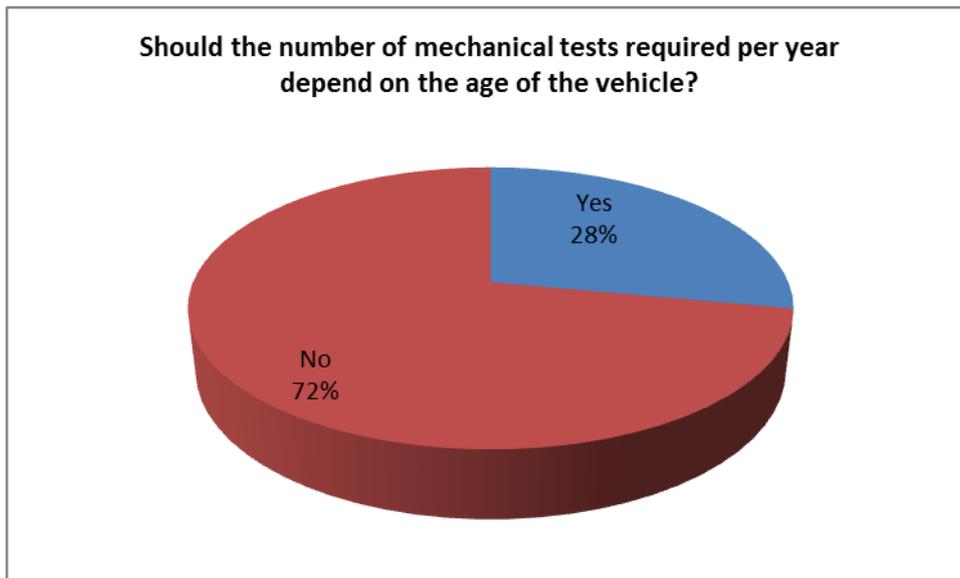
- In line with the 12 weekly checks currently required by most doing NYCC contracts.

#### No

- If any interim test is introduced it should be at no extra cost other than the test fee to the garage.
- Along with VOSA MOT test the vehicles are being checked twice.
- This would only cause further unnecessary cost to operators.
- Hackney test and VOSA MOT. If a taxi is on NYCC contracts as most are, the vehicle has a check every 12 weeks.
- MOT is required annually, therefore an annual test for licensed vehicles would seem reasonable. Maybe consider having this 6 months after MOT.
- Once a years is enough. Maybe for vehicles over 5 years old but modern vehicles are very reliable. You already have checks in place.
- The hackney test and MOT constitutes 2 per year. Spot checks are carried out frequently. Operators working NYCC contracts are obliged to have quarterly check.

## 2. Test Frequency

According to Best Practice Guidance, an annual test seems appropriate in most cases but more frequent tests may be appropriate for older vehicles.



### Trade Comments

#### Yes

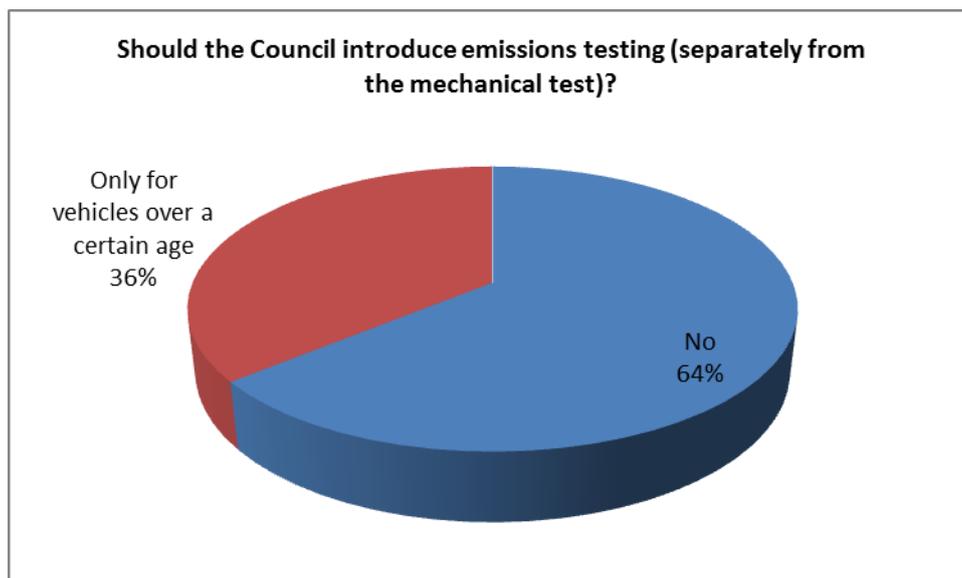
- If the vehicle is over 10 years old it should be every 6 months.
- Potential that older reg vehicles could be un-roadworthy and not safe to carry passengers.
- More than 5 years old.

#### No

- Look at some of newer vehicles. They are worse than older ones.
- I have seen over the years newish cars been in worse condition than older cars. Just because someone has a new car doesn't mean they are better looked after.
- It is up to each driver to maintain his or her vehicle to a good standard.
- A well maintained vehicle is what is needed by all operators.
- The hackney test and MOT constitutes 2 per year.

### 3. Emissions Testing

A review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.



#### Trade Comments

##### Only vehicles over a certain age

- No Council fee, just garage fee.
- More than 5 years old.
- Due to wear and tear when vehicles are 5 years and over.

##### No

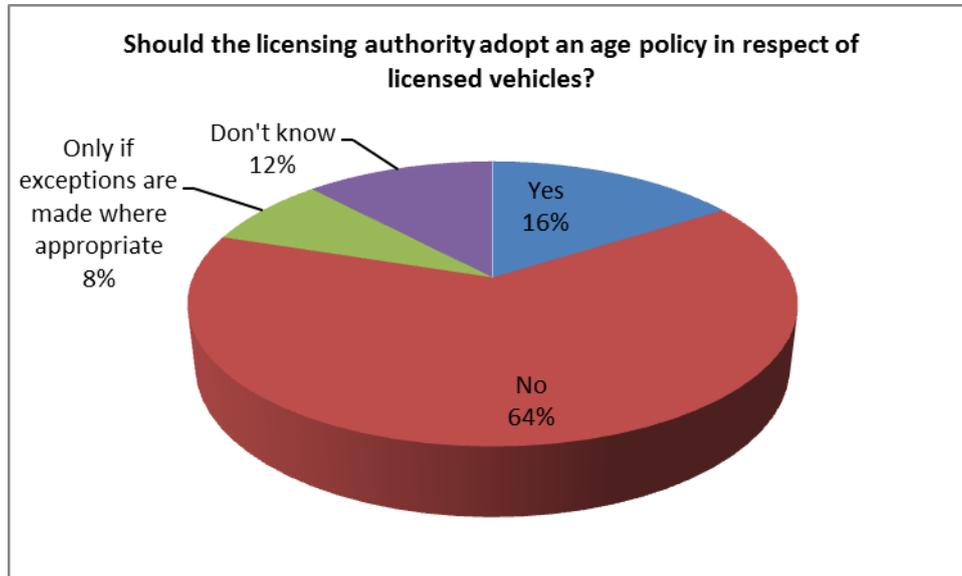
- Yearly MOT and three 12 weekly MOTs as NYCC
- The MOT covers this one
- If a car passes the emissions at the MOT, that should be enough
- Taxis in Hambleton are normal saloon cars – not the 'black cab' type found in cities which do seem to produce more emissions.
- MOT is required annually, therefore an annual test for licensed vehicles would seem reasonable. Maybe consider having this 6 months after MOT. This would allow for two annual tests and incur no additional costs to the owner.
- Because of the miles you do as a taxi, you undertake more services to the vehicle.
- Once a year is enough.
- If a car passes all tests, there is no problem.

#### Licensing comments

Emissions tests are carried out with both the MOT test and the Council's test. If an increase in the number of tests is implemented, any need for additional emissions tests may be eased. If, however, the existing testing arrangements remain, emissions tests should be considered. Vehicle services are discretionary and therefore it is not necessarily the case that taxis undertake more.

## 4. Age Limits

Hambleton District Council does not currently have a policy to restrict the age of its licensed vehicles. It is perfectly possible for an older vehicle to be in good condition and therefore, according to Best Practice Guidance, the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. However, age limits are often adopted to maintain high standards.



### Trade Comments

#### Yes

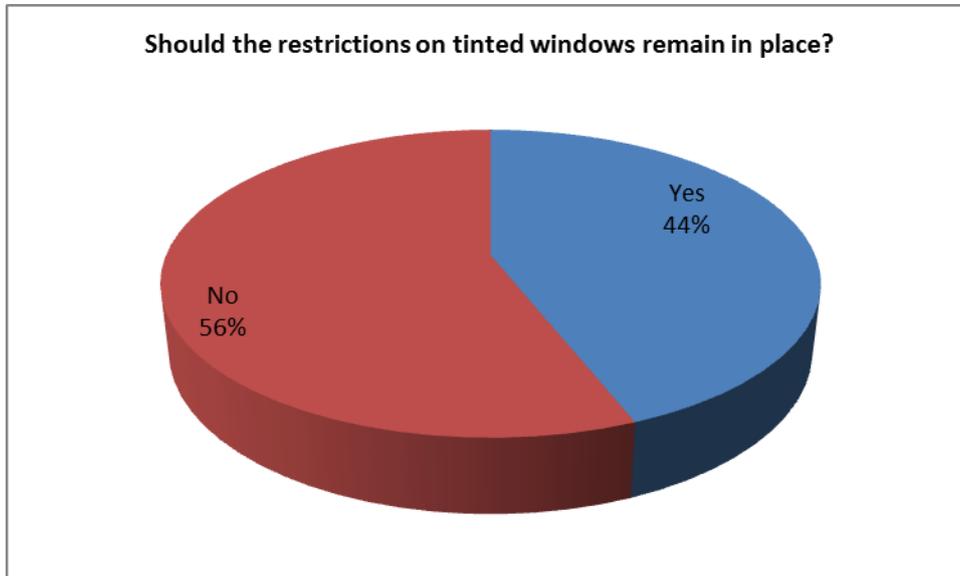
- When vehicle is first licensed – 7 yrs.
- No more than 10 years old

#### No

- Depends how a vehicle is looked after and maintained
- Scruffy cars won't attract many customers despite their age
- I buy good second hand cars as new cars lose money too quickly. All my cars are maintained to a high standard and I use common sense when to replace them.
- Provided the vehicle is in good condition there should be no need.
- Age is not important, it is maintenance and servicing that is.
- If a car is not maintained the age is irrelevant.
- A reduction in the age of vehicles will force operators into debt.

## 5. Tinted Windows

Hambleton District Council currently requires all windows on licensed vehicles to be tinted no more than 25% (allowing at least 75% of light through). The law already requires the front windscreen to let at least 75% of light through and the front side windows to let at least 70% of light through. The law does not restrict any form of tinting on rear windows.



### Trade Comments

#### Yes

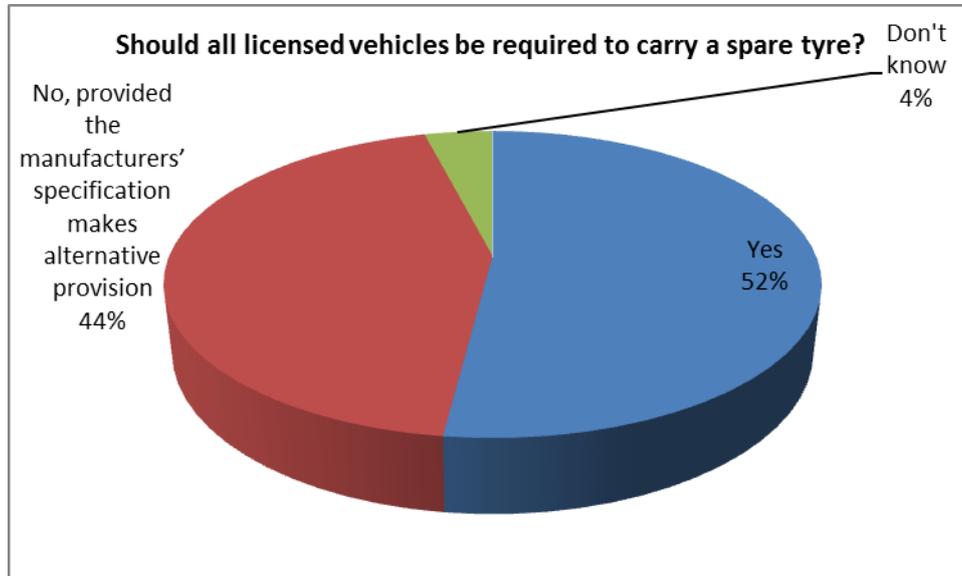
N/A

#### No

- As long as tinting is by manufacturers. Tinting has advantages for passenger comfort in sunny conditions.
- High profile VIPs that I drive do not want to be seen by the public and tinted window are a must.
- Should be as the law.

## 6. Spare Tyres

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



### Trade Comments

#### Yes

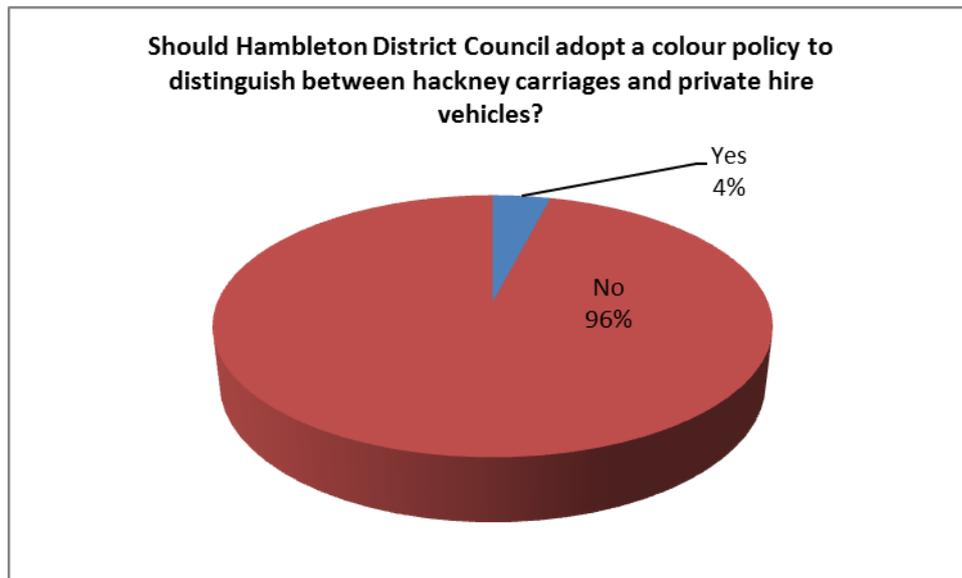
- Inflation devices are not always successful. Spare tyres allow you to get customer to destination.
- Can't see carrying a spare is a problem.

#### No

- Most new cars have a compressor and repair kit. Test should reflect that compressor is fit for use and the seal on repair kit is intact.
- This problem occurs much more with newer cars. Manufacturers provide the runner as opposed to a genuine spare. There is no room to carry an alternative. However, the original tyre should be back on the car in 48 hours.

## 7. Colour Scheme

Licensing authorities can introduce a colour scheme to enable the public to identify hackney carriages more easily. The adoption of any such scheme would require all hackney carriage vehicles to be the same colour (as directed by the Council).



### Trade Comments

#### Yes

For hackneys only

#### No

- The current signage is very good.
- Different coloured cars define who is who to our customers.
- I think the door plates, rear plate and roof light is enough to let the public know the vehicle is a hackney carriage.
- This would cost very large sums and remove identifiable company branding. It would only be fair to introduce for newly plated vehicles – this would let operators move more gradually to a new standard colour scheme.
- We already have side plates and pod lights.
- Our side and rear plates already identify hackney or private hire as well as top boxes. This would put financial pressure on operators to comply.

### Licensing comments

Customers will rarely know about (or even care about) the differences between hackney carriage vehicles and private hire vehicles – part of the reason may be that, in Hambleton, they look very alike. However, the two types of vehicle serve very different purposes and a colour scheme would enable the distinction to be made far more easily.

It is the Government's intention to reduce the regulatory burden on businesses and the cost of introducing such a policy must be considered. In this case, the costs would appear to outweigh the benefits.