



## **Craven District Council**

### **Hackney Carriage and Private Hire Licensing Policy**

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# **Craven District Council**

## **Hackney Carriage and Private Hire Licensing Policy**

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## **Foreword by Chief Executive Paul Shevlin and Chair of Licensing Councillor Simon Myers**

We're delighted to introduce our revised taxi licensing policy, which aims to set an even higher standard for licensed taxi drivers in Craven.

We have introduced this policy following a rigorous process of consultation between officers, councillors, members of the public and members of the taxi trade.

All those who have been involved in this process have shown enormous dedication to producing a policy that helps protect the public and taxi drivers themselves.

District councils are at the forefront of public protection and it is our duty to ensure the safety of residents, visitors and taxi drivers.

This new policy includes a more robust fit and proper test for drivers, encompassing recently published guidance from the Institute of Licensing.

We know that the vast majority of taxi drivers are law-abiding, but it's important that we protect the public from those that are not. We also want to protect taxi drivers themselves from danger as they are often working in vulnerable situations.

Our new policy includes a range of measures including increasing the number of inspections for vehicles, the introduction of an enforcement-based points system to deal with minor infringements of licensing conditions, and more robust conditions attached to all licenses covering the misuse of personal information and a code of conduct relating to dealing with vulnerable persons. We will be introducing mandatory safety cameras from 1<sup>st</sup> September 2020 or sooner if possible.

We have also been carrying out work with our taxi drivers to educate them on CSE awareness and the Prevent Duty.

All renewal applicants in 2019, and new drivers, will be required to undertake safeguarding training, which encompasses a range of safeguarding issues to include vulnerable persons, CSE, and County Lines.

We will also be contributing information to the Local Government Association's National Register of revoked taxi licences once this is in place and active.

We will continue to work with our taxi trade in Craven and our colleagues around the country to ensure members of the public can be confident they can travel safely.

# 1 Introduction

Craven District Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the boundaries of the District of Craven.

Craven District Council is the Local Authority for the most westerly district of North Yorkshire and covers an area of 450 square miles.

Craven is an area of outstanding natural beauty with a mix of natural limestone and millstone grit landscapes, moorland, fells and meadowland, unspoilt villages and historic market towns. Most of the District is within the Yorkshire Dales National Park. The biggest centre, and the District's capital, is the market town of Skipton.

Craven is accessible from all corners of the UK with good road and rail links to West Yorkshire, Greater Manchester, Lancashire and Cumbria - the M6 is to the west, the A1 to the east, and the M62 and M65 lie to the south. All of these motorways are within easy reach along the three principal roads in the area, the A65, A59 and A629. Three railway lines service the area.

The Council has a vision for the District and this policy is written with this in mind:-

*'For Craven to be an increasingly prosperous place with strong, vibrant communities that celebrate their unique rural and urban settings, and where all residents enjoy a good quality of life.'*

## Our Values

**We believe our first responsibility is to the people and communities, who live in, work in or visit Craven**

In serving those communities everyone within Craven District Council will:

- ☐ Treat everyone with respect
- ☐ Act with integrity and honesty
- ☐ Show commitment and flexibility
- ☐ Strive for improvement and excellence

Our values are at the heart of everything we do, they influence the way we work and help us to continually improve performance.

This policy is designed to ensure that the Hackney Carriage and Private Hire trade are regulated with the safety of the travelling public at the forefront of its goal.

The Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CBE identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting CSE. This taxi licensing function has a key role in this.

This is not a unique situation in Rotherham and all Councils as Licensing Authorities have a duty to ensure that they have robust mechanisms in place to ensure that only those who are considered fit and proper are licensed.

This policy is written with a commitment to protect the travelling public, safeguard children and the vulnerable, and, prevent crime and disorder. We will aim to ensure that licensed drivers, operators and vehicles operating in the District are of the highest quality and can be held to account for their performance.

This policy and related procedures will guide the work of Craven District Council in the way on which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the Policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made, or refuse renewal of a licence, where clear errors are discovered. In addition, the Council will undertake a periodic auditing of currently licensed drivers/vehicles to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

This policy has been developed by Craven District Council after consulting with both the public at large and the trade in particular. In developing this policy we have also taken into consideration:

- The Council's licensing aims and objectives (see section 3 of this policy)
- Current legislation
- Other Craven District Council policies
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" document published in 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation published Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure and Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013
- Regulators Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" published March 2010 (under review)

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However each application or enforcement action will be considered on its own merits.

The policy will be evaluated 12 months after it has been introduced, this will be to determine whether the policy is effective and has achieved the aims set out in Section 3 of this document. Following this initial evaluation, the Council will formally review the policy statement at least every three years and informally evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

## 2 Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 provides the regulatory framework for Craven District Council (the “Council”) as the Local Authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire licensing.

This document sets out the policy the Council will apply when making decisions about new applications and licences currently in force. This policy applies to:

- Hackney Carriages: being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public, or undertake pre-booked work.
- Private Hire Vehicles; licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire Operators.
- Hackney Carriage and Private Hire Drivers.

In undertaking its licensing function, the Council complies with relevant legislative requirements including:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Road Safety Act 2006
- De Regulation Act 2015

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council will also follow the

principles laid out in the statutory Regulator's Code and any recommendations from the Better Regulation Delivery Office.

### **3 Aims and Objectives of the Hackney Carriage and Private Hire Licensing Policy**

The principal purpose of Hackney carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder;
- The safety and health of the public and drivers;
- Vehicle safety, comfort and access;
- Encouraging environmental sustainability; and
- Promoting a vision of the Craven District.

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

#### **A The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder**

- Raising awareness amongst the licensed trade, and the general public of issues of safeguarding children and vulnerable adults;
- Operating rules, conditions and disciplinary processes;
- Vetting, qualifications, training and monitoring licensees;
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities;
- Commitment to work with the Police and Licensing Authorities;
- An expectation that licence holders will treat all customers, passengers, the general public and Council Officers with respect and courtesy at all times.

#### **B The Safety and Health of the Public and Drivers**

- The establishment of professional and respected Hackney Carriage and Private Hire Trades;
- Consideration of history of convictions and cautions;
- Driver training, qualification and performance;
- Knowledge of the Craven District area;
- Health and fitness to fulfill the role of a licensed driver;
- Crime prevention measures;
- Vehicle specifications;

- Safety at ranks including protection of drivers;
- Regular driver health checks;
- Public education campaign.

## **C Vehicle Safety, Comfort and Access**

- Standards of vehicle comfort and appearance;
- Space standards for vehicles;
- Location of ranks;
- Provision of disabled facilities;
- Number of vehicles available;
- Provision for the aged and the young;
- Provision of safe and comfortable vehicles for customers to use.

## **D Encouraging Environmental Sustainability**

Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with European Emissions Standards.

## **E Promoting the Vision for Craven**

For Craven to be an increasingly prosperous place with strong, vibrant communities that celebrate their unique rural and urban settings, and where all residents enjoy a good quality of life.

## **Our Values**

We believe our first responsibility is to the people and communities, who live in, work in or visit Craven

In serving those communities everyone within Craven District Council will:

- ☐ Treat everyone with respect
- ☐ Act with integrity and honesty
- ☐ Show commitment and flexibility
- ☐ Strive for improvement and excellence.

These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives.

The Council will therefore continue to work in partnership with the industry, its neighbouring Authorities, the Police, local businesses and local people towards the promotion of the aims and objectives.

## **4 Delegations**

Under the Council's constitution the Licensing Committee has the authority, amongst other matters, to discharge non-executive regulatory board functions with respect to Hackney Carriage and Private Hire licensing. This delegation includes the ability to determine applications, contraventions, suspensions and revocations.

The Licensing Committee and in turn the Licensing and Appeals Sub Committee has been delegated by the Council to grant, suspend and refuse licences. This typically applies to cases concerning suspension/revocation of licences and the determination of applications to grant licences, where there are criminal convictions or other concerns that give rise to doubts over the applicant's suitability to hold a licence.

In addition the Chief Executive is delegated to appoint and authorise inspectors and officers to investigate and discharge statutory duties. These officers include the Council's Licensing Manager, Assistant Licensing Officers and authorised Vehicle Examiners. Such authorised powers include the issuing of warnings, suspension notices, STOP notices and the issuing of Enforcement Penalty Points.

## **5 Driver Requirements**

All drivers must satisfy the Council that they are fit and proper people to be granted a driver's licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored/assessed throughout the period during which the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The Council aims to ensure that Hackney Carriage and Private Hire services delivered within the District are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Hackney Carriage and Private Hire Drivers unless indicated and the application procedure is set out in Appendix A.

### **5.1 Fit and Proper Test**

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The term "Fit and Proper Person" for the purposes of Hackney Carriage and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking the following question of themselves:

"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?"

If the answer to the question is an unqualified "yes", then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical Fitness
- Standard of driving/driving ability
- General conduct/standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process)
- The previous licensing history of existing/former licence holders (including honesty and integrity)
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other Licensing Authorities and Statutory Agencies.

We will also have regard to any Best Practice Guidance issued by Agencies such as Department for Transport and Institute of Licensing in particular 'Guidance on determining suitability of applicants and licensees in the hackney and private hire trades' published April 2018.

## **5.2 Application Processes**

This Council issues licences that enable the driving of Hackney Carriages, Private Hire Vehicles or both. Licences will be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum 5 years of holding either a full driving licence issued in the UK, the European Union (EU) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EU/EEA driving licence shall obtain a UK counterpart document. If this document is required it shall be produced before the initial licence is issued.

The Council will directly access the DVLA records of applicants. All applicants/licence holders will be required to sign a Data Protection Mandate which authorises the Council to request a search of these records. There will also be a fee payable by the applicant/licence holder for this service.

In addition, a third party service may be used to assess the suitability of applicants based on their general behaviour whilst using the internet (in particular social media sites).

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police, HM Customs and Excise, Inland Revenue (this list is not exhaustive).

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either Officers or Members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

### **5.3 Disclosure and Barring Service (DBS)**

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in Appendix B of this policy.

Both Hackney Carriage and Private Hire Drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS Certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as “protected”. These do not have to be revealed and will not appear on the DBS Certificate. This advisory clause is intended as general guidance only and anyone in doubt should seek their own legal advice.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS Certificate.

The Council will generally only accept DBS Certificates which are applied for through North Yorkshire County Council's online portal or any other third party which may be appointed on behalf of the Licensing Authority to undertake such checks. However there is one exception, namely for DBS Certificates that are issued to other Local Authorities, which will be accepted if it has been printed within the last four weeks, is to an enhanced level and has been processed in relation to the child and adult workforce employment position (as specified on the certificate).

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions, cautions and fixed penalty notices received during their licence period. Failure to inform the Council of any convictions, cautions and fixed penalty notices during the licensing period may result in suspension or revocation of the licence.

All renewal applicants will be required to undertake an Enhanced Disclosure and Barring Service Disclosure at the time they make application to renew their licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service; this will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS Certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

Applicants/Licence holders should not rely solely on this process for the purposes of disclosing any convictions/cautions etc.

#### **5.4 Applicants with Periods of Residency Outside the UK**

If an applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country/countries visited covering the period when the applicant was overseas.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU Nationals (and

UK Citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a Certificate of Good Conduct authenticated by the relevant Embassy.

## **5.5 Relevance of Convictions, Cautions etc.**

The Council is committed to ensuring that the licensed trade are fit and proper, this will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings and reprimands etc., the Council has adopted the policy set out in Appendix C. The terms of this policy will have immediate effect and will be immediately applied to all current licences issued by Craven District Council (in so far as they relate to Hackney Carriage and Private Hire Licensing).

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. It will take account of cautions, reprimands and convictions, whether spent or unspent, but only in so far as they are relevant to the application for a licence.

Those applications or renewals with information indicating a past criminal record or, any other concern, will be referred to the Licensing and Appeals Sub Committee who will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the Policy at Appendix C.

The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

## **5.6 Knowledge Testing**

Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- Literacy and Numeracy
- Child/Adult Safeguarding awareness
- Disability Awareness (including physical and sensory disability)
- Road Safety
- Basic Vehicle Maintenance
- Customer Care/Customer Awareness
- Local Knowledge.

In addition to the knowledge test new applicants will be required to demonstrate that they have abilities in English by undertaking the English Language Test B1 provided by Trinity College, details of which will be provided as part of the application process.

In the case of existing licence holders this requirement will only be required where the Licensing Authority has received a validated complaint and completion of the test would indicate that the licence holder is still 'fit and proper' to hold a licence.

Where an applicant has evidence that they have qualifications that are the equivalent to the English Skill Test Level B1 (GCSE Grade C or above) and those qualifications have been issued in the United Kingdom then consideration will be given to accept those qualifications as acceptable evidence – this will be at the discretion of the Licensing Manager.

If an applicant is aggrieved by the decision of the Licensing Manager not to accept the evidence provided then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

If applicants fail three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests.

Applicants who fail a test must pay a resit fee prior to the test date and any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee.

## **5.7 Medical Assessment**

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the 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. This requires them to meet the Group 2 Medical Standards of Fitness as applied by the DVLA to lorry and bus drivers.

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner on first application then at the age of 45 and every 5 years thereafter until aged 65 when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their drivers' licence.

Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.

Licence holders must advise the Licensing Unit of any deterioration or other change in their health that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay a further medical examination by a Medical Doctor appointed by the Council. Any fees will be payable by the applicant/licence holder.

Where there remains any doubt about the fitness of any applicant, the Licensing Committee will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established.

A licence application will not be accepted/processed until all elements of the application process have been completed.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. In addition if a driver has a vehicle which is on a designated list of wheelchair accessible vehicles then there is a legal duty to provide assistance to those passengers. Drivers who have a medical condition which prevents them from carrying out this duty may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption.

## **5.8 Duration of Licence**

The Council normally issues licences for a three year period, however the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

## **5.9 Other Training**

The Council believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from training that includes customer care, meeting the needs of people with disabilities, road safety, the handling of emergencies and how to diffuse difficult situations and manage conflict, in addition to training around safeguarding issues.

As such, applicants (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective will be required to provide evidence that they have undertaken the following:

- Satisfactory completion of an approved training/awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Craven District Council Licensing Service.

Suitable providers will be sourced by the Council along with information around costs and availability of the course.

In addition to the above, all drivers that are licensed on the day that this policy is introduced, or are issued with a licence after this date, will be required to undertake awareness raising sessions on safeguarding children and vulnerable adults before their licence is renewed.

This training must be approved by Craven District Council's Licensing Team. All licensed drivers will be required to have undertaken this training in accordance with the implementation scheme determined by the Council.

Where an applicant has evidence that they have undertaken an appropriate and relevant safeguarding training course around children and vulnerable people then consideration will be given to accept that evidence as meeting our requirements – this will be at the discretion of the Licensing Manager. The training must be relevant to the role of a taxi driver.

If an applicant is aggrieved by the decision of the Licensing Manager not to accept the evidence provided then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

## **5.10 Conditions**

The Council may attach such conditions to a Private Hire/Hackney Carriage Driver's licence as are considered necessary. These are set out in Appendix D for Private Hire Driver's or Appendix E for Hackney Carriage Drivers.

The Council has also made byelaws which are specifically applicable to Hackney Carriage Drivers and Proprietors. The existing Hackney Carriage Byelaws are set out in Appendix F. These byelaws will be reviewed from time to time.

### **5.11 Requirement to Dress Smartly**

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of the Craven District and are seen as key ambassadors for the District.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that not only the above objectives are met, but also that driving is carried out by safely, licensed drivers must be smart, clean and tidy in appearance at all times and in particular wear suitable footwear for driving.

### **5.12 Code of Conduct when Working with Vulnerable Passengers**

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix G. It is a condition of licence that drivers adhere to this policy.

### **5.13 Right of Driver to work in the UK**

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA Country – including Switzerland);
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment;
- Full UK Birth/Adoption Certificate;
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment;
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the

holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Office on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

## **6 Hackney Carriages and Private Hire Vehicles**

### **6.1 Application Process**

The Council will consider all applications for vehicle licences on their own merits.

The applicant must submit the following to the Council in order for the application to be considered valid:

- The vehicle application form;
- The appropriate fee;
- The original Vehicle Registration Document (Log Book/V5) Certificate of Registration for the vehicle (in the case of a vehicle which has just been purchased and is to be licensed the new keepers supplement section of the V5 document will be acceptable along with proof of purchase of the vehicle such as a Sales Invoice or Receipt). The full document must then be produced at the next renewal of the licence – a licence will not be issued unless this is produced;
- In the case of applicants who have a fleet of 50 or more vehicles and have registered with the DVLA V5c On Demand Scheme a copy of the printable PDF document dated within 28 days of submitting an application along with the letter from DVLA confirming registration with the scheme;
- MOT Certificate
- Confirmation from the Council's appointed vehicle testing station that the vehicle meets both the Council's vehicle specification and the vehicle examination requirements;
- The original insurance certificate or cover note which is valid for a minimum of six months if it is a new certificate. If a valid insurance certificate is not produced then a licence will not be granted or renewed.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type of Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the Licensing Office.

The application must be made on the correct application form and all supporting documents completed in full.

### **6.2 Grant and Renewal of Licences**

25 Amended Policy as per Licensing Committee 6 October 2020

The vehicle must be submitted for the vehicle inspection and MOT at the appointed test station. A vehicle pass sheet will be issued and this must be produced along with the MOT Certificate at the Licensing Office along with the Certificate of Motor Insurance (if not already produced). At this stage a vehicle licence and associated documents will be produced.

Dependent on the age of the vehicle a licence, plate and associated documents will be issued as follows:

Vehicles less than 3 years old – Will be tested annually and a licence and plate issued for one year.

Vehicles over 5 years but less than 12 years old – Will be tested twice a year, with a licence and plate issued for a period of six months.

### **6.3 Vehicle Age Limits**

A vehicle cannot be licensed as a Hackney Carriage or Private Hire Vehicle for the first time if it is over 7 years old.

Once a vehicle is 12 years old, it can no longer be renewed as a Licensed Hackney Carriage or Private Hire Vehicle.

The age of the vehicle will be determined from the date of first registration as stated on the vehicle registration document. The Council has a Vehicle Age and Emissions Policy which is attached at Appendix H.

### **6.4 Hackney Carriage/Private Hire Vehicles and the Wider Environment**

Environmental Protection legislation requires Local Authorities to review and assess air quality on a regular basis. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

The Craven District has not declared any AQMAs but taxis do play a major part in both Craven District Council's transport strategy as well as the North Yorkshire County Council overall Transport Plan for the whole of North Yorkshire. In its Transport Plan North Yorkshire County Council says:

"The role of taxis in helping to address accessibility is often undervalued. They provide door to door flexible services when conventional transport is not available.

There are opportunities for taxi companies to provide 'taxi bus' services allowing people to share the cost of journeys. The Council will work with providers to develop this type of service where appropriate. Taxi services are licensed by District Councils in North Yorkshire as in most areas there are differences between the individual licensing schemes. The strategy for other transport services is directed towards delivering consistent high quality standards and the same principle should apply to taxi services. Quality of vehicles in terms of maintenance and accessibility and quality drivers in terms of competence and customer care and basic requirements.

The Council will work with District Councils and taxi companies to promote an agreed level of quality standards.

- The Council will seek to ensure that more taxis are accessible to wheelchair users;
- Through school transport tenders the Council will encourage the use of friendly fuels;
- The Council is developing a driver and escort training programme for school transport contractors and will make this available to all taxi drivers;
- The Council will help design and where appropriate provide taxi ranks which are safe for both operators and users."

## **6.5 Insurance**

It is required that all insurance documents must be shown before a licence is issued. This requires:

- A valid certificate of insurance or cover note valid for at least six months confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire.
- A Private Hire Vehicle requires insurance to cover hire and reward.

The Council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

## **6.6 Vehicle Specification**

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle.

The specification for Private Hire Vehicles is set out in Appendix I and for Hackney Carriages at Appendix J.

## **6.7 Conditions**

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle Licences.

These are set out in Appendix K for Private Hire Vehicles and Appendix L for Hackney Carriages.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

A check sheet will be devised by the Licensing Authority and given to proprietors upon request.

## **6.8 Identification of Vehicles as Hackney Carriages or Private Hire Vehicles**

The Council requires Hackney Carriages and Private Hire Vehicles to clearly indicate to the public that they are licensed vehicles. They must therefore be easily distinguishable from other vehicles and each other.

### **Hackney Carriage**

A properly constructed roof sign complying with the following conditions and permanently affixed:

- (a) The sign is not more than 7" in height;

- (b) It is displayed across the width of the car (not diagonally) and does not extend beyond the edge of the roof;
- (c) It displays only the name and/or telephone number of the proprietor of the vehicle or firm by which the proprietor is employed, or the word 'Taxi'
- (d) Door signs provided by the Council shall be displayed on the front doors of the vehicle, showing the licence number of the vehicle, the Council logo and the words Hackney Carriage.
- (e) Licence holders will be required to present the vehicle for inspection with 7 days of the issue of any licence to evidence that permanent signage has been fitted.

The white licence plate provided by the Council shall be affixed by permanent means to the outside rear of the vehicle, either immediately above or below the bumper without obstructing the registration plate.

### **Private Hire Vehicles**

The TX4 or similar vehicle (commonly referred to as a 'London Cab') will not be licensed as a Private Hire Vehicle.

The **red** plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position.

The Council has set standards on the acceptable type of signage for Hackney Carriage and Private Hire Vehicles. These can be found in the Hackney Carriage and Private Hire Vehicle conditions set out in Appendix L for Hackney Carriages and Appendix K for Private Hire Vehicles. They include:

- The permitted position of licence plates;
- Positioning of permanent door signs for vehicles;
- Requirements for the display of notices in vehicles;
- Other notices/markings that the Council will require licensed vehicles to display.

## **6.9 Fire Extinguishers**

All vehicles are required to be equipped with a foam fire extinguisher that conforms to the specification as stated in the Council's conditions. Such extinguisher shall be fixed in an easily accessible place.

## **6.10 Tyres**

29 Amended Policy as per Licensing Committee 6 October 2020

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition.

The Council requires that all licensed vehicles to adhere to the following provisions with regard to tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the circumference of the tyre.
- Tyres fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - Be compatible with the types of tyres fitted to the other wheels;
  - Not have any lump, bulge or tear caused by separation or partial failure of the structure;
  - Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord;
  - Not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company/contractor. Vehicle proprietors are required to retain invoices/receipts to show that they any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- Any tyre fitted to a licensed vehicle shall not be more than 5 years old from the date of manufacture.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

## **6.11 Accidents**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within one working day (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible).

The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place – the appointment will be made by the licence holder - failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of the fact and the Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven/presented for examination.

Failure to do so may result in Licensing Enforcement Penalty Points being issued.

**If a proprietor wishes to avail themselves of a 'Hire Vehicle' to use whilst their vehicle is damaged then the Council will not accept any application from any company wishing to supply such a vehicle unless the above steps have been completed and the vehicle has been determined as unroadworthy and not suitable to be used in the interests of public safety by the Council's authorised examiner or authorised officer of the Council.**

## **6.12 Vehicle Examination and Testing Requirements**

Hackney Carriage and Private Hire Vehicles examination and testing requirements as set out in Appendix M.

## **6.13 Meters**

All Hackney Carriages must be fitted with an approved meter.

The Council will from time to time publish a list of meters approved and acknowledged by the Public Carriage Office for use to calculate fares.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the business that the vehicle takes bookings from.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection.

Private Hire Operators and/or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is no deviation from price without the agreement of the customer. On occasions where a price has not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

#### **6.14 Taxi Cameras (CCTV)**

Taxi Cameras in vehicles will be mandatory from 1 April 2021. It is the Vehicle Licence Holder's responsibility to ensure that they comply with the conditions on their vehicle licence regarding installation of a Council approved CCTV system in accordance with the specification at Appendix N of the Council's Policy. It is the Driver Licence Holder's responsibility to ensure compliance with the Council's Policies in relation to use of the Taxi Camera system.

New vehicle applications granted on or after 1 January 2021 must have Taxi Cameras installed.

See Appendix S for the Policy regarding Craven District Council as CCTV Data Controller.

## **6.15 Additional Provisions for Private Hire Vehicles Only**

### **Wheelchair Accessibility**

In addition to all other licensing conditions, any applicants seeking the grant of a Private Hire Vehicle in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWTA);
- Suitable fittings for the securing of the wheelchair and any passengers seated in them;
- Access and egress via suitable side or rear doors.

### **Advertisements**

Limited branding/advertising will be allowed on Private Hire Vehicles subject to the approval of the Council. Advertisements must be in accordance with the requirement set out in the council's Policy in Relation to the Branding of Licensed Vehicles at Appendix O.

### **Limousines and Executive Hire**

Any limousines with 8 seats or less must be licensed as a Private Hire Vehicle.

Vehicles used for this purpose must meet the requirements for Private Hire Vehicles.

These vehicles must display appropriate signage, issued by this Council, which states details of the vehicle, issue date and the number of persons allowed to be carried. This disc must be displayed on the front and rear windows of the vehicle.

Drivers of limousines and executive vehicles must complete the licensing application process in the same way as any other licensed driver.

If a licence holder operates a business which they consider is 'Executive Hire' then application can be made in writing to the Licensing Manager providing written evidence of such. This should include information of the type of work undertaken, details of contracts that will be undertaken and any other supporting information that demonstrate that the type of work being undertaken is 'executive hire' in the opinion of the applicant.

A decision will then be taken by the Licensing Manager whether a notice under Section 75(3) is appropriate which would include conditions that will be required to be complied with which are:-

- All bookings must be recorded in a separate set of booking records;
- The vehicle will not be used for any other type of work (including school contract work and other hire and reward journeys;
- The windscreen disc will be displayed as normal which shows the plate number of the vehicle so that in the event of a complaint members of the public/customers are able to note those details in order that they can be passed to the Licensing Authority and any complaint be investigated fully;
- The licence plate issued alongside the licence will be kept in the boot of the vehicle at all times and made available for inspection upon request from any authorised officer of the Licensing Authority or Police Officer;
- The Notice issued under Section 75(3) will be kept in the vehicle at all times and made available for inspection upon request from any authorised officer of the Licensing Authority or Police Officer.

If an applicant is aggrieved by the decision of the Licensing Manager to refuse to issue a notice then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

### **Foreign Vehicles**

All vehicles used for these purposes must meet relevant British or European Standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

### **Special Events Vehicles and Courtesy Cars**

The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- Decommissioned emergency service vehicles
- Vintage vehicles
- Other non-standard type converted vehicles used for special events

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire Vehicles. These vehicles must be licensed as Private Hire Vehicles, driven by Private Hire Drivers and the journey booked via a Private Hire Operator.

## **6.16 Additional Provisions for Hackney Carriage Vehicles Only**

### **Advertisements**

Only the telephone number and the name of the company/proprietor will be permitted on the roof signs of Hackney Carriage Vehicles – no other advertisement will be permitted including door signs.

## **6.17 Taxi Ranks/Conduct on Taxi Ranks**

A full list of Hackney Carriage ranks their exact positioning on each street, the times they are in use and the maximum occupancy of each is set out in Appendix P. Taxi ranks are to be used by Hackney Carriages whilst they are waiting for their next hire and not as a parking place.

Whilst using the ranks drivers must comply with the Hackney Carriage Byelaws in relation to how they conduct themselves. In particular the following shall be observed at all times:

5. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
  - a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
6. 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.

Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank. In addition any vehicle licensed by another Local Authority is not permitted to park on or near a designated taxi rank.

## **7 Fares**

## **7.1 Hackney Carriages**

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and sets the maximum fare that can be charged by Hackney Carriage Drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the District being charged other than at the metered rate.

A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage Proprietor, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

## **7.2 Private Hire Vehicles**

The Council does not set the fares for Private Hire Vehicles.

Private Hire Operators that use licensed vehicles fitted with a fare meter must provide the Council with a current table of fares. This table must also be displayed in each Private Hire Vehicle so that it is easily visible to hirers.

The fare for each journey should be agreed between the operator or driver before the commencement of the journey. If the vehicle is fitted with a meter then a fare scale must be displayed in the vehicle and the customer made aware of the published fare scale before the journey commences.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

## **8 Operators**

### **8.1 Requirement for a Licence**

A licensed private hire vehicle must only be despatched to a customer by a Private Hire Operator who holds an Operator's licence. Such a licence permits the Operator to make provision for the invitation of bookings for a licensed private hire vehicle.

A Private Hire Operator must ensure that every licensed vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence. The Authority must be the same Authority that issued the Operator licence.

Any person who operates a Private Hire Service must apply to the Council for a Private Hire Operator Licence. The objective in licensing Private Hire Operators is the safety of the public, who will be using the Operator's premises, vehicles and drivers arranged through them.

Applications for Operator Licences shall be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator licence.

The Council will grant a Private Hire Operator licence for a period of five years.

## **8.2 Fitness and Propriety**

The Council will issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands);
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Craven District Council);
- Business practices demonstrated by the applicant (for example standard or record keeping, compliance with other regulatory requirements, financial practices etc.).

In addition the Council will also consider further information sources such as the Police (including abduction notices). Children and Adult Safeguarding Boards, other Licensing Authorities and Statutory Agencies.

If an application is received from a person that is not a driver licensed by Craven District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the Council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

### **8.3 Insurance**

Before an application for a Private Hire Operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Where necessary, operators must also hold employers liability insurance.

In the case of an operator who does not have an office where members of the public have access then the requirement to hold public liability insurance is not a requirement.

### **8.4 Conditions**

The Council has the power to impose such conditions on an Operator's Licence, as it considers reasonably necessary and these are set out in Appendix Q.

However, when it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

Operators must only use vehicles and drivers licensed by Craven District Council.

Failure of the Operator to adhere to the conditions of licence will lead to enforcement action and/or the issue of enforcement penalty points.

### **8.5 Use of Operator Name following Revocation of a Licence**

Where an Operator Licence is revoked by the Council, the name (or a similar name) of the Private Hire Company associated with that licence cannot be used by another Operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

### **8.6 Operator Responsibility in Relation to Vehicles/Drivers/Office staff that are Operated/Employed**

The Operator is responsible for all persons and vehicles that are employed, contracted or otherwise used in the course of their business. To that end, the Operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an Operator to ensure that appropriate checks are carried out may call into question the Operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the Operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire Operator:

- Licensed Drivers or Vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for/under the instruction of a particular operator;
- Vehicles being operated in an unsuitable condition;
- Failure by the Operator to satisfactorily address concerns in relation to licensed Drivers/Vehicle Proprietors (including matters related to child/adult safeguarding).

Operators may be issued with enforcement penalty points as a result of the actions of the Drivers/Vehicle Proprietors that are working for them or under their control.

The Council expects licensed Operators to support the Council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the Operator.

## **8.7 Basic Disclosure Check for some staff**

Operators are recommended to ensure that all staff who have face to face contact with the public (for example, in an office with public access) have – or have proof they have applied for – a Basic Disclosure Check, which is available through Disclosure Scotland.

Upon request from an Authorised Officer of the Council or Police Officer the disclosure will be made available for inspection at any time. Where doubts as to a person's suitability to be employed in such a capacity on behalf of the operator (with access to personal information of customers as well as face to face contact) then the Operator will be consider their future employment for the business as well as the continued future validity of the operator licence be brought into question.

## **9 Fees**

### **9.1 Fee Structure**

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing licensing services. This includes the administration of applications, and ensuring compliance by licence holders within the Hackney Carriage and Private Hire trade.

The fees are reviewed at the start of each calendar year and confirmed by the Council ahead of the start of each financial year i.e. 1 April. The Council however, can review the fees at any time.

## **10 Compliance and Enforcement**

### **10.1 Enforcement**

The principle purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote safety.

In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.

The General Enforcement Policy for the Council embeds its principles of enforcement. The Driver Points Based Enforcement Scheme is attached at Appendix R.

In April 2014 a new statutory Regulator's Code was brought into force and, accordingly the Council should:

- Carry out their activities in a way that supports those they regulate to comply and grow;
- Provide simple and straightforward ways to engage with those they regulate and hear their views;
- Base their regulatory activities on risk;
- Share information about compliance and risk;
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- Ensure that their approach to their regulatory activities is transparent.

A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver, vehicle proprietor or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate referrals will be made to other Agencies such as the Police, HM Customs and Excise, DVSA and both Child and Adult Safeguarding Teams (this list is not exhaustive).

The Council will respond to complaints made by the public and referrals from other Agencies and Bodies. In addition Officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations.

Any breach of the required standards, policies and conditions may lead to suspension and/or revocations of licences or the issuing of penalty points on a licence or even prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court in order to challenge the Council's decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

## **10.2 Enforcement Penalty Points**

The Council will operate a penalty point system of enforcement for specified breaches of byelaws, conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles.

The scheme is used as a formalised method of issuing warnings. It is also completely transparent in that every licence holder will know what penalty points to expect for a particular breach.

Points will be issued per incident and will accumulate on a licence until they reach the 'trigger level'. At this trigger level, the licence holder will be referred to the Licensing and Appeals Sub Committee for Members to consider whether it is appropriate for the licence holder to remain licensed by the Council. The Licensing and Appeals Sub Committee may determine that the licence should be suspended or revoked, or they may choose to administer some other sanction at its disposal.

The Licensing Manager and Assistant Licensing Officers will be authorised to operate the scheme and issue points accordingly. The system will be flexible with discretion given officers to take into account additional information and each case treated on its own merits. The penalty point scheme will be outlined in Appendix R once it has been finalised and approved by Licensing Committee.

## **10.3 Suspension of Licence**

Where an individual failure in meeting the vehicle licence conditions is detected an Authorised Officer may take immediate action to suspend the licence and require remedial action to be taken. This requires the service of a STOP notice and further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test at the proprietor's

expense, and/or has been passed as fit for use by the Council. Such STOP notices will also be appropriately accompanied with a penalty point's resolution.

In situations where there exists a serious risk of the safety of the public the Licensing Manager in consultation with the Chief Executive/Solicitor to the Council and Monitoring Officer, is permitted to suspend a vehicle licence. In the case of a Driver or Operator the matter will be referred to the Licensing and Appeals Sub Committee for a decision to be made.

Where the Licensing and Appeals Sub Committee is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period.

When considering the revocation of any licence, the Licensing and Appeals Sub Committee will take into account all relevant facts and circumstances including the aims and objectives of this policy and the nature of the breach.

#### **10.4 Refusal to Renew a Licence**

The Licensing and Appeals Sub Committee may decide that appropriate action is not to renew the licence.

In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, an authorised officer will be permitted to refuse to renew the licence.

The person applying for a licence will have the opportunity to appeal this decision to the Magistrates Court.

#### **10.5 Prosecution of Licence Holders**

The Council will prosecute licence holders for relevant offences in accordance with the Statutory Regulator's Code and the Council's General Enforcement Policy.

#### **10.6 Appeals**

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## **10.7 Service Requests and Complaints**

The Council has a procedure whereby the general public can submit service requests/complaints/concerns about licensed drivers and operators. This is accessible via the submission of a report form via the Council's website.

In considering the most appropriate action to be taken in relation to a complaint, the credibility of both the complainant and licence holder will be taken into account.

In addition, if anyone wishes to complain about the service provided by the Council there is a complaints procedure available on the website.



### **Driver Licence Application Process**

Craven District Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

There is no statutory definition of what constitutes a 'fit and proper' person; however Craven District Council will take a number of factors into account, and set specific criteria for applicants, when considering a licence application. These factors and criteria are detailed below:

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least five years (please note that the requirement is to have held the full licence for at least five years, not five years since the date that you passed your driving test). Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).
2. Applicants (who are not existing licence holders) that submit their application for a drivers licence on or after the date on which this policy comes into effect will be required to provide evidence of the following qualifications / skills to the council before a licence will be issued:
  - Completion of the English Test B1 provided by Trinity College.

As such, applicants (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective will be required to provide evidence that they have undertaken the following:

- Satisfactory completion of an approved training/awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Craven District Council Licensing Service.

Suitable providers will be sourced by the Council along with information around costs and availability of the course.

In addition to the above, all drivers that are licensed on the day that this policy is introduced, or are issued with a licence after this date, will be required to undertake awareness raising sessions on safeguarding children and vulnerable adults before their licence is renewed.

This training must be approved by Craven District Council's Licensing Team. All licensed drivers will be required to have undertaken this training in accordance with the implementation scheme determined by the Council.

3. Applicants will be required to obtain an Enhanced Disclosure Certificate from the Disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the council's policy on convictions in determining the fitness and propriety of the applicant.

Licences will not be granted unless the applicant is able to provide at least five years UK address history except in the following cases:

- The applicant is able to provide a document from an EU member state, which is the equivalent of a UK, issued Enhanced DBS Certificate
- If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS Certificate

In either of the cases above, the onus is on the applicant to obtain such a document, and the applicant remains liable for all associated costs.

Once it has been issued by the DBS, the Council will consider an Enhanced Disclosure Certificate to be valid for a period of 3 months from the date that it was printed. This is subject to the certificate having been obtained through the Council's licensing service as part of a driver or operator application. The Council reserves the rights to request a new Enhanced DBS check should it consider it appropriate to do so.

4. Applicants are required to have passed the council's taxi and private hire driver knowledge test. This test will assess the applicant's knowledge and ability in relation to:
  - i. Literacy and numeracy
  - ii. . Child / adult safeguarding awareness
  - iii. . Disability awareness
  - iv. . . Road Safety
  - v. Basic vehicle maintenance
  - vi. Customer care / customer awareness

## vii. Area knowledge

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it at a later date (subject to the payment of the appropriate fee). However, if an applicant fails the test after taking it for a third time they will not be permitted to take the test again until at least 12 months has passed since the date of the most recent failure.

5. Applicants are required to satisfactorily complete an advanced driving skills test to Driver and Vehicle Standards Agency standards (taxi and private hire test). This carried out by The Bluelamp Trust.
6. All applicants must agree to the council verifying their DVLA driving licence, this will be done via a third party organisation and will require the applicant to give their consent to such a check being carried out.
7. Applicants whose DVLA driving licence is endorsed with more than 6 penalty points will be required to attend a meeting with of the Licensing and Appeals Sub Committee in order for their application to be determined.
8. Before a licence is issued, applicants must provide a certificate from their GP stating that the GP has conducted a medical examination and reviewed the applicant's medical history and is satisfied that the applicant meets the "Group 2" standards.

There will be a fee for this examination and this should be paid directly to the GP.

A medical to Group 2 standards will be required on first application. A new medical will then be required every five years from the age of 45. On reaching the age of 65 a new medical will be required annually and therefore a licence will only be issued for a period of 1 year.

**Note:** The Council may also request a medical at any other time it feels may be necessary to ascertain a persons' fitness to drive a licensed vehicle.

Applications should be made on the appropriate form(s), and should include the following:

- 5 years' address history for the applicant
- One colour passport standard photograph, which is a good likeness of the applicant
- DVLA driving licence & photo-card (or paper licence if the photocard licence is not held by the applicant)
- Documents required as part of the DBS check
- Proof that the applicant is legally permitted to work in the UK

- the correct fees (please note that any fees for pre-application tests etc. are non-refundable)
- any other documents an officer may ask you for to help progress your application.

In certain cases, applications may need to be referred to the Council's Licensing and Appeals Sub Committee. In these cases the Licensing and Appeals Sub Committee make a decision on what length of licence to grant; or to refuse to grant a licence. This is usually if you have any conviction or police caution, reprimand or warning on your DBS record, but may also be for other reasons.

Once a licence expires, the applicant will be required to complete the application as if it were for a grant of a licence (i.e. the whole process must be undertaken from the start, regardless of how many years the applicant has held a licence previously).

**If a licence is not renewed prior to its expiry (or if a renewal application is received, but the application is not determined prior to the expiry of the licence) then that person will no longer be able to lawfully operate as a licensed driver.**



### **Disclosure & Barring Service (DBS) Application Process**

As part of the application process, the council will undertake a check of your criminal record. A failure to declare a conviction, caution or pending police action on your application form will be taken into account and may have a significant impact on how your application will be determined, or whether your licence will continue.

North Yorkshire County Council do the DBS check on behalf of Craven District Council online via their website [www.northyorks.gov.uk/dba](http://www.northyorks.gov.uk/dba)

In order to apply for an online DBS check and complete the application form, you must register for an account.

To register you will require an email address; you can use a work, personal or family email address. Please note an individual email address must be used per applicant, as the same email address cannot be used by someone else. If you do not have one you can easily create an email address and an email account free by using widely available internet resources such as Google, Hotmail, Yahoo, BT Internet, Freeserve etc.

### **Required Documentation**

The online DBS application form requires you to record details of certain documents (if you have them) in the application form. It will therefore help you to have the following documents available before commencing – National Insurance Number, Passport and Driving Licence

**Where information is contained on documents or required on forms e.g. last name, first name, address(es) then this information must be identical on all the forms and all the documents that you supply. (So your surname, first & second name(s) must be the same on your hackney carriage / private hire driver licence application and your DBS Application, passport and DVLA Licence.)**

### **Helpful Hints**

- All fields marked with an asterix\* at the right hand side of the box are mandatory and must be completed.
- The progress tracker at the top right of the screen will prompt you to complete any missing mandatory fields.
- Please remember to click 'save and proceed' to move forward to the next section.
- Where you see an 'i' icon this indicates that there is information available which you should read to help you fill in the field correctly.

Once you have registered, and have clicked on the apply button the following steps will take place:

### **Personal/Applicant Details**

Please complete all mandatory fields. Please take care to record surname and forename in the correct fields.

Address details: If you have lived at a different address in the past 5 years, you will need to record details of 'from' and 'to' dates. Please ensure that the post code is recorded in upper case. If you have lived in any of the Channel Islands, you will need to select UK as the country.

### **Personal Documents**

If you hold any of the following documents, you must record the appropriate identity numbers on the form – National Insurance Number; Passport Number; Driving Licence Number.

### **Please note – Driving Licence**

Your driving licence number contains the first five letters of your surname (or all of it if it is shorter than five letters), and your first two initials (only one initial if you don't have a middle name). Validation is applied to compare this information with data recorded on other parts of the form, so if you are experiencing a problem with your driving licence number, please check it's not due to one of the following reasons:

- 1 If you have changed your name since originally applying for your driving licence, and have not updated your name (e.g. recently married/name changed by Deed Poll), then for the purposes of verifying your identity, your licence is not valid. In order to submit the application form successfully, you will need to answer 'No' to the question – Do you have a valid driving licence?

### **Declaration**

Please complete all questions in this section.

### **Submit the form**

- Once you are happy that you have completed all mandatory fields, you should click 'submit'. If you wish you can save a copy for your records.
- You will receive an email to confirm receipt using the e-mail address that you have registered with. All correspondence will be sent to this e-mail address so please ensure that you regularly check your e-mail account.
- If there are errors within any sections of the forms, this will be indicated to you by an 'x' showing against that section (right hand side of the screen). You will also be shown a list of the errors contained within each of the sections that

will need to be corrected in order to submit the application. You will not be able to submit the form if there is missing data or if you have entered data into a field in an incorrect format.

Once you have submitted your online DBS application form you will then need to complete Stage 2 of the process by submitting your identification documents to the Licensing Office at 1 Belle Vue Square, Broughton Road, Skipton BD23 1FJ

## **Stage 2 – Verification of Evidence**

Once you have submitted your online DBS form the second stage is where you are required to provide documentary evidence on a face to face basis to the Licensing Team to prove your identity. **This will be at the time that you make your application for a Hackney Carriage or Private Hire Driver Licence. ALL DOCUMENTATION MUST BE IN THE SAME NAME WITH SAME SPELLINGS OR YOUR APPLICATION WILL BE REJECTED.**

**Only the documentation listed below will be accepted:**

All applicants must initially be considered for Route one.

Can the applicant produce a Group 1 document? If yes, then the applicant must produce 3 documents:

- 1 document from Group 1 (refer to list of Valid Identity Documents below); and
- 2 further documents from Group 1, 2a or 2b; one of which must verify their current address.

If the applicant has satisfied this route, then the document check is complete.

Every applicant must produce a Current Driving Licence as part of this application therefore this route will nearly always be satisfied. If you have any issues producing a document from Group 1, please contact the Licensing Office for further guidance on which documents you will be required to produce.

## **Group 1 – Primary Trusted Identity Credentials**

<b>Document</b>	<b>Notes</b>
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card with counterpart where one is issued	UK/Isle of Man/Channel Islands and EU (full or provisional) (Please note some European countries do not issue counterparts) All licences must be valid in line with current DVLA requirements
Birth certificate – issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, e.g. embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

## Group 2a – Trusted Government/State Issued Documents

Document	Notes
Current driving licence – photo card (where a counterpart has been issued but no counterpart is presented)	All countries (full or provisional) All licences must be valid in line with current DVLA requirements
Current driving licence – paper version	UK/Isle of Man/Channel Islands and EU (full or provisional). All licences must be valid in line with current DVLA requirements
Birth certificate – issued after time of birth	UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

## Group 2b – Financial/Social History Documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card		Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK – for 16 to 19 year olds in full time education Only to be used in exceptional circumstances if other documents cannot be provided	

To avoid any delays or inconvenience, please ensure that you adequately prepare to provide the required documentation.

It is essential that you complete this task without delay, as your application will not be processed until this information has been checked and submitted.

Your online DBS form will not be progressed until the Licensing Team have received your identification documents and your completed Hackney Carriage or Private Hire Driver application form.

The Licensing Team will take copies of all your documents and return them to you.

### **Stage 3 – Processing your DBS Application and Receiving your Results**

Once your evidence has been confirmed with North Yorkshire County Council it will be matched with your application and then submitted to the Disclosure and Barring Service who will then undertake the necessary checks.

On completion the Disclosure and Barring Service will send you a paper Certificate to your home address. You must then produce this at the Licensing Office within 7 days of its receipt so that your application can be progressed further.

### **In addition you must sign up to the Disclosure and Barring Service Update Service.**

Registration costs £13 per year (payable by debit or credit card only).

#### **How to register**

If you've not yet applied for a DBS check, you can [register for the update service](#) using your application reference number (the 'form ref' on your application form). DBS must receive your application form within 28 days.

You can register for the update service using your DBS certificate number. You must do this within **19 days of the certificate being issued**.

#### **What you get**

Once you've registered, you can [use the update service](#) to:

- add or remove a certificate
- give employers permission to check if anything's changed on your certificate
- see who's checked if anything's changed on your certificate
- view your details

#### **Renewing your subscription**

A subscription to the update service lasts for one year.

You must renew your subscription through the update service, either:

- when you first register, by choosing automatic renewal;

- Up to 30 days before your current subscription ends - but you can't renew on the last day of your subscription.

If you don't renew your subscription before it ends, you'll need to apply for a new DBS check and [register for the update service](#) again.

You will have to complete the DBS Application when you make your first application for a hackney carriage or private hire driver licence. Upon renewal a DBS check will be undertaken using the online facility via the Update Service. You will only be required to undertake a new DBS Application if the online check reveals a change to your information.

If your licence lapses you will have to start the whole application process again which will mean doing another DBS record check.

Once you have received your certificate from the DBS you must provide it to the council so that it can be reviewed and considered as part of the application process. The council will use the information contained within your Disclosure Certificate (along with other information) to assess whether you are a fit and proper person to hold a driver licence, it will do this with reference to council's "Policy relating to the relevance of previous convictions and other relevant information".

## **Craven District Council Policy Statement on the Licensing of ex-Offenders**

- As an organisation using the Disclosure & Barring Service (DBS) service to assess applicants' suitability for positions of trust, Craven District Council complies fully with the DBS Code of Practice and undertakes to treat all applicants/licence holders fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the Basis of conviction or other information revealed.
- Craven District Council is committed to the fair treatment of its applicant's/licence holders, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- The Disclosure is part of the recruitment process, we require all applicants to provide details of their criminal record at an early stage in the application process when completing the application form.
- We ensure that all those in Craven District Council who are involved in the licensing process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g. the Rehabilitation of Offenders Act 1974
- At Interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the application and the progress of any application including referral to the Licensing and Appeals Sub Committee.
- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and a copy is available on request.

Having a criminal record will not necessarily bar you from being licensed by us. This will depend on the nature of the offence, how long ago and what age you were when it was committed and any factors which may be relevant.

Failure to declare a conviction, caution or pending police action, will be taken into account and may have a significant impact on how your application will be determined, or whether your licence will continue.



## **Craven District Council**

### **Policy relating to the Relevance of Previous Convictions and other Relevant Information**

Licensing Office  
1 Belle Vue Square  
Broughton Road  
Skipton  
BD23 1FJ

Telephone: 01756 706251/706343  
Email: [licensing@cravendc.gov.uk](mailto:licensing@cravendc.gov.uk)  
Website: [www.cravendc.gov.uk](http://www.cravendc.gov.uk)

## **1 Introduction**

- 1.1 This policy provides guidance to the Licensing Committee on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or a Private Hire Driver Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities and other information from other bodies such as the Police.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, the principles within it are equally applicable to the determination of Private Hire Operator. Private Hire Vehicle and Hackney Carriage licence applications. Consequently, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold (or be granted) a Private Hire Operator Licence/Private Hire Vehicle Licence or Hackney Carriage licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 This policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence.
- 1.4 It is the responsibility of Craven District Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty the Council will need to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is considered to be 'fit and proper'.
- 1.5 In seeking to safeguard the safety of the public. The Council will be concerned to ensure:
  - That a person is a fit and proper person in accordance with Sections 51 and 59 of Part II of the Local Government (Miscellaneous Provisions) Act 1976
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safety of children, young persons and vulnerable adults
- 1.6 The term "Fit and Proper Person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking the following question of themselves:

***“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?”***

If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:-

- Criminality
- Period of holding a driver’s licence
- Number of endorsed driving licence points
- Right to work
- Medical Fitness
- Standard of driving/driving ability
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
- The previous licensing history of existing/former licence holders

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other Licensing Authorities and Statutory Agencies.

1.7 This policy provides guidance to any person with an interest in taxi and private hire licensing, in particular, but not exclusively:

- Applicant’s for a driver, vehicle or operator licence
- Existing licensed drivers whose licences are being reviewed
- Licensing Officers
- Members of the licensing committee
- Magistrates and Judges hearing appeals against local authority decisions

1.8 In this policy the word “Conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information. In this policy ‘from date sentence has ended’ is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will

be five years from the date of sentencing – regardless of the amount of time actually served by the applicant? If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

- 1.9 In this policy the word applicant refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing or having their licence reviewed by the Council as part of the policy implementation process. It also includes existing licence holders who are being considered by the Council by virtue of offending activity or other activity having recently come to light.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

- 1.10 We will also have regard to any Best Practice Guidance issued by Agencies such as Department for Transport and Institute of Licensing in particular ‘Guidance on determining suitability of applicants and licensees in the hackney and private hire trades’ published April 2018.

## **2 General Policy**

- 2.1 Whilst the Licensing Committee may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). 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.

- 2.2 The standards and criteria set out in paragraphs 6 to 16 below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

## **3 Appeals**

- 3.1 Any applicant refused a driver’s licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a

licence has a right of appeal to the Magistrates Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

## 4 Powers

- 4.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence, failure to comply with the provisions of the Town Police Clauses Act 1847, failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage Driver's licence, whether spent or not. Therefore the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.
- 4.3 Under the provisions of Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that the applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Drivers licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:
- How relevant the offence(s) are to the licence being applied for;
  - How serious the offence(s) were;
  - When the offence(s) were committed;
  - The date of the conviction, warning, caution etc.;
  - Circumstances of the individual concerned;
  - Any sentence imposed by the Court;
  - The applicant's age at the time of the offence/incident leading to the conviction, warning, caution etc.;
  - Whether they form part of a pattern of offending;
  - Any other character check considered reasonable (e.g. personal references);
  - Any other factors that might be relevant, for example:
    - The previous conduct of an existing or former licence holder
    - Whether the applicant has intentionally misled the Council or lied as part of the application process
    - Information provided by other Agencies/Council Departments
- 4.4 Existing holders of driver's licences are required to notify the Council in writing within **five** working days of receiving a driving licence endorsement, fixed penalty notice, warning,

reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within **three** working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

- 4.5 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Manager on 01756 706343 for advice.
- 4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense; this includes any fees payable to the DBS. Further details are provided in Appendix A and B of this policy.
- 4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the Police under the Common Law Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used to include social care information, benefits payments etc.
- 4.8 It is an offence for any person to knowingly or recklessly make a false declaration or to omit any material particular in giving information required by the application for a licence [s57 Local Government (Miscellaneous Provisions) Act 1976]. Were an applicant has made a false statement or a false declaration for the grant or renewal of a licence, the licence will normally be refused.
- 4.9 Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

## **5 Options when Determining an Application/Licence**

- 5.1 When determining an application or reviewing an existing licence the Council have the following options:
- Approve the application or take no further action;
  - Refuse the application/revoke the licence/suspend the licence;
  - Issue a warning which may include the use of enforcement penalty points;
  - For existing drivers who have accumulated 9 or more penalty points on their DVLA driving licence, their drivers' licence will normally be suspended until the driver has successfully undertaken a driving test to what was the DVSA standard up until 31

December 2016 (when the DVSA ceased to undertake such tests). Such a test will be at the licence holder's expense.

## **6 Serious Offences involving Violence**

6.1 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. An application will be refused if the applicant has a conviction for an offence that involved loss of life.

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

- Murder
- Manslaughter
- Manslaughter or Culpable Homicide while driving
- Terrorism Offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.3 Consideration may only be given to the granting/issuing of a licence if at least 10 years have passed since the completion of any sentence/and or licence period following conviction for an offence shown below:

- Arson
- Malicious Wounding or Grievous Bodily Harm which is racially aggravated
- Actual Bodily Harm
- Grievous Bodily Harm
- Robbery
- Possession of a Firearm
- Riot
- Assault Police
- Violent Disorder
- Resisting Arrest
- Any racially aggravated offence against a person or property
- Common Assault
- Affray
- Any offence that maybe categorised as Domestic Violence
- Any Public Order Act Offence (Harassment, Alarm or Distress, Intentional Harassment or Fear of Provocation of Violence)
- Any Offences (including Attempted or Conspiracy to commit Offences) that are similar to those above.

6.4 Consideration may only be given to the granting/issuing of a licence if at least 5 years have passed since the completion of any sentence and/or licence period following conviction for an offence shown below:

- Obstruction
- Criminal Damage
- Any Offences (including Attempted or Conspiracy to Commit Offences) that are similar to those above.

6.5 A licence will not be granted if an applicant has more than one conviction for an offence of a violent nature.

## **7 Possession of a Weapon**

7.1 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.

7.2 Depending on the circumstances of the offence, at least three years must have passed since the completion of the sentence before the licence is granted.

## **8 Sexual and Indecency Offences**

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the Council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences that involve a third party will be refused a licence. Such offences include:

- Rape
- Assault by Penetration
- Offences involving children or vulnerable adults
- Trafficking, Sexual Abuse against children and/or vulnerable adults and Preparatory Offences (as defined within the Sexual Offences Act 2003)
- Making or distributing obscene material
- Possession of Indecent Photographs depicting Child Pornography
- Sexual Assault
- Indecent Assault
- Exploitation or Prostitution
- Soliciting (Kerb Crawling)
- Making Obscene/Indecent Telephone Calls
- Indecent Exposure
- Any similar Offences (including Attempted or Conspiracy to Commit) Offences which replace the above

- 8.2 In addition to the above the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

## **9 Dishonesty**

- 9.1 A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and who are potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.
- 9.2 In general, a minimum period of five years free of conviction or at least five years have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
- 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
  - Fare Overcharging
  - Or any similar Offences (including Attempted or Conspiracy to commit) Offences which replace the above
- 9.3 Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not be issued with a licence.

## **10 Alcohol and Drugs**

- 10.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully.
- 10.2 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. More than one conviction for these offences raises significant doubts as to the applicant's fitness to

drive the public. At least three years after the restoration of the driving licence following a drink driving conviction should elapse before an application will be granted. 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 granted.

- 10.3 Because of the nature of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs.
- 10.4 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal/controlled drugs until at least 10 years have passed since the completion of any sentence and/or licence period, and only then after full consideration of the nature of the offence and the quantity/type of drugs involved.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 Medical Standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict then they would be required to show evidence of five years free from drug taking after detoxification treatment.

## **11 Driving Offences Involving the Loss of Life**

- 11.1 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.

A licence will not be granted if an applicant has a conviction for:

- Causing Death by Dangerous Driving
- Causing Death by Careless Driving whilst under the influence of drink or drugs
- Causing Death by Careless Driving
- Causing Death by Driving – Unlicensed, Disqualified or Uninsured Drivers
- Or any similar Offences (including Attempted or Conspiracy) to Commit Offences which replace the above

## **12 Other Traffic Offences**

- 12.1 Traffic Offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences, waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. However, they will be subject to consideration as part of the Points Enforcement Policy. For existing drivers who have accumulated 9 or more points on their DVLA licence, their driver licence will normally be suspended until the driver has successfully undertaken a driving test to was the DVSA standard up until 31 December 2016 (when the DVSA ceased to undertake such tests). Such a test will be at the licence holder's expense.

- 12.2 Traffic Offences such as Driving without Due Care and Attention, reckless driving, more serious speeding offences (usually dealt with by a Court rather than a Fixed Penalty), or Offences of a similar nature will give rise to serious doubts about the applicants suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least one year free of such convictions. For applicants with more than one offence this should normally be increased to two years.
- 12.3 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

### **13 Outstanding Charges or Summonses**

- 13.1 If the individual is the subject of an outstanding charge or summons their application may be suspended until the matter is resolved, this decision will be made on a case by case basis.
- 13.2 Where a licence holder is arrested and is the subject of an ongoing enquiry/outstanding charge or summons then dependent on the circumstances of the alleged offence and if it is in the interests of public safety then steps may be taken to remove a licence with immediate effect (revoke). Annex B contains more information about this process.

### **14 Non Conviction Information**

- 14.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness/complainant and the licence holder will be taken into account.
- 14.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent and/or sexual offences.
- 14.3 In assessing the action to take, the safety of the traveling public must be the paramount concern.

## **15 Licensing Offences**

- 15.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons or assistance dogs will prevent a licence being granted or renewed until a period of three years has passed since conviction.

## **16 Insurance Offences**

- 16.1 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. More than one conviction for these offences will prevent a licence being granted or renewed.
- 16.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

## **17 Applicants with Periods of Residency Outside the United Kingdom**

- 17.1 If the applicant has spent six continuous months or more overseas (since the age of 16) the Council will expect to see evidence of a Criminal Record Check from the Country/Countries visited covering the period.
- 17.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU Nationals a disclosure that is similar to the United Kingdom DBS will be required. For those Countries for which checks are not available, the Council will require a Certificate of Good Conduct authenticated by the relevant Embassy.

## **18 Summary**

- 18.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for three to ten years (the period of time depending on the crime committed, as detailed above) before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Committee needs to be mindful of the need to protect the public and caution should be exercised.
- 18.2 Whilst 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 concern than an isolated minor conviction. Obviously 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.

- 18.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. 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 [s61(2B) Local Government (Miscellaneous Provisions) Act 1976].
- 18.4 At least three years should elapse (after the restoration of the DVLA Driving Licence) before a licence would be granted for a Hackney Carriage or Private Hire Drivers Licence.
- 18.5 Annex C contains a Criminal Convictions Points Table which gives applicants/licence holders guidance on how offence(s) are taken into account. the type of offence(s), date(s) of conviction, and sentence(s) imposed. Points are added together and the total is used to inform the decision.

These points are described as

CCP's Criminal Conviction Points

DLP's Driving Licence Points

This system allows the Council and the applicant to be clear about whether particular offences mean that someone is not a fit and proper person to hold a licence. The safety of the public will be given the highest priority.

An applicant with 10 or more CCP's will not be granted a licence.

Some offences on their own are serious enough for a licence not to be granted, in the tables these are marked 'refused', and are equivalent to at least 10 CCP's.

In the case of an existing licence, 'refused' in the table means that a licence would be revoked.

An applicant who is currently being investigated or prosecuted for an offence will be dealt with on the basis that the person could be convicted of the offence and will be given the points for that offence.

Points are doubled if a term of imprisonment is served.

## Annex A – Motoring Offences and Penalty Points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the Courts (accurate at the time of this document).

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of Court	6
BA30	Attempting to drive while disqualified by order of Court	6
BA40	Causing death by driving while disqualified	3-11
BA60	Causing serious injury by driving while disqualified	3-11
CD10	Driving without Due Care and Attention	3-9
CD20	Driving without Reasonable Consideration for other road users	3-9
CD30	Driving without Due Care and Attention or without Reasonable Consideration for other Road Users	3-9
CD40	Causing Death through Careless Driving when Unfit through Drink	3-11
CD50	Causing Death by Careless Driving when Unfit through Drugs	3-11
CD60	Causing Death by Careless Driving with Alcohol Level above the Limit	3-11
CD70	Causing Death by Careless Driving then Failing to Supply a Specimen for Analysis	3-11
CD71	Causing Death by Careless Driving then Failing to Supply a Drug Specimen for Analysis	3-11
CD80	Causing Death by Careless, or Inconsiderate Driving	3-11
CD90	Causing Death by Driving Unlicensed, Disqualified or Uninsured Drivers	3-11
<b>Construction and Use Offences</b>		
CU10	Using a Vehicle with Defective Brakes	3
CU20	Causing or Likely to Cause Danger by Reason of Use of Unsuitable Vehicles or Using a Vehicle with Parts or Accessories (excluding Brakes, Steering or Tyres) in a Dangerous Condition	3
CU30	Using a Vehicle with Defective Tyres	3
CU40	Using a Vehicle with Defective Steering	3
CU50	Causing or Likely to Cause Danger by Reason of Load or Passengers	3
CU80	Using a Mobile Phone while Driving a Vehicle	3
<b>Dangerous Driving</b>		

DD10	Causing serious injury by dangerous driving	3-11
DD40	Dangerous Driving	3-11
DD60	Manslaughter or Culpable Homicide while Driving a Vehicle	3-11
DD80	Causing death by dangerous driving	3-11
DD90	Furious Driving	3-9
<b>Drink</b>		
DR10	Driving or Attempting to Drive with Alcohol Level Above Limit	3-11
DR20	Driving or Attempting to Drive while Unfit Through Drink	3-11
DR30	Driving or Attempting to Drive then Failing to Supply a Specimen for Analysis	3-11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3-11
DR40	In Charge of a Vehicle while Alcohol Level above Limit	10
DR50	In Charge of a Vehicle while Unfit Through Drink	10
DR60	Failure to Provide a Specimen for Analysis in Circumstances Other than Driving or Attempting to Drive	10
DR61	Refusing to give permission for analysis of a blood sample that taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
DR70	Failing to Provide a Specimen	4
<b>Drugs</b>		
DG10	Driving or attempting to drive with drug level above the specified limit	3-11
DG60	Causing death by careless driving with drug level above the limit	3-11
DR80	Driving or attempting to drive when unfit through drugs	3-11
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10
<b>Insurance</b>		
IN10	Using a Vehicle Uninsured against Third Party Risks	6
<b>Licence Offences</b>		
LC20	Driving Otherwise than in Accordance with the Licence	3-6
LC30	Driving after Making a False Declaration about Fitness Applying for a Licence	3-6
LC40	Driving a Vehicle having Failed to Notify a Disability	3-6
LC50	Driving after a Licence has been Revoked or Refused on Medical Grounds	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a Vehicle in a Dangerous Position	3
MS20	Unlawful Pillion Riding	3
MS30	Play Street Offences	2
MS50	Motor Racing on the Highway	3-11
MS60	Offences not Covered by Other Codes	As Appropriate
MS70	Driving with Uncorrected Defective Eyesight	3
MS80	Refusing to Submit to an Eyesight Test	3
MS90	Failure to give Information as to Identity of Driver etc.	6

<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulations	3
PC20	Contravention of Pedestrian Crossing Regulations with Moving Vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with Stationary Vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding Goods Vehicle Speed Limits	3-6
SP20	Exceeding Speed Limit for Type of Vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding Statutory Speed Limit on a Public Road	3-6
SP40	Exceeding Passenger Vehicle Speed Limit	3-6
SP50	Exceeding Speed Limit on a Motorway	3-6
<b>Traffic Directions and Signs</b>		
TS10	Failing to Comply with Traffic Light Signals	3
TS20	Failing to Comply with Double White Lines	3
TS30	Failing to Comply with 'Stop' Sign	3
TS40	Failing to Comply with Direction of a Constable/Warden	3
TS50	Failing to Comply with a Traffic Sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a School Crossing Patrol Sign	3
TS70	Undefined Failure to Comply with a Traffic Direction Sign	3
<b>Special Code</b>		
TT99	To signify a Disqualification under Totting Up Procedure. If the total of Penalty Points reaches 12 or more within 3 years the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a Vehicle	3-11

## **Annex B**

### **GUIDANCE ON IMMEDIATE SUSPENSION AND REVOCATION**

#### **Legislation**

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:

- (a) That he has since the grant of the licence
  - (i) ) Been convicted of an offence involving dishonesty, indecency or violence; or
  - (ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this of this Act; or
- (b) Any other reasonable cause.

Section 61(2) goes on to provide that a suspension or revocation normally takes effect at the end of the period of 21 days beginning on the day on which notice is given to the driver but;

*If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice give to the driver includes the statement that this is so and an explanation why then the suspension or revocation takes immediate effect when the notice is given.*

These provisions (setting out when the decision takes effect) were inserted by the Road Safety Act 2006.

#### **Guidance on decision making – Suspensions and Revocations generally**

Section 61 requires the licensing authority to make a finding on the balance of probabilities that that the grounds set out in the legislation are made out.

In Section 61(1)(a)(i) the offence in question must *involve* dishonesty, indecency or violence. Dishonesty, indecency or violence must be part of the commission of the criminal offence for this subsection to apply but it is not necessary for the offence to be one of dishonesty, indecency or violence.

Section 61(1)(b) allows suspension or revocation (or refusal to renew) for any other reasonable cause. No further definition is give of reasonable cause within the legislation and ultimately the question is a matter for the discretion of the decision maker.

Guidance is given in a number of cases from which the following principles can be drawn.

- The decision maker is entitled to take into account hearsay evidence.<sup>1</sup>

- The fact that no criminal case is pursued against the driver is a relevant factor that can be outweighed by other evidence.<sup>2</sup>

1 McCool v Rushcliffe Borough Council (1998)

2 McCool v Rushcliffe Borough Council (1998)

- The burden of proof is on the applicant to establish that he is a fit and proper person to hold the licence.<sup>3</sup>

• Once the driver has established a case that he is a fit and proper person, the evidential burden shifts to the Local Authority to rebut the case put forward by the driver. Rebuttal does not require the decision maker to prove that a person is not a fit and proper person and nor does pursuing that argument amount to double jeopardy.

- They would not have good reason to question or doubt the applicant's case if the evidence amounts to assertions shown to be ill founded gossip or rumour or for any other evidence which a reasonable and fair minded decision maker acting in good faith with proper regard to the interests of the public and the applicant would not think it right to rely on.<sup>4</sup>

The discretion under this Section is wide and is not restricted to convictions for criminal offences nor is proof required to the criminal standard.

The taxi licensing regime is clearly and expressly in place to protect members of the public travelling in taxi and private hire vehicles.

There are issues which undermine that protection which amount to criminal offences in their own right but there are other issues which have significance for the protection of the travelling public where a criminal offence might not have been committed or proved.

### **Immediate suspension or revocation**

Both standard and immediate suspensions require the decision maker to consider the same matters, i.e. whether there has been a relevant conviction or "any other reasonable cause".

A suspension or revocation can only take immediate effect *in the interests of public safety* there must be an additional consideration. That means the decision maker should consider whether there is a clear connection between the incidents alleged and the safety of the travelling public which justifies taking this additional step, given that it can deprive a driver of his livelihood pending an appeal.

However there are no further limits or restrictions on the decision maker's exercise of judgment or discretion providing a proper judgment is made weighing up the evidence available.

There is no requirement in the legislation limiting this power to cases where there has been a conviction for a criminal offence nor that any alleged incident or offence is 'serious'.

<sup>3</sup> R v Maidstone Crown Court ex parte Olson (1992)

<sup>4</sup> McCool v Rushcliffe Borough Council (1998)

The decision must be taken in the interests of public safety and should be fair, reasonable, proportionate and in accordance with human rights and natural justice principles.

The Council has a published policy relating to new applications for drivers licences by those with criminal convictions. The council will have regard to that policy when considering whether an offence, allegation or complaint should be considered as warranting immediate suspension in the public interest. This will be judged against all the circumstances of the case, including any admissions or denials made and any other relevant evidence.

Examples of situations where immediate suspension or revocation might be warranted include:

- Allegations of violence against a passenger or person wishing to travel.
- Allegations of indecency including sexual assault and rape against a passenger or person wishing to travel.
- Allegations that the driver is unfit to drive as a result of being under the influence of drugs or alcohol.
- Admitted sexual contact with a passenger in the vehicle
- Allegations of dishonesty relating to use of the vehicle such as attempting to pervert the course of justice in relation to a road traffic accident, fraudulent use of tax or insurance documentation, knowingly driving an uninsured vehicle to convey members of the travelling public.
- Allegations of dangerous driving or driving without due care and attention thereby endangering the safety of passengers and other road users.

Each case must be decided on its own facts and any examples given in this guidance are only illustrative. Each case must be considered on its own merits and the powers should be exercised in a consistent and reasonable manner having regard to the facts of the case and the risk posed to the public.

Any decision to suspend or revoke a licence should never be taken lightly. However, the licensing system is designed to protect the public and it would be wrong not to suspend or revoke where such course of action is clearly appropriate on the facts of an individual case.

If there is any doubt whatsoever as to the driver's suitability to hold a licence as a fit and proper person serious consideration must be given to refusal, revocation or suspension.

## Annex C

### [ Criminal Convictions – Points Tables (CCP's) ]

	Time since conviction received (if term of imprisonment served points are doubled)									
Type of Offence	1 years	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
<b>DISHONESTY</b>										
Theft	Refused	Refused	Refused	5	4	3	2	1	0	0
Theft – Shoplifting	Refused	Refused	Refused	5	4	3	2	1	0	0
Theft – Employee	Refused	Refused	Refused	6	5	4	3	2	1	0
Theft - From Vehicle	Refused	Refused	Refused	5	4	3	2	1	0	0
Burglary & Theft - Dwelling	Refused	Refused	Refused	Refused	8	6	4	2	0	0
Burglary & Theft - Non-dwelling	Refused	Refused	Refused	5	4	3	2	2	0	0
Burglary – Aggravated	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
Fraudulent Use	Refused	Refused	Refused	5	4	3	2	1	0	0
Handling	Refused	Refused	Refused	5	4	3	2	1	0	0
Receiving	Refused	Refused	Refused	5	4	3	2	1	0	0
Forgery	Refused	Refused	Refused	5	4	3	2	1	0	0
Conspiracy to defraud	Refused	Refused	Refused	5	4	3	2	1	0	0
Obtain money by deception	Refused	Refused	Refused	5	4	3	2	1	0	0
Obtain money by forged instrument	Refused	Refused	Refused	5	4	3	2	1	0	0
Deception	Refused	Refused	Refused	5	4	3	2	1	0	0
False Accounting	Refused	Refused	Refused	5	4	3	2	1	0	0
False statement to obtain benefit	Refused	Refused	Refused	5	4	3	2	1	0	0
Going equipped	Refused	Refused	Refused	5	4	3	2	1	0	0
Taking / Driving or Attempt to Steal Vehicle	Refused	Refused	Refused	5	4	3	2	1	0	0
Allow to be carried in a stolen vehicle	Refused	Refused	Refused	5	4	3	2	1	0	0
Perverting the course of justice	Refused	Refused	Refused	Refused	8	6	4	2	0	0

		Time since conviction received - points are doubled if term of imprisonment served							
Type of Offence	1 Year	2 Years	3 Years	4 Years	5 Years	6 Years	7 Years	8 Years	9 Years
<b>Violence</b>									
Common Assault	Refused	Refused	Refused	5	4	3	2	1	0
Assault - Section 47	Refused	Refused	Refused	5	4	3	2	1	0
Battery	Refused	Refused	Refused	5	4	3	2	1	0
Grievous Bodily Harm - Section 20	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
Grievous Bodily Harm - Section 18	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Assault Police	Refused	Refused	Refused	Refused	5	4	3	2	1
Affray	Refused	Refused	Refused	5	4	3	2	1	0
Riot	Refused	Refused	Refused	Refused	8	6	4	2	0
Murder	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Manslaughter	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Manslaughter or Culpable Homicide while Driving	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Using Threatening, Abusive Words or Behaviour	5	4	3	2	1	0	0	0	0
Breach of the Peace	3	2	1	0	0	0	0	0	0
Drunk and Disorderly	3	2	1	0	0	0	0	0	0
Common Assault - Aggravated	Refused	Refused	Refused	6	5	4	3	2	1
Obstruction	Refused	Refused	Refused	3	2	1	0	0	0
Robbery	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Possess Offensive Weapon	Refused	Refused	Refused	5	4	3	2	1	0
Possess Firearm	Refused	Refused	Refused	5	4	3	2	1	0
Possess Firearm with intent	Refused	Refused	Refused	Refused	Refused	8	6	4	2
Criminal Damage	Refused	Refused	Refused	5	4	3	2	1	0
Violent Disorder	Refused	Refused	Refused	8	6	4	2	1	0
Resist Arrest	Refused	Refused	Refused	8	6	4	2	1	0
Arson	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

	1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years
Type of Offence								
<b>DRUGS</b>								

Possessing controlled drug	Refused	Refused	Refused	Refused	8	6	4	2
Possessing controlled drug with intent to supply	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Producing controlled drug	Refused	Refused	Refused	Refused	8	6	4	2
Import drugs	Refused	Refused	Refused	Refused	Refused	Refused	8	6

	Time since conviction - points are doubled if a term of imprisonment is served									
Type of Offence	1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
<b>INDECENCY</b>										
Indecent Exposure	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Indecent Exposure to the Annoyance of Residents	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Indecent Exposure with the intent to insult a female	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Unlawful Sexual Intercourse	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Importuning / kerb crawling/ soliciting	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Gross Indecency with a female	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Gross Indecency with a male	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Indecent Assault on a Female	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Indecent Assault on a Child Under 16 years	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Living off immoral earnings	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Prostitution	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Possessing or distributing obscene material	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Buggery	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Rape	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
Indecent or Nuisance Telephone Calls	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

## Motoring Offences- Driving Licence Penalty Points (DLP's)

As with convictions for other offences, the Council shall decide whether a motoring offence(s) indicates that someone is not a fit and proper person to be granted a licence, or to continue to hold a licence. These guidelines will be used to inform that decision.

Both the total number of points currently on a licence, and the nature of the offence(s) involved will be taken into consideration.

When a person is disqualified from driving, a licence will be refused / revoked; the length of time a refusal / revocation will be enforced will be determined by the length of the disqualification and the nature of the offence(s) contributing to the disqualification.

With respect to applicants who have no current penalty points but have a history of repeat offending, consideration will be given to refusal / revocation.

### Minor Traffic Offences

For the purposes of this guidance, motoring offences defined as 'minor' are those listed in the table below.

MINOR OFFENCES	
Code	Offence
CU10	Using a vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Using a mobile phone while driving a motor vehicle
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MW10	Contravention of special roads regulations (excluding speed limits)
PC10	Undefined contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with moving vehicle
PC30	Contravention of pedestrian crossing regulations with stationary vehicle
SP20*	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30*	Exceeding statutory speed limit on a public road.
SP40*	Exceeding passenger vehicle speed limit
SP50*	Exceeding speed limit on a motorway
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a 'Stop' sign
TS40	Failing to comply with direction of a constable / warden
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

\* These offences will be considered 'serious' if they incur 6 or more penalty points.

Related offences of aiding, abetting, counseling or procuring (ending in '2'), causing or permitting (ending in '4') and inciting (ending in '6') shall be treated as being in the same category.

## Serious Traffic Offences

For the purposes of this guidance offences listed in the table below shall be considered 'serious' motoring offences.

SERIOUS OFFENCES	
Code	Offence
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order or court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD80	Causing death by careless, or inconsiderate driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers.
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above the limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information to identify a driver etc

UT50	Aggravated taking of a vehicle
TT99**	Disqualification under 'totting-up' procedure. If the total of penalty points reached 12 or more within three years, the driver is liable to be disqualified.



### **Private Hire Driver Conditions of Licence**

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

#### **1. DRIVER LICENCE**

The licensee shall must not assign or in any way part with the benefit of the licence which is personal to the licensee.

#### **2. DRIVER BADGE**

- a. The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- b. The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason (eg: expiry).

#### **3 CONDUCT OF DRIVER**

- a. The driver must be smart, clean and tidy in appearance at all times and in particular wear suitable footwear for driving.
- b. The driver must comply with the Craven District Council Code of Conduct in relation to working with vulnerable passengers.
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- f. You **MUST NOT** engage with your customer(s) in 'inappropriate conversation'. The following are examples of what are considered to be inappropriate conversations / conduct.
- A driver asking a passenger if he/she is in a relationship or single or if he/she has a partner.
  - A driver complimenting a passenger about his/her physical appearance.
  - A driver engaging in a conversation with a passenger about sex, their sexual orientation, their sexual experiences or personal relationships.
  - A driver asking a passenger for their telephone number for personal use or a driver who offers to provide a passenger with his/her personal phone number.
  - A driver, whilst on duty, offering to meet a passenger at a later date/time for social purposes
  - Under no circumstances should a driver deliberately touch or kiss a passenger.
  - A passenger who wishes to sit in the rear of your vehicle should not be invited by you to sit beside you in the front of the vehicle.
- g. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- h. The driver must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006. This includes the use of electronic cigarettes and other like devices.
- i. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.

- j. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- k. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- l. The driver of a private hire vehicle must 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 the appointed time and place unless delayed or prevented by sufficient cause.
- m. The use of scanner equipment is prohibited.
- n. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate or have completed an appropriate training course approved by Craven District Council.
- o. Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.
- p. During the lifetime of a drivers licence, an authorised officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- q. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a licensed driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to

ensure that all signage and notices that are required by Craven District Council licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken, this record must be available for inspection by an Authorised officer of the council or Police Officer upon request.

- r. The driver must ensure when a taxi camera is fitted in the vehicle that the taxi camera system is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- a. An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- b. Between the hours of 2200hrs and 0600hrs,
- c. In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

#### **4      FARES AND FARECARDS**

- a. The driver of a private hire vehicle must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey. When a fare scale is used that fare scale must be displayed and must be a similar size to the fare cards carried by Hackney Carriages and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.
- b. The driver must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c. The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the

vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

- d. The driver must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

## **5 PASSENGERS**

- a. The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.
- b. The driver must not allow to be conveyed in the front of a licensed vehicle:-
- more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - any child under the age of 10 years old,
  - any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
- c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- d. The driver must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed drivers:-

### **Duty to assist passengers in Wheelchairs**

Section 165 of the Equalities Act 2010 requires that drivers of designated vehicles that are on a list maintained by the Licensing Authority and are wheelchair accessible hackney carriages and private hire vehicles, are required to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;

- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

\* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'

**This requirement is also applicable to wheelchair accessible vehicles which are not on the 'designated list'.**

- e. The driver of a wheelchair accessible vehicle which does not appear on the 'designated list' must not fail or refuse to carry out a booking by or on behalf of a person who uses a wheelchair and provide all reasonable assistance unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

#### **Duty to carry guide dogs and assistance dogs**

- f. The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

## **6 FOUND PROPERTY**

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to the nearest Police Station at the earliest opportunity, unless an alternative arrangement has been made with the owner of the property.

## **7 MEDICAL CONDITION(S)**

- The licence holder must notify the Council in writing without undue delay of any change in medical condition.
- The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed

by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

## **8 CONVICTIONS, CAUTIONS, ARREST ETC.**

The licence holder must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.

The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

What should be reported:-

- Any conviction (criminal or driving matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrate's Court summonses against you;
- Issue of any fixed penalty notice for any matter;
- Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders/abduction notice or similar;
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.

### **Fixed Penalty Notices**

The driver must notify the Council in writing of any fixed penalty notice within 35 days of the receipt of such a notice. The driver must subsequently produce his/her driving licence to the Council, immediately following its endorsement, or in any case within 49 days of the date of the original offence.

This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the council if they opt to attend a speed awareness course rather than have their licence endorsed.

### **Arrest for any Offence**

Whether charged or not the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).

## **9 DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE**

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

## **10 CHANGE OF OPERATOR**

The licence holder must notify the Council in writing within 5 working days \* of any change of operator through whom he/she works.

\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

## **11 CHANGE OF ADDRESS**

The licence holder must notify the Council in writing within 5 working days \* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

## **12 WORKING HOURS**

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours. Drivers are expected to take a rest period of at least 6 consecutive hours between shifts.

## **13 CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

## **15 OCCASIONS WHEN LICENSED DRIVERS ARE NOT UTILISING THEIR LICENCES FOR AN EXTENDED PERIOD OF TIME**

If circumstances are such that a licensed driver does not intend to work as a private hire driver in Craven for a period exceeding 4 months, they must surrender their licence to the council. The licence must be surrendered as soon as it becomes clear that the holder will not be working for a period exceeding this time.

Once the council is in receipt of the licence, the licence will be suspended until such time as the holder is in a position to commence work again. The council reserve the right to undertake any checks in relation to the licence holder that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies.

Examples of circumstances that may require the surrender of the licence include:

- The licence holder intends to spend an extended period of time outside of the UK
- The licence holder is ill or unable to work for some other reason.

This is not an exhaustive list.

## **16 DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade.

However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

## **17 APPEARANCE OF DRIVER**

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

## **18 ACCIDENTS**

If at any time a driver is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

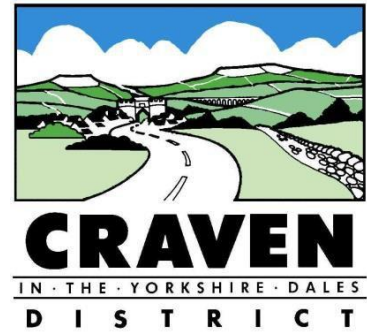
### **NOTES**

- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.
- (iii) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- (iv) A child can travel in a licensed vehicle without a child car seat, however the following must be observed:
  - a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat.
  - b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt
- (v) If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be suspended and subsequently revoked.
- (vi) Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.

(vii) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.

(viii) ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.

(ix) ANY PERSON AGGREIVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.



### **Hackney Carriage Driver Code of Conduct**

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

#### **1. DRIVER LICENCE**

The licensee shall must not assign or in any way part with the benefit of the licence which is personal to the licensee.

#### **2. DRIVER BADGE**

- a. The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- b. The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason (eg: expiry).

#### **3 CONDUCT OF DRIVER**

- a. The driver must be smart, clean and tidy in appearance at all times in particular wear suitable footwear for driving.
- b. The driver must comply with the Craven District Council Code of Conduct in relation to working with vulnerable passengers.
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must similarly offer all

reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- f. You **MUST NOT** engage with your customer(s) in 'inappropriate conversation'. The following are examples of what are considered to be inappropriate conversations / conduct.
  - A driver asking a passenger if he/she is in a relationship or single or if he/she has a partner.
  - A driver complimenting a passenger about his/her physical appearance.
  - A driver engaging in a conversation with a passenger about sex, their sexual orientation, their sexual experiences or personal relationships.
  - A driver asking a passenger for their telephone number for personal use or a driver who offers to provide a passenger with his/her personal phone number.
  - A driver, whilst on duty, offering to meet a passenger at a later date/time for social purposes
  - Under no circumstances should a driver deliberately touch or kiss a passenger.
  - A passenger who wishes to sit in the rear of your vehicle should not be invited by you to sit beside you in the front of the vehicle.
- g. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- h. The driver must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006. This includes the use of electronic cigarettes and other like devices.
- i. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- j. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- k. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public

view or be so damaged or defaced that any figure or material particular is rendered illegible.

- l. The driver of a hackney carriage must 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 the appointed time and place unless delayed or prevented by sufficient cause.
- m. The use of scanner equipment is prohibited.
- n. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate or have completed an appropriate training course approved by Craven District Council.
- o. Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.
- p. During the lifetime of a drivers licence, an authorised officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- q. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a licensed driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by Craven District Council licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken, this record must be available for inspection by an Authorised officer of the council or Police Officer upon request.

- r. The driver must ensure when a taxi camera is fitted in the vehicle that the taxi camera system is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- a. An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- b. Between the hours of 2200hrs and 0600hrs,
- c. In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

#### **4      FARES AND FARECARDS**

- a. The driver of a hackney carriage must ensure that the published fare scale, is displayed at all times in his vehicle.
- b. The driver must not cause the fare recorded on the taxi meter to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c. The driver must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

#### **5      PASSENGERS**

- a. The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.
- b. The driver must not allow to be conveyed in the front of a licensed vehicle:-

- more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - any child under the age of 10 years old,
  - any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
- c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- d. The driver must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed drivers:-

### **Duty to assist passengers in Wheelchairs**

Section 165 of the Equalities Act 2010 requires that drivers of designated vehicles that are on a list maintained by the Licensing Authority and are wheelchair accessible hackney carriages and private hire vehicles, are required to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

\* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'

**This requirement is also applicable to wheelchair accessible vehicles which are not on the 'designated list'.**

- e. The driver of a wheelchair accessible vehicle which does not appear on the 'designated list' must not fail or refuse to carry out a booking by or on behalf of a person who uses a wheelchair and provide all reasonable assistance unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

### **Duty to carry guide dogs and assistance dogs**

- f. The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

## **6 FOUND PROPERTY**

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to the nearest Police Station at the earliest opportunity, unless an alternative arrangement has been made with the owner of the property.

## **7 MEDICAL CONDITION(S)**

- a. The licence holder must notify the Council in writing without undue delay of any change in medical condition.
- b. The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

## **8 CONVICTIONS, CAUTIONS, ARREST ETC.**

The licence holder must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.

The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

What should be reported:-

- Any conviction (criminal or driving matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrate's Court summonses against you;
- Issue of any fixed penalty notice for any matter;

- Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders/abduction notice or similar;
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.

### **Fixed Penalty Notices**

The driver must notify the Council in writing of any fixed penalty notice within 35 days of the receipt of such a notice. The driver must subsequently produce his/her driving licence to the Council, immediately following its endorsement, or in any case within 49 days of the date of the original offence.

This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the council if they opt to attend a speed awareness course rather than have their licence endorsed.

### **Arrest for any Offence**

Whether charged or not the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).

## **9 DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE**

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

## **10 CHANGE OF OPERATOR**

The licence holder must notify the Council in writing within 5 working days \* of any change of operator through whom he/she works.

\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

## **11 CHANGE OF ADDRESS**

The licence holder must notify the Council in writing within 5 working days \* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

## **12 WORKING HOURS**

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours. Drivers are expected to take a rest period of at least 6 consecutive hours between shifts.

## **13 CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

## **15 OCCASIONS WHEN LICENSED DRIVERS ARE NOT UTILISING THEIR LICENCES FOR AN EXTENDED PERIOD OF TIME**

If circumstances are such that a licensed driver does not intend to work as a hackney carriage driver in Craven for a period exceeding 4 months, they must surrender their licence to the council. The licence must be surrendered as soon as it becomes clear that the holder will not be working for a period exceeding this time.

Once the council is in receipt of the licence, the licence will be suspended until such time as the holder is in a position to commence work again. The council reserve the right to undertake any checks in relation to the licence holder that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies.

Examples of circumstances that may require the surrender of the licence include:

- The licence holder intends to spend an extended period of time outside of the UK
- The licence holder is ill or unable to work for some other reason.

This is not an exhaustive list.

## **16 DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade.

However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

## **17 APPEARANCE OF DRIVER**

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

## **18 ACCIDENTS**

If at any time a driver is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

## **19 CCTV (Taxi Camera)**

From 1 April 2021 the driver must ensure that where the vehicle is fitted with CCTV, the system is operational in accordance with the Councils CCTV policy requirements i.e. at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers).

Drivers must not tamper or otherwise interfere with the CCTV system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

## **NOTES**

- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.
- (iii) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to

fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.

(iv) A child can travel in a licensed vehicle without a child car seat, however the following must be observed:

- a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat.
- b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt

- (v) If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer a fit and proper person the driver licence may be suspended and subsequently revoked.
- (vi) Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.
- (vii) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.
- (viii) ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.
- (ix) ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.



## BYELAWS

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

### **Interpretation**

1. Throughout these byelaws “the Council” means the Craven District Council and “the district” means Craven District.

***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.
  - 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 water-tight;
  - 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 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.
  
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:
  - a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

***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:***

5. The driver of a hackney carriage provided with a taximeter shall:
  - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
  - a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. 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.
9. 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.

10. 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.
11. 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.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. 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 in such position and manner as to be plainly visible.
14. 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 fixing the stands of hackney carriages:***

15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:

Against the kerb adjacent to the Co-operative Store in Swadford Street, Skipton and within the Waller Hill Car Park, Skipton.

***Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares:***

16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the table of fares set by Craven District Council. The rate of fare being calculated by distance unless the hirer express at the commencement of the hiring, his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table of fares which it may not be possible to record on the face of the taximeter:

*Other Charges:* Deliberate fouling of a Hackney Carriage by a passenger up to a maximum of £75

The above rates apply to all journeys within Craven District and to journeys over District boundary, unless agreed otherwise, prior to hiring

17.
  - a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
  - b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

***Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof:***

18. 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.
19. 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 Council, 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.

**Penalties**

20. 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 thereafter.

The Common Seal of the

Craven District Council was

hereunto affixed this *second*

day of *October* 1986

in the presence of

***Robert G Heseltine***

Chairman of the Council

***Alan Howell***

Clerk of the Council

THE FOREGOING BYELAW IS HEREBY  
CONFIRMED BY THE SECRETARY OF STATE  
AND SHALL COMMENCE OPERATION  
ON THE *1st* DAY OF *December 1986*

*H Fawcett 26/11/86*

AN ASSISTANT SECRETARY IN THE  
DEPARTMENT OF TRANSPORT ON BEHALF  
OF THE SECRETARY OF STATE FOR  
TRANSPORT



## Appendix G



### **Craven District Council Code of Conduct When Working with Vulnerable Passengers**

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- In principle, vulnerable passengers should not sit in the front of the vehicle, except in circumstances where it is practical to do so, or they request it themselves.
- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for appropriate measures, however if appropriate measures are not in place then the driver/operator must not undertake the journey.
- When making a journey with vulnerable passengers, photo identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.

- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.
- Drivers must remain professional at all times and should not:
  - Touch a person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
  - Behave in a way that may make a passenger feel intimidated or threatened
  - Attempt to misuse personal details obtained via the business about a person

**These standards are equally applicable when working with vulnerable and non-vulnerable passengers.**

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring/actions taken or refusals of service.
- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behavior of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should their concerns to the Council's Licensing Department (01756 706251), Police (101) or Crimestoppers (0800 555111).

## Appendix H



### **Licensed Vehicle Age and Emissions Policy**

From the date of implementation of this policy, licences will not normally be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 7 years prior to the date that the application was made.

From the date that the policy is introduced, licences will not normally be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 12 years prior to the date of renewal (or 12 years in the case of purpose-built wheelchair accessible vehicles). This applies to the renewal of licences only.

In cases where vehicles are licensed at the time that this policy is introduced, the application of these requirements will be done in accordance with the Council's implementation scheme. This will only apply if there has not been a break in the licence period since the introduction of this policy.

A vehicle may be considered for licensing beyond these upper age limits if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below.

#### **Exceptional Condition Criteria**

A vehicle will be considered to be in 'exceptional condition' if **all** of the following apply:

1. The vehicle must not have failed the Council's vehicle inspection (or standard MOT if the vehicle has not been licensed previously) on any significant item within the previous five years. For the purposes of this criteria, a significant item is defined as any item that would make the vehicle ineligible for a free partial retest had the item been identified as failing to meet the requirements during a standard MOT test.
2. The vehicle passes the council's vehicle inspection.
3. The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
4. The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.

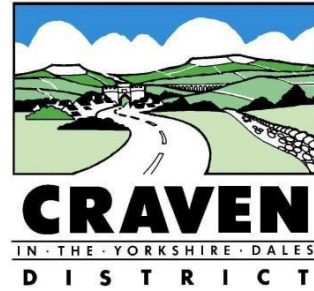
5. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
6. The boot or luggage compartment is in good condition, clean and undamaged.
7. Passenger areas are free from damp or any other odours that may cause passenger discomfort.
8. The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
9. The vehicle must have a complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

### **Emissions Standards**

In order to impact on emissions it is important to set standards that are common to all within the taxi fleet, to ensure consistency and a level playing field for proprietors, operators and drivers. The age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the taxi fleet, standards relating to the exhaust emissions will be introduced in addition to the requirements regarding the age of vehicles.

### **Low Emission Vehicles**

The Council aims to encourage the uptake of low emission vehicles in the District, and will seek to examine the feasibility of introducing differential licensing fees for electric hybrid and ultra-low emission vehicles.



### **Policy in relation to the specification of Private Hire Vehicles Local Government (Miscellaneous Provisions) Act – Section 48**

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. Vehicles which have been classified as Category C or D (prior to 1 October 2017) or Category N (after 1 October 2017) will only be considered when a detailed report by a suitably qualified mechanic has been provided.
5. Vehicles which have been classified as Category A or B (or S after 1 October 2017) will not be considered suitable to be licensed.
6. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
7. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
8. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A full size spare tyre must be carried in the vehicle or the vehicle must meet the approved manufacturer's method of dealing with punctured tyres. In relation to number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
9. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
10. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.

11. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
12. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
13. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
14. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
15. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
16. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
17. The vehicle must not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
18. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
19. The vehicle must be in the colour it was originally manufactured, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix P).
20. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
21. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
22. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
23. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A and B and C before 1 October 2017) S after 1 October 2017.

## **Additional Requirements for Wheelchair Accessible Vehicles:**

### **24. Wheelchair Facilities**

- (1) Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
- (3) ) ) The clear height of the doorway must be not less than 120 cm.
- (4) ) ) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (5) The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- (6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
- (7) Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
- (8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

### **25. Passenger Capacity**

- (1) ) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
- (2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
- (3) The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
- (4) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

## 26. Driver's Compartment

- (1) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- (2) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- (3) ) ) A serviceable device for demisting the windscreen must be fitted.
- (4) Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.



### **Policy in relation to the specification of Hackney Carriages Local Government (Miscellaneous Provisions) Act – Section 47**

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. Vehicles which have been classified as Category C or D (prior to 1 October 2017) or Category N (after 1 October 2017) will only be considered when a detailed report by a suitably qualified mechanic has been provided.
5. Vehicles which have been classified as Category A or B (or S after 1 October 2017) will not be considered suitable to be licensed.
6. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
7. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
8. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A full size spare tyre must be carried in the vehicle or the vehicle must meet the approved manufacturer's method of dealing with punctured tyres. In relation to number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
9. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less

than 4 passengers in which case its suitability to be licensed will be checked on its own merits.

10. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
11. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
12. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
- 13..The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
14. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
- 15..The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force  
/ applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
16. No advertisement is to be displayed on the vehicle without the written approval of the council.
- 17..The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements.
- 18..The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
- 19..In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
20. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A and B and C before 1 October 2017) S after 1 October 2017.

## **Additional Requirements for Wheelchair Accessible Vehicles**

### **21. Wheelchair Facilities**

- (1) Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
- (3) ) The clear height of the doorway must be not less than 120 cm.
- (4) ) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (5) The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- (6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
- (7) Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
- (8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

### **22. Passenger Capacity**

- (1) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
- (2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
- (3) The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.

- (4) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

### 23. Driver's Compartment

- (1) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- (2) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- (3) ) A serviceable device for demisting the windscreen must be fitted.
- (4) Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.



## **Private Hire Vehicle Conditions**

### **SECTION 48 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

#### **1 VEHICLE TYPE AND DESIGN**

- a. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).
- b. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
- c. The colour of the vehicle must not be altered during the period that the vehicle is licensed.

#### **2 LIQUEFIED PETROLEUM GAS (LPG)**

- a. Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.
- b. The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made within 5 working days, and include the provision of the certification referred to above.

### **3 GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE**

- a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Councils examiners.

- e. Bodywork must be maintained to a good condition, paintwork must be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.
- f. The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person

undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

#### **4 IDENTIFICATION PLATE, SIGNS, NOTICES ETC.**

The following must be in place at all times:

- (a) A licence plate permanently affixed to the rear of the vehicle
- (b) A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- (c) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.

The sign / plates and notices referred to above will be issued or approved for use by Craven District Council.

The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

In certain circumstances (such as in cases of executive hire), the council will permit a deviation from these conditions – however a request for such a deviation will need to be made in writing to the council and will be determined by the Licensing and Appeals Sub Committee.

A private hire vehicle must not display:-

- (a) Any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
- (b) any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

## 5 EQUIPMENT AND FITTINGS

- a. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency.

The extinguisher must be checked every 12 months by a competent person to check that it is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.

- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
  - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii it must not be changed in any way from its original design and must remain free of damage;
  - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv it must not not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. If taxi camera equipment, capable of recording both audio is installed in a licensed vehicles, the system must meet or exceed the council's specification for taxi camera systems and must be operational at all times, from 1<sup>st</sup> September 2020, that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

In addition, the following provisions apply to the taxi camera system:-

- i It must be of a make, type and design previously approved by the Council;
  - ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
  - iii The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
  - iv The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.
  - v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
  - vi The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer.
- h. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

## **6 METERS, FARES AND FARECARDS**

- a. Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c. If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter (if fitted). A statement to this effect must be made on the notice referred to in b. above.

## **7 SEATS AND PASSENGERS**

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c. Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must in accordance with the manufacturer's specification and approved for use by the Council.

## **8 VEHICLES WITH THIRD ROW OF SEATS**

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

## **9 WHEELCHAIR PASSENGERS**

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

## **10 COMMUNICATION EQUIPMENT**

- a. Radio communication equipment licensed by the Department for Business, Innovation and Skills (BIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Department for Business, Innovation and Skills must be installed in the licensed vehicle. The use of scanner equipment is prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## **11 DRIVERS**

- a. Any person who drives the vehicle for any purpose whatsoever must hold a private hire drivers licence, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire drivers licence. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- b. Proprietors must ensure that all driver(s) of the private hire vehicle are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d. The proprietor must keep a written record showing the following particulars in respect of every driver (for private hire purposes) of the private hire vehicle detailed in this licence:-
  - i the name and address and date of birth of the driver of the vehicle;
  - ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.
  - iii i the date on which the driver commenced driving the vehicle;

iv the date on which the driver ceased driving the vehicle.

- e. The proprietor must keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## **12 INSURANCE AND INSURANCE COVER**

- a. Private Hire Insurance which complies with Part VI of the Road Traffic Act 1988 must be in force at all times for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.
- b. The licence holder, if not the policy holder in respect of the insurance effected for the vehicle, must notify the Council if the situation including any change of policyholder(s). The Council will require production of satisfactory documentation from the insurance company/broker confirming that although the vehicle is owned by the proprietor the insurance effected by the policyholder is nevertheless fully effective for private hire purposes.

## **13 CONVICTIONS**

The proprietor of a private hire vehicle must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence.

## **14 TRANSFER OF LICENCE AND CONTROL OF VEHICLE**

- a. The licence holder must ensure that he has control of the vehicle at all times and should such person absent him/herself from the District and not be contemplating returning within a short period (viz longer than 1 month) he/she should transfer his interest in the vehicle to another person still resident in the District or close proximity thereto; failure to do so could result in revocation of the licence.
- b. The proprietor must not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer within 14 days. The proprietor must return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been effected.

## **15 CHANGE OF ADDRESS**

The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

## **16 CHANGE OF OPERATOR**

The licence holder must notify the Council in writing within 7 days of any change of operator through whom the vehicle is to be operated.

## **17 REQUIREMENTS TO UNDERTAKE ADDITIONAL TESTS**

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Craven District Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

## **18 Taxi Camera - CCTV**

From 1<sup>st</sup> April 2021 all vehicles must be fitted with a Council approved CCTV system in accordance with the specification at Appendix N of the Council's Policy

The CCTV system must be operational at all times that the vehicle is being used as a licensed vehicle. (i.e. for the carriage of fare paying passengers)

To be operational video recording must be active at all times and audio recording must be available to use, by pressing a button, by the passenger(s) and driver.

The vehicle must display appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.

The recording system and memory card (Not SD card or other image memory recording system) must be securely stored within the vehicle and away from public access.

The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer.

## **NOTES**

i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

ii Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale. The licence holder(s) should ensure compliance at all times as the proprietor(s) stated on the vehicle licence will be the person(s) against whom the Council will ordinarily proceed for any offence or misdemeanour.

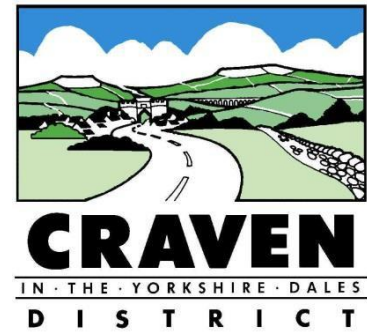
### **iii Health and Safety of Passengers (Duty of Care)**

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act 1974, goes further, Part 1, Section 3 (2) states "it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety". Operators, drivers and proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

### **iv Cautionary Advice**

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an

appointment with the Vehicle Examiner at the councils appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions it is unlikely that a licence will be granted.



## **Hackney Carriage Vehicle Conditions**

1. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with Bye-law No. 3 and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with.

## **2. Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

## **3. Glazing**

All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.

## **4. Liquefied Petroleum Gas (LPG)**

- a. Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.
- b. The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be

made within 5 working days, and include the provision of the certification referred to above.

## 5. General condition, cleanliness and appearance of vehicle

- a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. The proprietor / driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
- e. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

## 6. Identification Plate, Signs, Notices etc.

- a. The following must be in place at all times and permanently affixed:
  - A licence plate permanently affixed to the rear of the vehicle
  - A sign / notice permanently affixed to each front door of the vehicle
  - A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
  - A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
  - A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
  - A properly constructed roof sign complying with the following conditions:
    - the sign is not more than 7" in height;

it is displayed across the width of the car (not diagonally) and does not extend beyond the edge of the roof;

it displays only the name and/or telephone number of the proprietor of the vehicle or firm by which the proprietor is employed, or the word 'Taxi'.

- b. The sign / plates and notices referred to above will be issued or approved for use by Craven District Council.
- c. The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.
- d. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever must be displayed on, in or from the vehicles except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

## 7. Equipment and fittings

- a. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency.

The extinguisher must be checked every 12 months by a competent person to check that it is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.

- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.

- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
  - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii it must not be changed in any way from its original design and must remain free of damage;
  - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv it must not not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

## **8 Meters, Fares and Fare cards**

- a. A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. If a meter is fitted to the vehicle, it must have been installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c. If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter. A statement to this effect must be made on the notice referred to in b. above.

## **9 Seats and Passengers**

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.

- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c. Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must in accordance with the manufacturer's specification and approved for use by the Council.

## 9 Vehicles with third row of seats

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

## 10 Wheelchair passengers

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

## 11 Communication equipment

- a. Radio communication equipment licensed by the Department for Business, Innovation and Skills (BIS) may be fitted for use in connection with a Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Department for Business, Innovation and Skills must be installed in the licensed vehicle. The use of scanner equipment is prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## 12 Drivers

- a. Any person who drives the vehicle for any purpose whatsoever must hold a drivers licence issued by Craven District Council, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Craven District Council. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- b. Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d. The proprietor must keep a written record showing the following particulars in respect of every driver of the hackney carriage detailed in this licence:-
  - i the name and address and date of birth of the driver of the vehicle;
  - ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.

iii i the date on which the driver commenced driving the vehicle; iv the date on which the driver ceased driving the vehicle.

- e. The proprietor must keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## 13 Colour

The colour of the vehicle must not be altered during the period that the vehicle is licensed.

## 14 Inspection of Vehicle

- a. The proprietor must permit an authorised officer or any constable to inspect the vehicle at all reasonable times.
- b. If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage, the proprietor must after being notified in writing present the vehicle for inspection at such time and such place within the District of Craven as is specified in such notice.
- c. If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage upon completion of the inspection as required in (b) above, the authorised officer may suspend the vehicles licence. Such a suspension will not be lifted until such time as the council is satisfied that the vehicle is in a suitable condition.

## 15 Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council following receipt of the accident notification who will notify the vehicle proprietor of the date and time.

Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Council's examiners.

If a proprietor wishes to avail themselves of a 'Hire Vehicle' to use whilst their vehicle is damaged then the Council will not accept any application from any company wishing to supply such a vehicle unless the above steps have been completed and the vehicle has been determined as unroadworthy and not suitable to be used in the interests of public safety by the Council's authorised examiner or authorised officer of the Council.

## **16 Bodywork**

Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

## **17 Insurance**

At all times the proprietor must, during the currency of this Licence:-

- a. keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- b. on being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

Failure to comply with this condition may result in the suspension of the vehicle licence.

## **18 Transfer of Licence**

If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he must within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.

## **19 Taxi Cameras (CCTV)**

From 1<sup>st</sup> April 2021 all vehicles must be fitted with a Council approved CCTV system. Taxi camera equipment, capable of recording both audio and video, must be installed. The system must meet or exceed the council's specification for taxi camera systems, found at appendix N of the Taxi policy and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

In addition, the following provisions apply to the taxi camera system:-

- i It must be of a make, type and design previously approved by the Council;
- ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
- iii The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- iv The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.
- v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- vi To be operational video recording must be active at all times and audio recording must be available to use, by pressing a button, by the passenger(s) and driver.
- Vii The images contained in the recording device can only be downloaded by an Authorized Officer of the Council or Police Officer.

The download and enforcement policy can be found at appendix S.

## **20. Convictions**

The proprietor of a hackney carriage must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence.

## **21. Change of address**

The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

## 22. Requirements to undertake additional tests

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Craven District Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

Note: In addition to the foregoing conditions, the proprietor is required to comply with statutory requirements and attention is drawn in particular to the Town Police Clauses Act 1847, the Hackney Carriage By-laws made under that Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976.



Craven District Council

Requirements for Vehicle Examination

SECTION 1 – Vehicle Conformance to Standards Set by Craven District Council		
Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <p>1 The vehicle is fitted with a minimum of 4 road wheels and 4 doors (excluding boot doors). Unless the vehicle is to be licensed for less than 4 passengers where the number of doors may be less.</p> <p>VEHICLES WITH THIRD ROW OF SEATS</p> <p><b>a.</b> All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.</p> <p><b>b.</b> In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.</p> <p><b>c.</b> The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit</p>	<p>Check to ensure that the vehicle satisfies detailed conformance requirements.</p> <p>Acceptable certification will include certificates issued by recognised converters.</p> <p>Items not detailed within the MOT testing manual, but required for licensing standards fitness reasons are listed in this document or the main policy document.</p> <p>The V5 must show that the vehicle is registered with the DVLA or a Single Vehicle Approval Certificate or Minister's Approval Certificate is presented if required for this purpose.</p>	<p>1 <i>The vehicle is fitted with fewer than 4 road wheels and 4 doors (excluding boot doors).</i></p>

<p>dimension of 300mm at both of the exit points.</p> <p>d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.</p> <p>2 The vehicle must comply at all times with the relevant sections of the Road Traffic Act, Construction and Use Regulations and Road Vehicles Lighting Regulations that may apply.</p> <p>3 The vehicle satisfies Motor Vehicle Type Approval Regulations or European Whole Vehicle Type Regulations or a Minister's Approval Certificate is in force for the vehicle or the vehicle is a historical vehicle.</p> <p>4 The vehicle will be tested in accordance with the applicable parts of the DVSA (formerly VOSA) MOT Testing Manual for Class 3, 4, 5 and 7 vehicles. The vehicle must meet or exceed the standards detailed in the manual.</p> <p>5 The vehicle will also be examined to verify that it meets the additional requirements set out within this document are met (as applicable).</p>		<p>2 The vehicle <b><u>fails</u></b> to comply with the Road Traffic Act, Construction and Use Regulations or Road Vehicles Lighting Regulations.</p> <p>3 The vehicle <b><u>fails</u></b> to satisfy Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval Regulations, or there is no evidence that a Minister's Approval Certificate is in force and the vehicle is not a historic vehicle.</p> <p>4 The vehicle <b><u>fails</u></b> to satisfy the applicable standards as detailed in the MOT Testing Manual.</p> <p>5 The vehicle <b><u>fails</u></b> to meet any of the applicable requirements as detailed in this document.</p>
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<p>6 Where the vehicle has been converted, including stretched limousines ensure that the conversion is certified.</p> <p>7 Any modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system (inc LPG), suspension or lighting is supported by certification from an appropriate agency.</p> <p>8 The vehicle complies with all vehicle specifications laid out in the Specification of Vehicle Types Document.</p> <p>9 All tyres fitted to the vehicle must be fit for purpose, inflated to the correct pressure and have a tread depth of at least 2.0mm throughout a continuous band in the centre <math>\frac{3}{4}</math> of the tread and around the entire circumference of the tyre.</p> <p>10 If the vehicle is fitted with a fully operational taxi camera system that is approved by the Council it is appropriately installed in accordance with the manufacturer's instructions.</p>		<p><i>6 A conversion is not supported by an appropriate certificate and an exemption has not been granted by the Licensing Authority.</i></p> <p><i>7 A modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system, suspension or lighting is not supported by a certificate from an appropriate agency or by written exemption granted by the Licensing Authority.</i></p> <p><i>8 The vehicle fails to comply with the vehicle specifications set out by the Council.</i></p> <p><i>9 The tyres fail to conform to the standard set by the Council.</i></p> <p><i>10 If a taxi camera is fitted it is not installed/functioning as required by the manufacturer or Council</i></p>
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## SECTION 2 – Vehicle Identification Number (VIN)

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <p>1 The VIN plate is accessible.</p> <p>2 The VIN plate is fitted to the vehicle.</p> <p>3 The VIN plate has not been tampered with.</p> <p>4 The VIN plate is consistent with any other documentation presented.</p> <p>5 All information and vehicle details are clear and legible.</p>	<p>Visually check for any obvious sign of defect, damage, replacement or alteration.</p> <p>Report any suspicious VIN identification to the appropriate authority (i.e. Police, DVSA).</p> <p>Note: VIN plates may be located in engine compartments, dashboards or other locations depending on vehicle manufacturers.</p> <p>Visually check all excise licence details.</p>	<p>1 The VIN plate is not accessible as appropriate to the vehicle type.</p> <p>2 The VIN plate is not fitted to the vehicle.</p> <p>3 The VIN plate has been tampered with.</p> <p>4 The VIN plate is not consistent with any other documentation presented.</p> <p>5 Information and vehicle details are not clear and/or not legible.</p>

### SECTION 3 – Top Side/External Body Inspection

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1 There is no evidence of significant damage to the external body panels.</li> <li>2 Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle.</li> <li>3 There is no evidence of crudely repaired or, insecure body panels (visual examination).</li> <li>4 That there is no evidence of significant rusting and/or corrosion.</li> <li>5 The paintwork is finished and presents a satisfactory appearance (visual examination).</li> <li>6 Any additional lighting is secure and complies with lighting regulations.</li> <li>7 Any exterior alteration or modification has been approved.</li> <li>8 All windows are clean, undamaged and free from unapproved advertising medium.</li> <li>9 There is sufficient space to affix the licence identifiers to the front and rear windscreens and that there is no material present that would prevent the discs being</li> </ol>	<p><b>Significant means:</b></p> <p>One or more body panels having sustained disproportionate amount of damage and/or poses a potential risk to the passengers, driver or other road users.</p> <p>Visual inspection of all body panels.</p> <p><b>Satisfactory appearance means:</b></p> <p>No panel should show the base primer, should not show signs of body filler and should not be dull in appearance i.e. there must be a reasonable sheen.</p> <p>Do not attempt to make holes in the bodywork or enlarge any hole that already exists.</p> <p>Ensure that the discs can be mounted in accordance with the conditions attached to the licence and that affixing the discs will not cover any safety notice such as airbag warnings etc.</p> <p>Ensure that there are no clear plastic films, waxes or other such materials preventing the discs being affixed directly to the vehicle screens.</p>	<ol style="list-style-type: none"> <li>1 There is evidence of significant damage to the external body panels.</li> <li>2 Single passenger door is not on the nearside (roadside) of the vehicle.</li> <li>3 There is evidence of crudely repaired or insecure body panels.</li> <li>4 There is evidence of significant rusting and/or corrosion.</li> <li>5 Paintwork is poor and presents an unsatisfactory appearance making the vehicle unsuitable for use.</li> <li>6 Additional lighting does not comply with lighting regulations.</li> <li>7 The exterior alteration or modification is not approved and/or presents a safety hazard.</li> <li>8 The windows are soiled/dirty, damaged contain unapproved advertising.</li> <li>9 There is insufficient space to affix the licence identifiers (Craven District Council discs) to the front windscreens and/or there is material present that would prevent the discs being affixed directly to the screens.</li> </ol>

<p>affixed directly to those screens.</p> <p>10 In the case of private hire vehicles, the vehicle is not of such design that it could lead any person to believe it was a Craven District Hackney Carriage.</p>	<p><b>Note:</b> No signs or advertising material shall be displayed on the vehicle, except badges or emblems on the radiator or windscreen issued by an organisation (a) providing vehicle repair or recovery service; or (b) required by law.</p>	<p>The disc is not fitted or readable.</p> <p>10 The vehicle is of such design that it is inappropriate to be a hackney carriage or private hire vehicle or the vehicle could lead any person to believe it was a hackney carriage vehicle when it was licensed for private hire purposes.</p>
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## SECTION 4 – Underside Inspection

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1 There are no signs of water or fluid leaks from under the vehicle.</li> <li>2 There are no signs of oil leaks from under the vehicle.</li> <li>3 The exhaust pipe is secure.</li> <li>4 The towing assembly is fully secured to the vehicle (if applicable).</li> </ol>	<p>Visually inspect the underside of the vehicle for any fluid leaks.</p>	<ol style="list-style-type: none"> <li>1 There is evidence of water or fluid leaks from under the vehicle.</li> <li>2 There are signs of oil leaks from under the vehicle.</li> <li>3 The exhaust pipe not fully secure to the vehicle.</li> <li>4 The towing assembly is not fully secured to the vehicle (if applicable).</li> </ol>

## SECTION 5 – Passenger Compartment

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1 All tinted windows comply with the relevant RTA and/or C &amp; U Regulations as well as the conditions attached by Craven District Council.</li> <li>2 The upholstery, headlining carpets and door trims are not damaged or soiled.</li> <li>3 The devices designed for opening any passenger windows are in place and operate correctly.</li> <li>4 All passenger doors can be opened from inside and outside the vehicle.</li> <li>5 All passenger doors close securely.</li> <li>6 Passenger courtesy lights operate correctly.</li> <li>7 All passenger seat adjustment mechanisms are in good working condition.</li> <li>8 All passenger seats are fitted with seat belts.</li> <li>9 The passenger seats are in good condition and the inner fibre is not exposed.</li> <li>10 The passenger seat frame is secured.</li> <li>11 The child locks can be engaged and disengaged.</li> </ol>	<p>Visual Inspection to ensure window glass complies with RTA and/or C &amp; U Regulations as well as the conditions attached by Craven District Council.</p> <p><b>Note:</b></p> <p>If there is any doubt about the level of tint applied to any of the windows, carryout measurement using a correctly calibrated TINTMASTER.</p> <p>For the purpose of this section, all passenger doors must open and close from both inside and outside of the vehicle.</p> <p>Check that all child locks are disengaged, and operate freely.</p> <p><b>Note:</b></p> <p>That centre doors fitted to stretch limousines are not required to be fitted with child locks.</p>	<ol style="list-style-type: none"> <li>1 Any tinted window does not comply with the RTA and/or C&amp;U Regulations as well as the conditions attached by Craven District Council.</li> <li>2 The upholstery, headlining, carpets and door trims are damaged or soiled.</li> <li>3 Passenger windows are not in place and/or fail to operate correctly.</li> <li>4 Any passenger door, or doors, cannot be opened from inside and/or outside the vehicle.</li> <li>5 Any passenger door, or doors, fail to close securely.</li> <li>6 Passenger courtesy lights are inoperative.</li> <li>7 Any passenger seat adjustment mechanism is not in good working condition.</li> <li>8 Passenger seatbelts are not fitted and/or are missing.</li> <li>9 The passenger seats are not in good condition or the inner fibre is exposed.</li> <li>10 Passenger seat frame not secure.</li> <li>11 The child locks do not operate correctly.</li> </ol>

<p>12 All fixtures and fittings are approved by the Licensing Authority.</p> <p>13 All mechanisms designed to release the passenger seat which enable access to another seat are in good working order.</p> <p>14 All passenger doors allow safe access and egress for the number of passengers</p>		<p>12 There are unapproved fixtures and fittings.</p> <p>13 The passenger seat mechanism does not release to enable access to another seat.</p> <p>14 There is insufficient space to allow safe access and egress for the number of passengers</p>
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## SECTION 6 – Driver Front/Passenger Compartment

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1 The driver/front passenger compartment is clean and accessible.</li> <li>2 Any fixtures such as taxi radio, satellite navigation or taxi camera equipment are fitted safely and securely and do not adversely encroach the passenger's area and do not impact on the safety of the driver, passengers or other road users.</li> <li>3 The devices for opening/closing the driver or front passenger windows operate correctly.</li> <li>4 The driver's seat adjustment mechanisms are in good working condition.</li> <li>5 The driver's seat is in good condition and the inner fibre is not exposed.</li> <li>6 The driver's seat frame is fully secured to the vehicle.</li> <li>7 The taxi meter has been fitted to the vehicle – Hackney Carriages compulsory – optional for private hire vehicles</li> <li>8 There are no signs of damage to the airbag housing that prevents deployment.</li> </ol>	<p>Visually inspect the position and condition of fixtures and fittings.</p> <p><b>Safety enhancement features:</b></p> <p>Visually/aurally check that the safety enhancement equipment such as airbags, seatbelt tensioners, warning lights appear to be in order.</p>	<ol style="list-style-type: none"> <li>1 The driver/front passenger compartment is not clean and/or not accessible.</li> <li>2 Additional fixtures are so fitted as to encroach adversely the passenger area or will impact on the safety of the driver, passengers or other road users.</li> <li>3 The devices for opening/closing the driver or front passenger window fail to operate correctly.</li> <li>4 The driver's seat adjustment mechanisms are defective or inoperative.</li> <li>5 The driver's seat is in poor condition and/or the inner fibre is exposed to an area greater than 1cm square.</li> <li>6 The driver's seat frame is not fully secured to the vehicle.</li> <li>7 A taxi meter is not fitted to the vehicle (Hackney Carriages only)</li> <li>8 There are signs of damage to the airbag housing that will prevent deployment.</li> </ol>

<p>9The driver/passenger headrest has not been removed and is fitted securely.</p> <p>10 Any safety warning device designed to alert the driver of a fault with any of the vehicles safety features is not disabled or malfunctioning.</p>		<p>9 The driver/passenger headrest has been removed and/or is insecure.</p> <p>10 There is evidence to show a safety warning device in respect of vehicles safety features is deliberately disabled or malfunctioning.</p>
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## SECTION 7 – Luggage/Boot Compartment

Testable Items	Additional Information	Reason for Failure
Ensure that:  1 The luggage area is uncluttered, is suitable for use and is capable of carrying the amount of luggage for which the vehicle is designed.	Visual check for adequate luggage/boot space.	1 The luggage area is cluttered and/or is unsuitable for use; and/or is not capable of carrying the amount of luggage for which the vehicle is designed.

## SECTION 8 – External Signage

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> <li>1 The content of any external signage complies with Private Hire Vehicle or Hackney Carriage Conditions and any other guidelines issued by Craven District Council.</li> <li>2 The content of any external signage has been approved by Craven District Council.</li> <li>3 Signage is of an appropriate size.</li> <li>4 Any signage is displayed in an appropriate or approved place.</li> </ol>	<p>Check that any external signage complies with Craven District Guidelines and that the Licensing Authority has approved the content.</p> <p>Check that the signage is of an appropriate size and is displayed in an approved place.</p>	<ol style="list-style-type: none"> <li>1 The content of any external signage does not comply with Private Hire Vehicle or Hackney Carriage conditions and/or any other guidelines issued by Craven District Council.</li> <li>2 The content of any external signage has not been approved by the Licensing Authority.</li> <li>3 The signage is of an incorrect size.</li> <li>4 Signage is displayed in an unapproved or inappropriate place.</li> </ol>

## SECTION 9 – Additional Items

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <p>1 Any wheelchair restraints are in good condition and operate correctly (where applicable).</p> <p>2 Wheelchair restraints are BSI or CE approved (where applicable).</p> <p>3 A valid test certificate for the lifting or winching equipment is available for inspection.</p> <p>4 Any additional fuels cut-off switches are correctly identified (where available).</p> <p>5 A valid fuel conversion installation certificate or safety report is presented for inspection.</p> <p>6 Any two way radio has been installed correctly and safely.</p> <p>7 Any satellite navigation equipment has been installed correctly and safely.</p> <p>8 Any data dispatch equipment has been installed correctly or safely.</p> <p>9 Any hands free mobile phone equipment has been installed correctly or safely.</p> <p>10 Any additional lighting has</p>	<p>Check all certificate dates of expiry if available.</p> <p>Check for evidence of tampering, forgery and authenticity.</p> <p>Where additional lighting has been fitted as an after-market product ensure that the installation complies with RTA, C&amp;U and/or Lighting Regulations.</p> <p>Note: No additional lights are permitted on the exterior of the vehicle.</p> <p>Check that the radio is fitted safely and securely, does not adversely encroach into the passenger area, and any visible wiring is safe, permanent and does not present a hazard to the passenger or driver.</p> <p>Where the equipment has been installed as an after-market product the criteria for a radio installation applies.</p> <p>Ensure that the mobile phone equipment has not been installed so that it is directly in front of the passenger seat.</p> <p>Ensure that the installation is</p>	<p>1 Wheelchair restraints are in poor condition and/or operate incorrectly or are inoperative.</p> <p>2 Wheelchair restraints are not BSI or CE approved.</p> <p>3 A valid test certificate for the lifting or winching equipment is not presented.</p> <p>4 Any additional fuels cut-off switches are not correctly or safely.</p> <p>5 A valid fuel conversion installation certificate or safety report has not been or can be presented for inspection.</p> <p>6 Any two way radio has not been installed correctly or safely.</p> <p>7 Any satellite navigation equipment has not been installed correctly or safely.</p> <p>8 Any data dispatch equipment has not been installed correctly or safely.</p> <p>9 Any hands free mobile phone equipment has not been installed correctly or safely.</p> <p>10 Any additional lighting has not</p>

<p>been installed correctly or safely.</p> <p>11 Any additional lifting equipment is fully and correctly operative.</p> <p>12 Ensure that any modification has been approved by the Licensing Authority.</p> <p>13 A suitable fire extinguisher must be installed in the vehicle which has the Registration Number of the vehicle marked in permanent ink on the extinguisher.</p> <p>14 A suitable first aid kit must be stored within the vehicle which has the Registration Number of the vehicle marked in permanent ink on the kit.</p>	<p>fitted safely and securely, does not adversely encroach the passenger area and that any wiring is permanent and does not present a hazard to the passenger or driver.</p> <p>Fire extinguisher and first aid kit requirements are detailed in the Craven District Council conditions of licence.</p>	<p>been installed correctly or safely.</p> <p>11 Any additional lifting equipment is inoperative.</p> <p>12 Unapproved modifications fitted or approved modification fitted in a dangerous manner.</p> <p>13 Fire extinguisher not present, of correct type or in serviceable condition.</p> <p>14 First Aid Kit not present, of correct type or in serviceable condition.</p>
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**SECTION 10 – Other defects**

<b>Testable Items</b>	<b>Additional Information</b>	<b>Reason for Failure</b>
Ensure that:  1 The vehicle appears to be in a roadworthy condition.  2. The vehicle is of a suitable type and capable of carrying the amount of persons for which the vehicle is designed and purpose it is to be licensed for by the authority.	<p>During the inspection a mechanical defect is noted that would result in the vehicle failing the standard MOT test.</p> <p>During the inspection a defect or damage of other type is noted that may affect its 'fitness' to be a licensed vehicle.</p>	<p>1 The vehicle has a mechanical defect/is not in a roadworthy condition.</p> <p>2 The vehicle is not of a suitable type and/or capable of carrying the amount of persons for which the vehicle is designed and/or is not fit for the purpose it is to be licensed by the authority.</p>

## SECTION 11 – General Information

PASSES	FAILURES	Additional Information
<p><b>If the vehicle <u>passes</u> the licensing inspection the vehicle inspector will:</b></p> <p>1 Update documentation and/or database (as appropriate).</p> <p>2 Issue the inspection pass certificate/documentation to the vehicle proprietor/driver.</p> <p>3 Advise the proprietor/driver they must return the 'pass' certificates to the Licensing Office immediately.</p>	<p><b>If the vehicle <u>fails</u> the licensing inspection, the vehicle inspector will:</b></p> <p>1 Update documentation and/or database (as appropriate)</p> <p>2 Issue a VIR and any other appropriate documents indicating why a licence has been refused.</p> <p>3 Advise the proprietor/driver they have failed to present a vehicle in a suitable condition and must return for a retest on all failed items to obtain a 'pass' certificate and/or appropriate documentation.</p> <p>5 Advise the proprietor/driver the vehicle was not in a condition under which any test could be conducted and the test stopped. Advise the proprietor/driver they must contact the Licensing Office to book a full retest</p>	<p>If the applicant wishes to appeal against the failure decision:</p> <p>The vehicle inspector will:</p> <p>1 Inform the vehicle owner of their rights of appeal</p>



## Appendix N



### **SPECIFICATION AND GUIDELINES FOR CCTV (TAXI CAMERAS) IN LICENSED HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES IN CRAVEN**

#### **Introduction**

These guidelines set out to ensure that CCTV systems installed in licensed Hackney Carriages and Private Hire Vehicles licensed by Craven District Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both Hackney Carriage and Private Hire drivers as well as passengers.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

#### **The purpose of CCTV**

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the Taxi/PHV driver and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the Police/Other Enforcement Agencies including the Licensing Team in investigating incidents of crime or where a complaint is being investigated; and
- Assisting insurance companies in investigating motor vehicle accidents

#### **General requirements**

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements and approved by Craven District Council can be installed into licensed Hackney Carriage and Private Hire Vehicles.

CCTV systems installed will be inspected as part of the licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice.

All equipment must comply with the attached specification.

#### **Data Controller**

The law defines a "data controller" as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored

and used and determines in what circumstances the images should be disclosed. Craven District Council will be the Data Controller.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

### **Using recorded CCTV images**

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings will only be used for the purposes described earlier in these guidelines

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies; Craven District Council Licensing or other Council Officers; insurance companies/brokers/loss adjusters; or exceptionally other appropriate bodies.

The data controller is responsible for responding to these requests in accordance with the law.

Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

All requests will only be accepted where they are in writing and specify the reasons why disclosure is required.

Under the data protection legislation, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests will only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are no longer entitled to charge a fee for a subject access request and must process the request for free.

### **Signage**

All Taxis and PHVs fitted with a CCTV system must display the sign shown below in a prominent position. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle

The name and contact details of the Data Controller are provided in the blank space included on the sign template.

### **Signage for external facing CCTV systems**

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

## Appendix N continued



### **Craven District Council Licensed Vehicle Taxi Camera Technical Specification and System Requirements**

In order to be considered suitable for installation in a Craven District Council licensed vehicle, a taxi camera system must meet the following requirements:

#### **1.0 Operational Technical Specifications**

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system. SD cards will not be acceptable
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The taxi camera equipment must be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System override switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot) The over ride switch must be illuminated when switched "on"	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles luggage area (i.e. it must not be possible to deactivate the system from inside of the vehicle).

1.8	First-in/first-out buffer recording principle	The system must automatically over write to create a constant cycle recording
1.9	Access record	A service log must be kept and maintained by the approved installer and the local authority.
1.10	Security, duration and auto-clearing of log files	
1.11	Image recording formats and media	Images must be encrypted to a minimum of FIPS 140/2
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 30 mins without power from the ignition. The device must be hard wired to both constant and ignition supply.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	Self contained storage cards within the camera head will not be acceptable
1.15	GPS capability	System must have GPS capability.
1.16	The system must be capable of recording audio time synchronized to the recorded images.	If activated, the audio must record within the video file.
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger / panic switch	The system should have the ability to start recording audio data by means of a trigger switch.
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	

1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.25	recorded images by the system shall not be displayed within the vehicle.	The monitor must display live images as clearly visible by having a glance around as per ICO specifications, it must not display recorded images
1.26	The system must have a panic switch for audio activation	At least one trigger/audio activate button must be capable of being operated by the driver AND a passenger. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch which can clearly be seen by passengers.

## 2.0 Storage Capacity Technical Specification

Ref	Specification	Details
2.1	Minimum of 28 days i.e. (28 x 24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of twenty eight days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need for additional components.

## 3.0 Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement only by maintenance personnel.

3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a “fishbowl” effect.
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles or external images.
4.0 Storage Device	Technical specification	
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from within the passenger compartment and effectively inaccessible except by authorised personnel. For example in the luggage area
4.3	Download port provision	The recorder shall be equipped with a communication port within the hard drive housing for downloading by authorised officer
4.4	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.5	Recorder to be securely affixed to the vehicle	
4.6	Log to register each user access	
4.7	Log to register camera system parameter modifications	
4.8	Log to register each image download session	

4.9	Log to register modification/manipulation of downloaded images	
4.10	Log to register exporting of downloaded images	
4.11	Log to register exporting of downloaded clips	
4.12	Log file protected against unauthorised access	
4.13	Time/date stamp	All stored images must be time and date stamped.
4.14	Vehicle ID number stamp	All stored images must have vehicle identification (VIN & or number plate).
4.15	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.16	Controller (Storage Recorder)	Manufacturer to supply the Council with a supply of specialised tools to allow for removal of the controller and download of data when required.
5.	Specifications for video and audio recording rate	
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of twenty five (25) images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off.
6.	Specification for activation via driver or passenger trigger/ audio button	

6.1	The activation of a trigger button when activated by driver or passenger.	The system must be fitted with at least one trigger button that once activated will trigger synchronised audio and video recording
7.0	Downloading Technical Specification	
7.2	Provision of necessary software, cables, security keys to the Council Licensing Team.	
7.3	Windows compatible.	Once downloaded and converted
7.4	Downloaded images stored in non-volatile media	Images are not “downloaded”
7.5	Downloaded images stored in secure format	within the device, so this section is nothing to do with the device specifications
7.6	Verifiable image authenticity	Each image shall be watermarked with vehicle ID, and time and date, and be tamperproof.
7.7	Provision of technical support to the Council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within a reasonable time frame
7.8	Wireless Download Prohibited	All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	The playback software must list the files in date and time slot order for ease of location of required file.
8	Requirements in relation to System Information	
8.1	Provision of service log	The unit manufacturer shall have a service log. The manufacturer shall also provide detailed instructions for the drivers with each unit.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication	A certificate of installation must be provided which will indicate the installation date
8.4	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written or presented with due consideration to varying levels of literacy.

8.5	Installation by authorised agents	The unit shall only be installed by manufacturer's authorised agents, or other installers approved by those agents
8.6	Provision of authorised agents list to the Council Licensing Team	The manufacturer or supplier shall provide a list of all authorised agents to the Council Licensing Team.
8.7	Documentation	The manufacturer must provide clear and concise operating instructions which are written or presented in layman's terms. (Details on how the system operates)
8.8	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.
9	System requirements in relation to Vehicle Inspection Facility – Inspections	
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This should include the images as shown to verify the status of each camera.
9.2	Mounting location of system status/health indicator to be seen	The indicators shall be mounted in such a way so as to allow for ease of view.
9.3	Design and or installation to be testable as part of the vehicle compliance test (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested as part of vehicle compliance test as prescribed.
10	General System Requirements	
10.1	Vandal and tamper resistance	All component parts must be securely mounted, hard wired and small and discreet enough to remove the risk of tampering.
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.

10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide the Council Licensing Team with a Training and Technical support
10.6	Software and Hardware	Manufacturer to supply the Council Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and the Council	Agreement to allow the Council access to the relevant software from the supplier so that in the event the manufacturer goes out of business, council will be able to support the system.

## **Appendix O**

### **Policy in relation to the Branding of Licensed Hackney Carriage or Private Hire Businesses on Licensed Vehicles**

In order that branding of licensed Hackney Carriage or Private Hire businesses on licensed vehicles are of a standard type, the following conditions shall apply:-

(a) That company branding on a licensed vehicle may only be allowed if:-

- The branding is displayed on the rear passenger doors of the vehicle only and shall be the same size as the existing Hackney Carriage or Private Hire door signs issued by the Licensing Authority, or will cover a similar area if different in shape; or
- The branding of the vehicle is done by way of a professional wrap of the vehicle which does not detract from the ability of customers to be able to identify the vehicle as either a licensed Hackney Carriage or Private Hire Vehicle and that those signs and plates issued by the Licensing Authority are clearly visible.

(d) That no branding should promote tobacco or alcohol products;

(e) That no branding shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;

(f) That no branding shall be displayed without the written approval of the Licensing Manager;

(f) In the case of Private Hire Vehicles, the proposed branding of the company is to be submitted for approval by the licensed operator not individual vehicle owners;

(g) In the case of Hackney Carriage Vehicle proprietors the proposed branding of the company is to be submitted for approval either by the individual Hackney Carriage Proprietor – if they operate as a trading name in their own right, or:-

If a number of Hackney Carriage proprietors work together collectively as a company from a Booking Office then the request can be made from an individual from that company who is designated in writing and is evidenced as formally the company owner or manager responsible for the day to day running of the business.

(h) That the licensed operator / hackney carriage proprietor submitting a request for any branding approval shall submit a written request as well as copies of any designs of any proposed signs/wrapping to the Licensing Manager for consideration.

(i) In the case of any existing licence holder who has branding on their vehicle which has been professionally wrapped or attached to their vehicle which does not comply with the above requirements or conditions attached to their licence can

make a formal request in writing to the Licensing Manager seeking approval to continue to use such branding until such time as their vehicle is replaced.

If an applicant is aggrieved by the decision of the Licensing Manager to give permission for the branding then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

## **Appendix P**

The stands prescribed in the byelaws have been extended and now include the following list:

- within the Waller Hill Car Park, Skipton.
- Swadford Street (south side) within the marked area from the existing zig zag pedestrian crossing restrictions to the junction of Coach Street Yard.
- 
- Swadford Street (north side) within the marked area from the end of the existing zig zag pedestrian crossing restrictions west for a distance of 29 metres (11pm – 4am)
- Sackville Street (South) from a point 32.5 metres from the east side entrance of Bowers Wharf south eastwards for a distance of 11.0 metres.



## **Private Hire Operator Licence Conditions**

### **CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENCES PURSUANT TO SECTION 55 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PART II**

#### **1. OPERATOR LICENCE**

- a) The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- b) The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Licensing Authority for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- c) A separate licence will be issued in respect of each approved secondary booking office, if any.
- d) Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- e) The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
- f) The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- g) The operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by

applying to increase the number of vehicles allowed to be operated on his/her licence.

- h) A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.
- i) Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.

## **2. BUSINESS PREMISES**

- a) The Operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Office, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.
- b) The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- c) The Operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- d) The Operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. This condition will not apply if the business premises is the residential address of the licensed operator.
- e) If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations.
- f) Where an operator employs a person or persons to take bookings on behalf of the business then those persons are required to have a Basic Disclosure undertaken by Disclosure Scotland.

Upon request from an Authorised Officer of the Council or Police Officer the disclosure will be made available for inspection at any time. Where doubts as to a person's suitability to be employed in such a capacity on behalf of the operator (with access to personal information of customers as well as face to face contact), are found then the Operator will need to consider their future employment for the business. This will also bring into question the future validity of the operator licence.

### **3 RECORD OF BOOKINGS**

- a) The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. Separate records must be kept at each premise from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.

All such records must be in English, permanent, legible and preserved for a period of not less than 12 months following the date of the last entry.

#### **Records must be kept in one of the following forms:-**

- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
  - ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
  - iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once, inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.
  - iv. The removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- b) In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:-
    - i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;

- ii. the name and address of the hirer;
  - iii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (i.e. the point of pick-up of the passenger(s)) and the address or place of destination;
  - iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable);
  - v the badge number of the driver of the vehicle used;
  - vi. remarks (including details of any sub-contracting to another licensed operator).
- c) Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor and contact information)
  - d) No alterations to records may be made – any amendment must be made to the original record by way of an addition.
  - e) Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
  - f) The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
  - g) The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.
  - h) The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

- i) The Operator must keep records of the particulars of all private hire vehicles and drivers operated by him/her. Such records must include details of the owners, registration numbers and drivers of such vehicles, together with any radio communications equipment fitted.

The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

- j) The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Craven District Council. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.
- k) The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.
- l) The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by Craven District Council. The Operator must personally examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.
- m) The Operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.
- n) The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

**Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton  
BD23 1FJ**

Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.

- o) The operator must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or

not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence.

- p) The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- q) Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and handed in as found property to the Police within 24 hours.
- r) The operator must not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.
- s) The operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
  - Concealed from public view
  - Defaced
  - Disfigured

The operator must also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.

- t) All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

## **NOTES**

In these Conditions "Operator" means the person who is the current holder of an Operator's Licence.

"Business premises" means the operating premises from which the Operator conducts the business.

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

- ii Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- iii The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free fare cars/courtesy cars which are not licensed as private hire vehicles is not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.
- iv Any failure on the part of the operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to observe.
- v Any applicant not currently licensed by the Council as an Operator or driver must submit to the Council a Basic Criminal Records Disclosure as to unspent convictions. Such Disclosure to be no more than 1 month old at the time of submission.
- vi Where an operator licence is revoked by the council, the name (or a similar name) of the private hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).
- vii i i ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.
- viii ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.
- ix ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES COURT WITHIN 21 DAYS OF ISSUE.

## Appendix R



### **Hackney Carriage and Private Hire Driver Points Based Enforcement Scheme**

Points based enforcement is a method by which licensed drivers, operators or owners can be issued with points against their Council Licence by authorised officers of the Council. Points would be used for less serious breaches of licence conditions or legislation. The issuing of points formalises the previous practice of issuing warnings. The aim is to encourage licence holders to comply with all legislation, licence conditions and behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the Hackney Carriage and Private Hire trade. The points system would operate in addition to all existing enforcement options and would have regard to the principles of the councils 'General Enforcement Policy'.

- 1.0 Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 2.0 Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview, at which they have the full opportunity to state their case. Once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing and Appeals Sub Committee and /or prosecution.
- 3.0 The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 4.0 The primary objective of the penalty point scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
- 5.0 Penalty points remain on the licensee's record for twelve months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

## **Issue of Penalty Points**

- 6.0 Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Licensing and Appeals Sub Committee for the issue of discretionary points.
- 7.0 Where a licensee accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council's Licensing and Appeals Sub Committee for the Licensing and Appeals Sub Committee to decide whether the licensee remains a fit and proper person. The Licensing and Appeals Sub Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances. Periods of suspension of a licence by Members will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 8.0 Penalty Points will remain current for 12 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
- 9.0 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 10.0 Any disputes regarding the issuing of penalty points will be referred to the Licensing and Appeals Sub Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers or Operators must appeal against points awarded by officers to the Licensing and Appeals Sub Committee within 21 days of them being issued, should the decision by the Licensing Manager be challenged
- 11.0 If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person (s) will not be the subject of a prosecution for that offence by the Council.

## Penalty Points Scheme

	Details of the misconduct	Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to notify, in writing, the Council of a change of address within 7 calendar days	3	✓	✓
3	Refusal to accept hiring without reasonable cause	6	✓	✓
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5	Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district	12	✓	✓
6	Private hire vehicle parking or waiting on a taxi rank	9	✓	✓
7	Inappropriate behaviour at a taxi rank,	1-12*	✓	✓
8	Leaving a taxi unattended at a rank	4	✓	
9	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid VCT	12	✓	✓
10	Failure to produce relevant documents within timescales when requested by an Authorised Officer	4	✓	✓
11	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
12	Failure to undergo the 6 monthly VCT on time	6		✓
13	Failure to provide proof of insurance cover when requested	6	✓	✓
14	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	4		✓
15	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	✓	✓
16	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
17	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	✓	✓
18	Carrying more passengers than stated on the vehicle licence	6	✓	
19	Failure to display external/internal licence plate in a fixed position or failure to display appropriate door signs	6	✓	✓
20	Carrying an offensive weapon in the vehicle	12	✓	
21	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	4		✓
22	Failure to carry fire extinguisher	4		✓
23	Failure to carry first aid kit	3		✓
24	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	3	✓	✓

	Details of the misconduct	Maximum* Points Applicable	Driver	Vehicle Owner or Operator
25	Failure to use a roof top sign (HC)	4	✓	✓
26	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4		✓
27	Failure to produce on request records of drivers' work activity	4		✓
28	Using a non approved or non-calibrated taximeter (HC)	6	✓	✓
29	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	✓	✓
30	Evidence of smoking in vehicle	3	✓	✓
31	Evidence of food or drink in Vehicle when a passenger(s) is/are present	3	✓	✓
32	Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage	6	✓	✓
33	Using a vehicle, the appearance of which suggests that it is a Taxi	6	✓	✓
34	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
35	Driver not holding a current DVLA licence	12	✓	✓
36	Failure to have the driver's badge clearly displayed	4	✓	
37	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
38	Unsatisfactory appearance of driver	4	✓	
39	Failure to observe rank discipline (HC)	3	✓	
40	Failure to maintain proper records of private hire vehicles	3		✓
41	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
42	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
43	Failure to issue receipt on request .	6	✓	✓
44	Using a licensed vehicle in a dangerous condition	9	✓	✓
45	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence	4		✓
46	Unsatisfactory behaviour or conduct of a driver.	1-12*	✓	
47	Failure to notify the Council in writing, of any motoring or criminal convictions within the required time scale or conviction or cautions during period of current licence	6	✓	✓
48	Failure to behave in a civil and orderly manner, or bringing the trade into disrepute.	1-12*	✓	✓
49	Failure to provide reasonable assistance to a passenger	1-12*	✓	✓

	<b>Details of the misconduct</b>	<b>Maximum * Points Applicabl</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
50	Failure to display a correct up to date fare card (HC)	3	✓	✓
51	Carrying two or more separate fares without the appropriate consent	9	✓	
52	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare	4	✓	✓
53	Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓
54	A licensed vehicle with a bald or dangerous or defective tyre	12	✓	✓
55	Failure to submit licence renewal application including documents and attendance at a vehicle	6	✓	✓
56	Failure to display an applicable fare card AND the Councils valid fare card together	3	✓	✓
57	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in	3	✓	
58	Driving whilst using a mobile phone	12	✓	
59	Appeal of points by way of Licensing Sub-Committee	4-12*	✓	✓
60	Failure to display appropriate signage regarding use of Taxi Camera (CCTV) in licensed	3	✓	✓
61	Failure to complete Daily Vehicle Inspection Sheet	3	✓	✓
62	Falsify information on Daily Vehicle Inspection Sheet	3	✓	✓
63	Displaying unauthorised signage on a vehicle/failure to request authorisation of signage	4	✓	✓
64	Using a licensed vehicle on the highway following a MOT failure with a dangerous defect	6-12*	✓	✓
65	Failure to report non-working Taxi Camera (CCTV)	4	✓	✓
66	Non-working Taxi Camera (CCTV) system	6-12*	✓	✓

\*- discretionary points up to a maximum of 6 points can be issued by officers, but greater awards of points can only be issued by the Licensing and Appeals Sub Committee.

Officers may refer any mandatory award of points to Members where there are aggravating features to any case

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.



## Appendix S

**Craven District Council will be the data controller and only authorised members of staff of Craven District Council or its authorised data processor may access any data in accordance with this policy. No other person may access the data such as but not limited to licence holders, vehicle proprietors and camera suppliers.**

The policy is as follows:

1. Licensed hackney carriages and private hire vehicles licensed by Craven District Council (CDC) are required, unless an exception is granted in writing, to be fitted with an approved taxi camera. (See Camera Specification document)
2. The cameras are to be set up to be activated by the driver before commencing work and record permanently visual data and remain on for a period on for 30 minutes after the system is switched off. Audio data will only be activated by means of a button available to the driver and passenger(s).
3. All passengers are to be made aware of the fact that they are being recorded by notices placed in prominent positions on and in the vehicles. These notices are to be placed on the dashboard of the vehicle in a prominent position and placed on any door in which a passenger can enter the vehicle.
4. Data will only ever be downloaded by the data controller in the following circumstances;
  - (i) a crime report has been made involving the specific vehicle and the Police have formally requested that data;,
  - (ii) when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver
  - (iii) where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver;
  - (iv) The Council has received a Subject Access Request compliant with the General Data Protection Regulation;
  - (v) Where there is a need to check the operation of the system where there is reasonable reason to believe it may be non-operational;
  - (vi) Where a complaint is made by a licensed driver and the Council Considers that matter should be investigated.
5. To safeguard the data all downloads will be conducted in the presence of at least two relevant people. Relevant people are: a member of staff of Craven District Council or a serving police employee. The downloads will be made at the Council offices with two Licensing staff where possible or at the police station with one police employee and a member of Craven District Council Licensing team where possible.
6. All requests must be in an appropriate format detailing the powers that allow the release of the data and providing all the information required. The request form for download must state the approximate time of the event/occurrence and only the timescale relevant to the

specific incident will be downloaded, decrypted and thereafter stored.

7. On receipt of a download request to be conducted by a member of the Licensing Team, who will confirm it is a legitimate request. If practical, arrangements will be made with the owner of the licensed vehicle for the vehicle to attend the Licensing Office. If it is not practical, then a member Craven District Council staff will attend the location of the vehicle or data box to facilitate the download. Any download will be carried out in the presence of at least one other person if at the licensing office. If the download is taking place away from the licensing office, then either an additional member of Council staff or a member of the requesting organisation i.e. a police officer will be present in addition to the member of staff conducting the download.
8. We will only use a Craven District Council Computer to download from the data box on to. This computer will copy the downloaded footage onto its files. A master copy will be created from this computer and placed on the external hard drive dedicated for such use and retained by CDC Licensing Team. This hard drive will be kept secure to prevent loss of data. A working copy will be produced and either given to the requesting authority or subject or retained by the investigating officer. Data retained by CDC Licensing Team will only be retained for the following periods:
  - a. Cases leading to prosecution 10 years from date of trial
  - b. Formal caution 3 years from date of caution
  - c. Written warning or no formal action 3 years from date of decision
  - d. subject Access request 6 months following the completion of the request.

The file on the dedicated computer will be deleted once the master and working copies are produced.

9. Data will only be viewed by the person performing the download to the extent necessary to facilitate the download process. Data being used in any investigations will only be viewed by persons involved in that investigation but will be released to be used in court if required.
10. After a period of time any data held by the system installed in any vehicle is automatically overwritten dependent upon the specification of the system installed, though must be held for a minimum 28 days.
11. Proprietors may choose the system they install however it remains their responsibility to ensure that the specification meets or exceeds the approved specification. Any equipment may not be tampered with; data may not be interfered with or released to any third party / published. Including any supplier of camera systems.
12. The system must be maintained by the proprietor and any failure in the system must be reported to Craven District Council Licensing in writing within 24 hours, detailing the date and time when the system was found to not be operational
13. The driver must maintain a record on the daily vehicle inspection sheet indicating the system has been checked and is operational. They must alert the proprietor of the vehicle immediately upon discovery of any non-working system.
14. Where a proprietor has notified the licensing department in writing and within 24 hours of the recording system not working and provides evidence of an appointment with a CCTV engineer, a vehicle may continue to be used, if the recording system will be fixed within 5 working days of the unit not working. Unless indicated otherwise by an authorised Council officer.
15. Failure to notify the department of non-working equipment will result in will receive penalty points against their Craven District Council Licence in line with the penalty points scheme.



# Guidance on determining suitability of applying licensees in the hack



private hire



Produced by the Institute of Licensing in partnership with:



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## Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC  
Cornerstone Barristers

April 2018

## Chapter 1: Introduction

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- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications<sup>1</sup>. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

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<sup>1</sup> Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*<sup>2</sup>.

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

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<sup>2</sup> [2007] 1 WLR 2067

## Chapter 2: Offenders and Offending - An Overview

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- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.<sup>3</sup> With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm<sup>4</sup>. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

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<sup>3</sup> DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

<sup>4</sup> Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud<sup>5</sup> noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place<sup>6</sup>.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future<sup>7</sup>. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%<sup>8</sup>. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences<sup>9</sup>.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity<sup>10</sup>. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population<sup>11</sup>. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

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<sup>5</sup> Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>6</sup> Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>7</sup> Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

<sup>8</sup> Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

<sup>9</sup> Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

<sup>10</sup> McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

<sup>11</sup> Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

**Risk of re-offending:**

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”<sup>12</sup>.
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”<sup>13</sup>.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over<sup>14</sup>. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships<sup>15</sup>. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males<sup>16</sup>.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist<sup>17</sup>. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance<sup>18</sup>. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

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<sup>12</sup> National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

<sup>13</sup> Kurlychek, M.C., Brame, R. (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

<sup>14</sup> Serin, R. C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

<sup>15</sup> Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

<sup>16</sup> Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

<sup>17</sup> Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

<sup>18</sup> Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3<sup>rd</sup> Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”<sup>19</sup>.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

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<sup>19</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

## Chapter 3: 'Taxi' Licensing Overview

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- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:
- "The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory

criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person<sup>20</sup>.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK<sup>21</sup>.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>22</sup>
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*<sup>23</sup>. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) 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>24</sup>
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

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<sup>20</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>21</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>22</sup> “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1<sup>st</sup> December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>23</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>24</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”<sup>25</sup>

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments<sup>26</sup>. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>27</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker<sup>28</sup>.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>29</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

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<sup>25</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>26</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>27</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>28</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>29</sup> “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability<sup>30</sup>.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account<sup>31</sup>. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

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<sup>30</sup> As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

<sup>31</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

## Private Hire Operators

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority<sup>32</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>33</sup>.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”<sup>34</sup>
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

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<sup>32</sup> See *Dittah v Birmingham City Council*, *Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>33</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>35</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

## Vehicle Proprietors

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>36</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.47 A suitable test would be:
- “Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

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<sup>35</sup> See s57(1)(c) of the 1976 Act.

<sup>36</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”<sup>37</sup>

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<sup>37</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 8.98

## Chapter 4: Guidance on Determination

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- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

### Pre-application requirements

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

#### Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

#### Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

#### Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>38</sup>) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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<sup>38</sup> Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>39</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>40</sup>.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

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<sup>39</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>40</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## Drivers

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

#### Crimes resulting in death

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

#### Exploitation

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

#### Offences involving violence

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

#### Possession of a weapon

- 4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

### Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

### Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

- 4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

## Vehicle proprietors

- 4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## Acknowledgements

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In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

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